



**Department of
Education**

Joel I. Klein
Chancellor

TESTIMONY OF THE NEW YORK CITY DEPARTMENT OF EDUCATION
ON INT. NO. 951-A

COMMITTEE ON EDUCATION
THE CITY COUNCIL OF NEW YORK

MICAH LASHER, EXECUTIVE DIRECTOR OF PUBLIC AFFAIRS

SEPTEMBER 23, 2009

Good afternoon Chairman Jackson and members of the Education Committee. Thank you for providing me with the opportunity to testify today on Intro. 951-A, which requires the NYC Department of Education to provide the Metropolitan Transportation Authority certain student enrollment information.

The Department of Education is grateful to Speaker Quinn, Chairman Jackson, Council Member Ignizio, and the Committee for your collaboration with us to ensure that this legislation is operationally feasible for the Department to implement. While the Department maintains a close working relationship with the Metropolitan Transit Authority (MTA) and routinely provides the MTA with student enrollment information when we open new schools, we share the goals of the proposed legislation and have no objections to the amended version of the bill.

Thank you again.



Testimony by the Department of Education on School Governance Before the City Council Committee on Education

September 23, 2009

Micah Lasher, Executive Director of Public Affairs:

Thank you to Councilmember Jackson and to the Education Committee for the opportunity to discuss the changes to New York City's school governance law passed by the state legislature and signed into law by Governor Paterson. I served as the Department of Education's representative to the legislature during the governance debate and negotiations, and am testifying today along with Michael Best, General Counsel to the Department, who is advising the Department on implementation of the law, and Dorita Gibson, the Department's Supervising Superintendent, to whom community superintendents report.

I would like to make a few observations, generally, about the new statute.

First, perhaps because it does not undermine the fundamental and essential tenets of mayoral control and accountability that the legislature created in 2002, the new law is often portrayed as a simple extension of the preexisting system of mayoral control. That is far from the case. Rather, the legislature passed into law a comprehensive set of reforms that were responsive to issues raised over the course of more than forty hours of hearings convened by the Assembly Education Committee in all five boroughs. Those concerns, and the legislature's changes to the previous governance law—more than forty in all—focused on parental engagement at every level of the system and the transparency of Department operations and information.

Second, focus on the issue of school governance intensified during the period when the State Senate was engaged in a leadership struggle and the school governance statute briefly expired. As a result, the four chapter amendments proposed by the Senate have garnered a disproportionate amount of media attention, even though the amendments were non-structural in nature, modest when compared to the underlying legislation and have not been passed into law. The bulk of our testimony today, therefore, will focus on the legislation sponsored in the Assembly by Speaker Sheldon Silver and Education Committee Chair Cathy Nolan and in the Senate by Frank Padavan and Daniel Squadron and signed into law by Governor Paterson.

Third, please know that we are committed to the implementation of this statute. That process is not without its challenges: many mandates are quite labor intensive, some represent a truly new way of doing things, and the law's own procedural requirements mean that implementation of some of its provisions cannot happen overnight. But overall, the legislation will result in greater public investment and confidence in the vital work of educating our schoolchildren. That is a goal we all share.

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Finally, in our discussion today of statutes and mandates and operations, we should not lose sight of the dramatic progress that has occurred in our schools because, finally, the Mayor and the Chancellor have the power to make needed change and be held accountable for it. As the years go by, memories fade or caricature just how bad it was, in fact, under the old Board of Education: “the outrageous tales of corruption,” as *The New York Times* wrote in 1996, of “the debilitating toll that pervasive political infighting, patronage and favoritism can take on children in classrooms.” According to a *Times*’ analysis at that time, “school performance in districts where investigators...have identified some improprieties is worse than at other schools,” even after controlling for socioeconomic differences between communities.

The broken system was laid to rest in 2002. This legislation does not resurrect it, but rather enacts substantive reforms to the system of mayoral control and accountability established seven years ago—a system under which, according to an analysis *this year* by the *Times*, city schools have dramatically gained on schools in the rest of the state. In fact, during the last seven years, each of New York City’s five counties made more progress than any other county in the state on the average combined scale scores in reading and math across all grades. Additionally, the State Board of Regents has measured a ten-point increase in the graduation rate for city schools over just the last four years; the City calculation, which goes back further, shows a fifteen point increase during the period of mayoral control. This comes after decades of stagnation on graduation rates leading up to 2002.

This is progress that changes the life outcomes of thousands of children every year. It goes without saying that our work is nowhere near complete—but the new governance statute will, crucially, allow it to continue. This linkage, between governance structure and student achievement, is at the heart of our work in this area, even though it is not the focus of today’s discussion.

Our testimony will cover the key components of the governance law but should not be taken as an all-inclusive itemization of the legislation. I will focus my remarks on parental engagement, Dorita will speak to changes in the role of the community superintendent, and Michael will discuss the Panel for Educational Policy, procurement and oversight.

At the district and citywide levels, the new law expands parental access to existing governance structures, and creates or codifies several new ones. First, two of the eight mayoral appointees to the Panel on Educational Policy must now be parents of public school students. With the Borough Presidents also required to appoint parents to the Panel, this change means that now, for the first time, a majority of Panel members will be parents. To meet this requirement, Mayor Bloomberg has appointed Panel members Linda Lausell Bryant, Executive Director of Inwood House, who has a child in a public middle school in Brooklyn, and Joe Chan, President of the Downtown Brooklyn Partnership, who has one child in a public Pre-K program in Brooklyn and a second in a Brooklyn public elementary school.

The legislation does a great deal to enhance the participation of parents of children with special needs. It reserves a seat on each Community Education Council for a parent of an English Language Learner, and one for a parent of a special education student. The law creates a new Citywide Council on English Language Learners and expands eligibility for the Citywide Council on Special Education to all parents of students with an Individualized Educational Plan, where previously it was limited to parents of children in District 75. Additionally, the Citywide Council on High Schools, previously established by regulation, is now law.

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Implementation of these provisions will require amending existing Chancellor's Regulations on Community Education Councils, the Citywide Council on High Schools and the Citywide Council on Special Education, as well as the promulgation of a new regulation to establish the Citywide Council on English Language Learners. In some instances, the legislation leaves questions open about selection procedures for and composition of these bodies. Martine Guerrier, the Department's Chief Family Engagement Officer, is in the process of gathering feedback on these issues with the goal of effecting the smoothest possible transition. Once done, we will propose the new regulations to the Panel on Educational Policy, which can vote on them only after a 45-day period for public notice and comment, another requirement of the new law. We expect this process to be complete by the end of January.

In a small but meaningful change that will expand the pool of parents able to participate in governance structures, the legislation now allows for Parent Association officers to serve on Community Education Councils and citywide parent councils. Previously, parents had to choose, in a sense, between getting involved in their school and getting involved at the district or citywide level. We could not, therefore, benefit from the fullest efforts of some of our most invested and active parents. The law also mandates that Parent Association meetings be open to the public, and the Chancellor will propose an amendment to the regulation on Parent Associations to align with this provision.

At the school level, the legislation strengthens the role of School Leadership Teams, or SLTs. All members of a school's SLT must be consulted before the appointment of a principal by the Chancellor or community superintendent; this is in addition to the existing C-30 selection process. The SLT now will develop a school's Comprehensive Educational Plan, or CEP, in tandem with, rather than following, the development of the school-based budget. SLTs will now play a consultative role in the development of school-based budgets, and principals must demonstrate in writing that their school-based budgets are aligned with attendant CEPs. The law then gives each SLT the right to appeal to its superintendent if members reach a consensus that their principal is acting in contravention of the CEP, and each SLT may provide its superintendent with an annual assessment of the principal's collaboration with the team. Finally, SLTs jointly conduct hearings on significant changes in school utilization.

The Council's Education Committee and its members have been keenly focused on issues related to school co-locations, phase-outs and restructurings. This is some of the most meaningful and important work the Department does, reflecting our drive to create a system of great schools for the students we are serving right now.

Where the preexisting statute did not outline a process for community consultation, the new law precisely delineates a set of requirements and a timetable to ensure that there will be ample opportunity to consider, review, discuss and, where necessary, change school planning proposals. The process applies to "any school closing or significant change in school utilization, including the phase-out, grade reconfiguration, re-siting or co-location of schools." For any such plan, the Chancellor must prepare a detailed, publicly available Educational Impact Statement at least six months in advance of the first school day of the next school year. Roughly speaking, this means that proposals must be made by the beginning of March. The legislation outlines a long list of subjects that must be covered in the statement, including information on the academic performance of the affected school, enrollment changes resulting from the proposal, costs and savings of the proposal and its impacts on students at the affected school and at other schools in the district.

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Between thirty and 45 days after the Educational Impact Statement is issued, there must be a public hearing held jointly by the Department, the affected Community Education Council and the affected school's SLT. The hearing must take place at the affected school, and in instances of closures, the Chancellor must personally attend. Following the hearing and consideration of public input, the Chancellor may revise the proposal. If a substantial revision occurs, there must be a new statement issued and a new hearing 15 days or more thereafter. If the revision involves more or different schools than the original proposal, the thirty-to-45-day clock applies. The Panel for Educational Policy must give final approval for all such actions. Finally, no action can be implemented until after the end of the school year in which Panel approval is given.

Our Office of Portfolio Planning is hard at work preparing to implement this new procedure for all such proposals it makes this year. Additionally, the Office is creating staff teams in each district, led by superintendents in conjunction with the Department's portfolio planners, which will confer with District Leadership Teams and advise the Chancellor prior to the issuance of any formal school planning proposals. We believe this will make for proposals better and earlier informed by facts on the ground.

Again, this process will be codified in a new Chancellor's Regulation. There will be no lag in the practical implementation of these provisions of the law; all school planning moves we make this year will be in compliance.

Dorita Gibson, the Department's Supervising Superintendent, will now address the role of community superintendents under the new law.

Dorita Gibson, Supervising Superintendent:

Thank you, Councilman Jackson and the Committee, for the opportunity to testify today. I have served as an educator in New York City public schools for nearly thirty years: as a special education teacher, middle school principal, Deputy Superintendent of District 25 in Queens, Deputy Regional Superintendent and Regional Superintendent covering all of Staten Island and part of Brooklyn. Today, I am the Department's Supervising Superintendent, overseeing all 32 of our community superintendents.

I am currently working with our superintendents to refocus on local districts and local schools. This is in accordance with a key provision of the school governance law, which requires that Superintendents be "assigned to tasks predominantly within their districts."

We have met with the superintendents to outline a new job description: supervising and working with principals in districts; conducting quality reviews of those principals; helping lead discussions about school planning decisions; holding at least two public forums within the district each year; and resolving concerns of parents that could not be addressed at the school level.

This last responsibility is outlined specifically by the school governance statute, which gives superintendents the power and duty to "provide assistance and direct support to parents in accessing information, addressing concerns and responding to complaints that cannot be resolved at the school level." This was a prominent theme during the school governance debate, and we view it as a critical aspect of the job of the community superintendents as defined by the law.

The statute also provides for staff to support the superintendents in their work with parents. District Family Advocates, who previously reported centrally to the Office for Family Engagement and Advocacy, now report directly to community superintendents. Taken together, the return of superintendents to their districts and the assignment of District Family Advocates to report to them will make a real difference for parents seeking to resolve problems and get questions answered.

My colleague Michael Best will address the expanded powers of the Panel for Educational Policy and provisions of the law dealing with procurement and oversight.

Michael Best, General Counsel and Secretary to the Panel for Educational Policy:

Thank you, Dorita, and thank you to the Committee. My testimony will cover three major areas: the Panel for Educational Policy, or PEP; new rules governing our procurement process; and provisions of the statute providing for independent oversight of the Department. I will also address the four chapter amendments proposed by the State Senate.

The new statute makes two key changes to the composition of the PEP. As mentioned earlier, two mayoral appointees must be parents. Additionally, the Chancellor, previously a voting member and the Chair of the Panel, now serves *ex officio*, and the PEP selects its own chair. Panel members have elected David Chang, Chancellor of the Polytechnic Institute of New York University, as Chair.

The PEP's powers have been significantly expanded. The Panel must approve all Chancellor's Regulations and any amendments of those regulations; a general procurement policy proposed by the Chancellor; and all school closures or significant changes in school utilization. These matters require an extended, 45-day notice and comment period, and the Panel must respond to public comments it receives. In the case of substantial revisions to any proposals, there must be an additional 15-day comment period.

The Panel now must also authorize all contracts except competitive sealed bids under \$1 million, contracts with state and federal agencies or purchases made directly by schools. It is worth noting just how sweeping this mandate is: the Panel's approval power extends far beyond exception-to-bid contracts to include all contracts awarded by RFP and, for amounts above \$1 million, even competitive sealed procurements where there is no judgment or qualitative evaluation made and the award simply goes to the lowest bidder. In effect, the lion's share of Department contracts going forward will require Panel approval. Notice for these votes, along with the agenda for each Panel meeting, must be posted ten days in advance, and panel meetings must include public comment on agenda items before the Panel votes. After contracts are approved, the Department must register those contracts with the City Comptroller, as is required of other City agencies.

These new approval powers of the Panel, along with the requirements for notice and comment, represent significant, legally mandated transparency and opportunity for debate around a wide range of the Department's most important decisions.

As you may know, the Panel held its first meeting on September 14, 2009. At that meeting, the Panel adopted a temporary procurement policy, as provided for in law, as well as a set of by-laws. (The Chancellor will shortly propose a permanent procurement policy to replace the temporary

policy, subject to a 45-day notice and comment period.) At the September 14 meeting, the Panel also approved a number of contracts in accordance with the requirements of the statute.

The new governance law also expands outside oversight and accountability. It authorizes the Independent Budget Office to issue public reports regarding educational data and the Department's finances, requires the Department to provide information to the IBO in a timely fashion, and increases the City Charter-mandated funding level for the IBO to ensure the Office will be able to execute its new responsibilities. The law also codifies the City Comptroller's audit authority over the Department of Education.

Together we have covered most of the provisions of the governance law and, certainly, its key areas of focus. As you can see, it is multi-faceted and substantively changes the way the Department of Education does business—particularly in how the Department serves and engages parents and achieves operational transparency. At the same time, it maintains a system of clear accountability straight to the mayor. Implementation of the statute is a complex process, but we are deeply invested in it and well on our way to completion.

Finally, I'll address the four chapter amendments proposed by the State Senate. Though the amendments have not been passed into law, Chancellor Klein committed to Senate Democratic Leader John Sampson and Assembly Speaker Sheldon Silver that the Department would implement the amendments as follows:

- A chapter amendment dealing with community superintendents would add the “quality of curriculum and instruction” to the criteria on which the performance of principals is evaluated by superintendents. The Department will direct Superintendents to include this in their evaluations of principals.
- A second chapter amendment would establish a parent training center at the City University of New York. The Department has had preliminary conversations with CUNY officials about the establishment of this center. The Senate's proposed amendment, however, did not create a funding stream for the center. Instead, it would require the City of New York to match any funding appropriated by the State of New York. At this moment no such funding has been appropriated by the State. We stand ready, however, to work with CUNY.
- A chapter amendment sponsored by Senator José Serrano would create an Arts Advisory Committee to advise the Panel for Educational Policy on matters related to arts in the schools. Paul King, the Department's Executive Director of the Office for the Arts and Special Projects, is working now to get such a committee up and running.
- A final chapter amendment would require that each school hold at least one public meeting each year for parents to discuss concerns related to school safety. The Chancellor will be proposing an amendment to regulation A-414 to establish this requirement.

Thank you, again, for the opportunity to testify before you today. We are happy to answer any questions you may have.

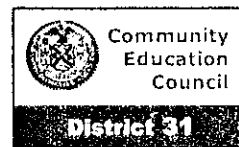
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Community Education Council 31

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FOR THE RECORD

TESTIMONY TO THE NY CITY COUNCIL EDUCATION COMMITTEE PUBLIC HEARING ON DOE IMPLEMENTATION OF SCHOOL GOVERNANCE LAW SEPTEMBER 23, 2009

We are concerned by the recent amendments to the NYS Education Law section 2590-c subsections 6(b)(2) and 8(c) which create a discriminatory basis for the composition of the membership of NYC Education Councils, by giving preference to parents who have a child who is an English Language Learner (ELL) and those who have a child with a special education Individual Education Plan (IEP). At a time when we are attempting to increase parent awareness and participation in our public schools, instead of creating laws to assist parents in being inclusive, the State is crafting laws that deter parents' participation.

Prior to this change in the law, parents who wished to become a members of a CEC only needed to have a child who was a student in a public school in that district. This allowed all public school parents to have an equal opportunity to seek office.

Unfortunately, the school governance law now states,

"The Chancellor shall develop the election procedures to ensure diversity among council membership and that such procedures shall ensure that at least one position on the community council is filled by a parent of a student who is an English language learner, and at least one position is filled by a parent of a student with an individualized education program, and shall allow for the seven remaining positions to be filled by parents who are otherwise eligible." (NYS Education Law section 2590-c (8)(c), emphasis added.)

The law further directs,

"...if a vacancy occurs on the Council, and no parent member has a child with an IEP or who is an ELL, the community council shall select a parent having such qualifications to fill the vacancy." (NYS Education Law section 2590-c (6)(b)(2), emphasis added.)

How can the State of New York justify this blatant breach of constitutionality by denying equal opportunity to all parents? The ability to become a candidate is open to all parents; how can the State justify this preference given to parents of ELL and IEP students? This law undermines the function of a CEC. This law is contrary to the basic tenants of our Constitution which require that our laws must affect all citizens equally.

To make matters worse, we have been informed that the NYC Department of Education intends on implementing the new law retroactively, which may unseat duly elected Education Council members. If such parents are not already seated as council members, current members may be replaced.

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A final decision has yet to be made, but DoE is contemplating several options:

- The first is to hold a new election, as soon as practicable, for any CEC that does not already have at least one parent of an ELL student and one parent of an IEP student. If ELL and IEP parents are not selected by voters, the candidates receiving the lowest number of votes will be replaced by the ELL and IEP parents receiving the highest number of votes. This creates the possibility that the candidates with the highest number of votes may not be elected. This is contrary to the foundation of the Democratic system. Not only is this unjust to the candidates, it is also unjust to the people who cast votes in this election process.
- DoE is exploring another option by first seating the ELL and IEP parents who receive the most votes and then seating the remaining seven members with the highest number of votes. It is not a fair and impartial election when you give an unfair advantage to particular candidates based on their child having a learning disability or a language barrier. Again, this method would allow a person with a higher number of votes not to be seated.
- Lastly, the DoE informed us that there may be an entirely new across-the-board election for all 34 Education Councils, instead of just limiting the new election to CECs that do not already have the requisite ELL and IEP parents. By so doing, DoE would be completely disregarding the legal election of council members already voted into office by the public in May 2009. The currently seated, legally-elected members have already been through the DoE conflicts of interest process, have already been cleared to serve by the DoE, have taken their oaths of office and are already working on their district's Education Councils.

We hope that you can see the far reaching inequity and unconstitutionality in not only the law, but also in the manner in which the NYC Department of Education intends to apply the new school governance law. Any retroactive implementation of this law which results in the replacement of a duly seated council member will be grounds for a lawsuit against the DoE.

As parents we are concerned and intend to ask the NYS Legislature to take steps to immediately have this law amended. We thank you for your time and attention.

Respectfully submitted,

Sam Pirozzolo, *President*
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**Testimony of George Sweeting
Deputy Director, New York City Independent Budget Office
To the New York City Council Committee on Education
Oversight Hearing on DOE's Implementation of the New School Governance Law**

September 23, 2009

Good afternoon Chairman Jackson and members of the Education Committee. My name is George Sweeting and I am Deputy Director of the New York City Independent Budget Office. Thank you for the opportunity to speak to the committee about the new school governance law.

As you know, the new law was signed by the Governor just six weeks ago. As a result, many of the changes required under the legislation are now in just the first phase of their implementation. Given this early stage, much of the effort to build the new governance regime is likely going on behind the scenes in ways that we cannot yet see.

But I can pull the curtain back and discuss where IBO is in the process of implementing its enhanced role under the new legislation. I am particularly pleased to discuss this at this hearing because we know that one reason we were given this broader role was the recommendations made by the Council's Working Group on Mayoral Control and School Governance, during the debate over school governance.

As suggested by Chairman Jackson and members of the working group, under the new law IBO has a mandate to review and report on all aspects of the Department of Education, from our traditional role of tracking the school system's revenue and spending to broader issues concerning student outcomes and other performance data. To put this broad new role into action, we are working on three tracks simultaneously: hiring the necessary staff, defining our oversight goals, and establishing the procedures for accessing and processing the data we will need.

IBO is well into the process of seeking the additional staff necessary to fulfill our new responsibilities. We have advertised widely and received literally hundreds of applications. We are reviewing the applications and interviews are now underway.

Given the broad mandate under the new legislation, we are also reaching out to many different stakeholders in the city's public schools to help us determine how our resources can best be used. We began a "listening tour" to inform our understanding of the education issues that

concern New Yorkers, meeting with parents, policymakers, advocates, academics and others to identify how our expanded capacity can best be used. That is another reason I am pleased to be here today: it allows IBO to extend an invitation to this committee, and the Council as a whole, to discuss with us the issues you think we should address and the data we should review.

Also underway is the development of procedures for accessing and processing that data. We have had a preliminary conversation with the Chancellor as a first step in beginning to discuss with the Department of Education how we will routinely get the student level and other data we will need in a timely manner. In a system with more than a million students and roughly 85,000 teachers, the data we will be accessing is much larger than what our information systems now handle. So we are also determining what computer hardware and software we will need for processing, storing, and protecting this data, as well as identifying staff to help us manage it all.

Thank you for the opportunity to update the committee on the steps already underway at IBO to meet our new responsibilities under the school governance legislation. I will be glad to answer any questions you have.

**Testimony
of**

**Michael Mulgrew, President
United Federation of Teachers**

before

**The New York City Council
Education Committee**

on

**Implementation of the
New School Governance Law**

September 23, 2009

Good afternoon, Chairman Jackson and distinguished members of the Education Committee. I want to thank you for the opportunity to speak with you today about an issue that we all care very deeply about. Governing our public schools is serious business and a high priority for all of us at the United Federation of Teachers. When the state legislature renewed the school governance law over the summer and made critical changes to add greater checks and balances, transparency and accountability, we were pleased. This was a win for the children, their parents, our members and everyone committed to providing a high quality education in our public schools. But we can't be naïve.

We are grateful that you are calling this hearing today at the start of the school year. You are setting the tone at the outset – all eyes are on how DOE will actually implement these changes. We feel it is equally important and we are asking you and the state legislature to continue monitoring the implementation of this governance law over the coming months. With your focus and oversight we hope we can ensure that this governance law will be implemented, as fully intended this year.

Over this past year, the legislature, education advocates, parents and educators across the city engaged in a painstaking process of hearings, task forces and reports to get a new governance law passed. We worked hard. At the end we felt the process brought us to a new school governance law with the transparency we all sought. We endorsed the state bill with the changes that we all thought would provide greater access for parents and broaden decision-making in ways that kept accountability in place, but opened up the process to discussion and debate.

The mayor and the chancellor lauded the bill passed by the Assembly and urged the State Senate to pass it exactly as the Assembly wrote it. When it finally passed the Senate they trumpeted passage of this new governance legislation as a victory for the school system and the children it serves. We wholeheartedly agreed. And now it is incumbent upon all of us educators and city officials to make it happen. The time is at hand and we must implement the new school governance law the right way -- keeping to both the letter and the spirit of the law.

We fully expected the DOE to get out in front of the governance process for the current school year over the summer. There are expanded duties and new regulations for everyone who plays a key role in school governance. At every level there are changes, but we are chiefly concerned with how the law is implemented at the school and district level – for this is the place where education truly happens. We're talking about district superintendents, School Leadership Teams (SLTs), District Leadership Teams (DLTs) and the Community Education Councils (CECs), most specifically.

We're already well into the first month of school and the feedback we've gotten from our union members around the city, is the guidance and notification needed at the school and district level still hasn't been disseminated to the field from DOE.

While I've summarized the key areas where there are changes in the new law, there are many layers that require detail and planning. Some of the new processes that will need to be put in place have some complexity. So, DOE will need to drill down the information throughout the system. But the clock has already started – The DLTs, SLTs and CECs in districts across the city, are already convening their kick-off meetings. SLTs need to engage in budget planning and preparation of the Community Education Plans (CEPs). How are they to proceed? They really need to know and they need to know it now.

We want to be helpful to the DOE and partner with them on making school governance succeed. We can't assist them unless they give all of us the tools.

Additionally, we are very concerned when we hear that DOE is planning a one-year phase-in plan to implement the new powers and accountabilities for district superintendents. And it gives us pause, when we hear that many superintendents are still responsible for many schools outside of their own districts. How can they be effective stewards of their district schools and accountable to the parents, if this continues?

Creating an empowered, effective district superintendent's office was a strong desire of parents and the community. And UFT fully supported their struggle to have their voices heard on this issue. The governance law was specific and called for these changes to be immediate. If the DOE is already planning to implement critical elements of the new law a full year from now, they are already out of compliance. The time is

now, in the current school year. We are really hoping they can get this piece done quickly.

I think we can all agree that the recent Panel for Education Policy (PEP) board meeting did not present the best model for good relations when dealing with the public. There's no need to belabor everything that could have been improved at the PEP meeting but in order to ensure integrity, PEP needs a transparent process with clear checks and balances. That certainly includes making sure the public can participate and that the PEP board members receive complete information on the contracts and other items set before them for examination and approval. If PEP board members only receive summaries on multi-million dollar contracts that do not actually describe what work will be done, how can they have true deliberation? How do they really know what they're voting on? This will clearly impede rigorous policy review and we fear, undermine the improvement in the law we all fought so hard for.

The good news with the new law is that we can gain access to more information and we have the ability to ask the important questions. We just want to affirm that we are willing partners who stand ready to roll up our sleeves with DOE and make this new school governance law work.

Finally, I'd like to share our optimism about an aspect of the new law which makes the DOE and really all of us, more accountable to the public. We were thrilled that the new law finally granted the New York City Comptroller the authority to conduct financial, operational and programmatic audits over the DOE. We were also hopeful that the Independent Budget Office will conduct their own analysis and review of DOE data, and generate independent reports that serve the public interest. We hope to have a trusted view on what the data really says about what is happening in the classrooms.

Ultimately, we encourage our colleagues at DOE to work with all of us and take this opportunity – with our improved governance law – and raise the bar on cooperation, collaboration and engagement. The UFT is urging our members, parents and the community to take ownership of the rights they have gained under the new governance law. We remain committed to making it work. Thank you.



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**Testimony of Deycy Avitia, Coordinator of Education Advocacy at
The New York Immigration Coalition,
for the NYC Council Education Committee Hearing on School Governance**

September 23, 2009

Good afternoon distinguished members of the City Council Education Committee. My name is Deycy Avitia and I am the Coordinator of Education Advocacy for the New York Immigration Coalition, an umbrella policy and advocacy organization with over 200 member groups throughout New York State that fight for justice and opportunity for immigrant New Yorkers.

As most of you are aware, the NYIC was part of an effort that sought important improvements to mayoral control of our school system. In particular, we sought stronger checks and balances, greater transparency, and policies to foster more meaningful parent engagement. While the legislation passed by the Assembly and State Senate fell far short of our expectations, we now need to focus on ensuring that the positive developments of the legislation are implemented rapidly and thoughtfully so that they begin to work for ELL and immigrant students, their parents and all members of our school communities.

New Oversight from the Independent Budget Office

The expanded role of the Independent Budget Office (IBO) to review DOE financial and performance data is a significant step forward for increased transparency, and also represents an important opportunity to access financial information on ELL programs, particularly how ELL-generated state funding is being utilized. As a result of the Campaign for Fiscal Equity settlement ELLs are generating significant funds for the city through the Contract for Excellence, yet only a small percentage of the Contract funds can actually be tacked to programs that help ELL students succeed. We continue to be concerned that **only 7% of all Contract funds have been specifically allocated for ELL Model Programs despite the fact that ELLs are generating approximately 19% of Contract funds.**

At the local level, parents still do not have answers to important questions about the real results of the landmark CFE settlement for ELLs such as: **How many new ESL or bilingual programs have been created in my school? How many after school or dropout prevention programs have opened in my district? How many qualified teachers or guidance counselors have been hired specifically to support immigrant and ELL students?**

Since ELLs have among the most troubling educational outcomes in our city's schools, we hope to work closely with the IBO to ensure that this and other ELL-related accountability issues will become a priority of the office's oversight of the DOE.

Structures to Foster Greater Parent and Community Engagement

During the mayoral control debate, a wide consensus emerged that current avenues for parent involvement within the Department of Education (DOE) have not been sufficient. The

existing structures for parent engagement, such as Parent Associations, School Leadership Teams, and Community Education Councils, had the potential to foster meaningful participation of parents, but lacked sufficient training mechanisms to ensure that parents could fully understand their roles and navigate complicated systems to advocate for their communities. For this reason, we advocated for the creation of a Parent and Student Leadership Center, which is to be included in the state's new school governance law. With the new Parent and Student Leadership Center, we have the prospect of broader community participation and leadership into the future. However, for that to happen, the Center must represent a robust and comprehensive effort to engage and train parents.

As the implementation of the Center begins, we expect to be involved in its development every step of the way, to ensure that immigrant parents and students are able to benefit from this important new reform. While we recognize that the funding allocated to the Center is currently inadequate, we hope to work with CUNY, the DOE, and other advocates to begin to outline the next steps and timeline for the Center's opening.

For years, we have been advocating for expanded leadership opportunities for the parents of ELLs, as well as increased attention on the uniqueness of the challenges they face in our schools. The Citywide Council on ELLs, also created in the new Senate bill, provides a chance for the parents of ELLs to participate and be heard on the issues affecting their children. The Department must make public a timeline and implementation plan for the Citywide Council on ELLs as soon as possible, which should include the process for selecting parents, and an outreach plan targeted toward immigrant communities to expand their participation in Citywide Council elections.

We are clear that this is not the end, but just the beginning of the reform process. We now know better than ever what needs to be done over the next few years to strengthen our school system, and we will continue to work to see those reforms through.

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ADVOCATES FOR CHILDREN

Helping children succeed in school

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TESTIMONY OF ADVOCATES FOR CHILDREN OF NEW YORK BEFORE THE NEW YORK CITY COUNCIL EDUCATION COMMITTEE'S OVERSIGHT HEARING ON THE DEPARTMENT OF EDUCATION'S IMPLEMENTATION OF THE NEW SCHOOL GOVERNANCE LAW

September 23, 2009

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Good afternoon. My name is Arlen Benjamin-Gomez, and I am a Staff Attorney with Advocates for Children of New York (AFC). I would like to thank the City Council Education Committee for the opportunity to testify on the Department of Education's (DOE's) implementation of the new school governance law.

AFC is a non-profit legal advocacy organization whose mission for over thirty-five years has been to ensure equal educational opportunity and quality education for every child in the New York City (NYC) public school system. AFC is committed to serving students who are most at risk of school failure due to factors such as disability, poverty, race, immigration status, language barriers, and involvement in the juvenile justice and child welfare systems. In addition, AFC seeks to engage key policy makers in reforms to modify existing educational structures that harm young people's ability to succeed in school and to put in place inclusionary, effective and equitable practices.

AFC, in collaboration with the Campaign for Better Schools and the Parent Commission on Mayoral Control, aimed to ensure that the new school governance law enacted by the State provided greater transparency, checks and balances and public participation in our city's schools. While we are happy with some of the



changes that were made to the law towards these ends, we believe there is more work the DOE must do to fulfill these principles. We thank the Education Committee for its leadership on this issue and hope this hearing will spur the creation of new policies and structures as per the law's spirit and intent.

We are optimistic that the expanded role of the Independent Budget Office (IBO) will provide much-needed transparency, and we would like to hear the DOE and IBO's plans for reporting data. In particular, we would like to know how frequently the DOE will report data to the IBO, how the DOE will ensure that it provides such data to the IBO in a timely fashion, and the IBO's plan to provide reports on its findings to the public. We also urge the IBO to look closely at data pertaining to English Language Learners (ELLs), students with special needs and other at-risk students such as overage middle schoolers, to ensure that these students are not slipping through the cracks as has been the case in the past several years under mayoral control.

We are eager for the State legislature to vote on amendments that would create a Parent and Student Training Center to be housed at the City University of New York. We would like to know the DOE's plans to work with this Center to ensure that parents and students trained by the Center have access to school leadership opportunities. We are also concerned that the proposed funding for this Center is grossly inadequate. We hope that the City and State can work together to provide sufficient funding for this Center so that it does not become an empty mandate. We also want to ensure that the Center's staff have the language capacity



and cultural competency to work with the diverse group of immigrant students and parents who are eager to become leaders in their schools and communities.

We are encouraged that the expanded role of superintendents will provide another avenue for parent and community input, and we would like to hear the DOE's plan to implement and incorporate these new functions within existing DOE structures. Given the new role of superintendents in responding to parent complaints, for example, we would like to hear the DOE's plan to supplement existing parent complaint structures, now under the Office of Family Engagement and Advocacy, to the superintendent offices in each district. We would also like to hear the DOE's plan to support the new public comment forums that superintendents will now oversee under the new law.

We believe the required impact statements on school closings, restructuring and sitings is an important step in increasing transparency and accountability. We would like to hear how the DOE plans to develop these impact statements and incorporate the new public process requirements within their annual timeline for opening, restructuring and closing schools so that the information will be relevant and timely. We also believe the legislature fell short by not requiring specific documentation of the impact of such school changes on ELLs and students with special needs. AFC and many other organizations have documented how such school restructurings under the previous system of mayoral control had a dire impact on ELLs and students with special needs.¹ We urge the DOE to include a study of

¹ See e.g., Jennifer L. Jennings and Aaron M. Pallas, *New York City's Small School Experiment*, Annenberg Institute for School Reform, (forthcoming Fall 2009); AFC and Asian American Legal Defense and Education Fund, *Empty Promises: A Case Study of Restructuring and the Exclusion of English Language Learners in Two Brooklyn High Schools*, June 2009,



the impact of such changes on ELLs and students with special needs in this new impact statement. We also hope the City Council will continue to play an active role in overseeing such reforms with a particular focus on the impact on these students.

Finally, we are eager to hear from the DOE about how the new Citywide Council on ELLs will be created and structured and how parents will be selected to serve on the Council. In selecting parents, it is important to ensure that there is representation of parents of students in bilingual, ESL and dual language programs. The Council should also have representation from the different boroughs, and its membership should reflect the diversity of native languages spoken by ELLs in the City. To that end, the DOE must provide for multilingual communication and translation of materials for Council meetings. Given the role the Citywide Councils have under the new law, we also think it is important to ensure that they receive sufficient resources and support to create annual reports and policy recommendations for the Panel for Education Policy (PEP).

Thank you.

<http://www.advocatesforchildren.org/Empty%20Promises%20Report%20%206-16-09.pdf>; AFC, the New York Immigration Coalition (NYIC) and the EMPIRE Collaborative, *So Many Schools, So Few Options: How Mayor Bloomberg's Small School Reforms Deny Full Access to English Language Learners*, Nov. 2006,
<http://www.advocatesforchildren.org/pubs/2005/ellsmallschools06.pdf>; New York Lawyers for the Public Interest, *Small Schools, Few Choices: How New York City's High School Reform Effort Left Students with Disabilities Behind*, Oct. 2006,
http://www.nylpi.org/images/FE/chain234siteType8/site203/client/DLC%20-%20Education%20-%20High_School_Report.pdf.



CHINESE
PROGRESSIVE
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TESTIMONY BY MAE LEE, EXECUTIVE DIRECTOR, CHINESE PROGRESSIVE ASSOCIATION
TO NEW YORK CITY COUNCIL EDUCATION COMMITTEE
OVERSIGHT HEARING ON IMPLEMENTATION OF NEW SCHOOL GOVERNANCE LAW
SEPTEMBER 23, 2009

My name is Mae Lee. I am the executive director of the Chinese Progressive Association, a community based organization in Manhattan's Chinatown/Lower East Side. I would like to thank the City Council for holding this hearing about the implementation of the new school governance law.

The Chinese Progressive Association is dedicated to raising the living and working standards of those who live, work, or go to school in Chinatown or the Lower East Side. While we serve all community members, increasingly, our clients and constituents are those who have lived in this country for three years or less. In the area of education, we run a mentoring program for immigrant youth (both in school and out of school), we hold career and college readiness classes. We also work with new immigrant parents – and have provided workshops to teach them about the school system and how to get involved in their child's education. All of our students are English language learners and attend one of the larger public schools. About ¼ to 1/3 of them don't graduate from high school on time. The parents we work with do not speak English well and have little experience dealing with a school bureaucracy. Half of our parents are high school graduates and one third did not even complete high school. We also receive calls from school parent association leaders who want to reach out to them and involve them but don't have the resources to do so.

While progress has been made in meeting the needs of immigrant students and their parents, much still needs to be done. We are pleased to hear about the proposal to

create a new Parent and Student Training Center. Our work has shown this is very much needed. We hope that this center will have the resources, as well as the language and cultural competency to have an impact in the immigrant communities. Our own experience shows that even the Chinese community is a complex and diverse one, and care needs to be taken to make sure that

We are also interested to hear the details about how the newly proposed Citywide Council on ELLs will increase parent voice in school governance. From parents and parent association leaders, we have often heard that parent participation in the schools has to “go beyond the bake sale”, they need to have a real voice as well. Parents are experts when it comes to their children’s education and should be at the table. We hope that this Citywide Council will be a vehicle where parents of English language learners can have real representation in the NYC public schools.

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Re: School Governance Date: _____

Name: Michael Bert (PLEASE PRINT)

Address: _____

I represent: Dept. of Education

Address: _____

Education Committee **THE COUNCIL** School
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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/23/09

Name: Michael Mulgrew, President UFT (PLEASE PRINT)

Address: 52 Broadway

I represent: UFT

Address: 52 Broadway

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Date: _____

(PLEASE PRINT)

Name: Micah Lasher

Address: _____

I represent: Department of Education

Address: _____

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. 951-A Res. No. _____

in favor in opposition

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(PLEASE PRINT)

Name: Micah Lasher

Address: _____

I represent: Department of Education

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

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Date: _____

(PLEASE PRINT)

Name: Dency Anita

Address: _____

I represent: New York Immigration Coalition

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Re School Governance Date: 9/23/05

(PLEASE PRINT)

Name: Dorit P. G. Gerson

Address: _____

I represent: Dept of Education

Address: _____

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I intend to appear and speak on Int. No. _____ Res. No. _____

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Re School Governance Date: _____

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Name: Dorit P. Gerson

Address: _____

I represent: Dept of Ed.

Address: _____

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I intend to appear and speak on Int. No. _____ Res. No. _____

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Name: Mae Lee

Address: _____

I represent: Chinese Progressive Association

Address: _____

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Date: _____

(PLEASE PRINT)

Name: Arlen Benjamin-Gonzalez

Address: 151 W. 30th St. NY NY

I represent: Advocates for Children

Address: _____

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rodney Deas

Address: 26 PULASKI ST

I represent: Parents

Address: _____

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ben Shanahan

Address: 350 Cabrini Blvd. #2D NY, NY 10040

I represent: NYS Student Union

Address: 50 Broadway Attn: Gwendolyn Stewart NY, NY

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I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition to DOE

Date: _____

(PLEASE PRINT)

Name: Jim Devor

Address: 305 Broadway - Suite 505 10007

I represent: Community Educ. Council Dist 15

Address: 131 Livingston St. - RM

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 in favor in opposition

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Name: Granville Leo Skvens

Address: 11 Stuyvesant Oval

I represent: Independent Parents Organization

Address: same

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