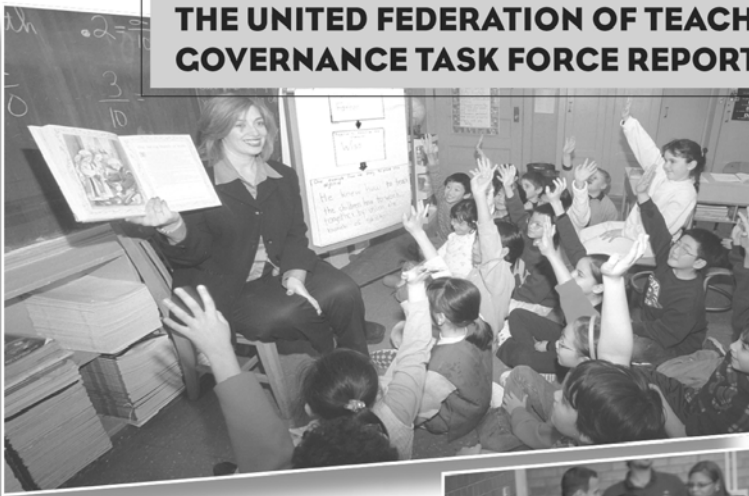


Ensuring an Effective School Governance Framework

THE UNITED FEDERATION OF TEACHERS SCHOOL GOVERNANCE TASK FORCE REPORT & RECOMMENDATIONS



The United Federation of Teachers

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FOREWORD BY UFT PRESIDENT RANDI WEINGARTEN

Dear Friends,

The June 2009 sunset of the school governance law is fast approaching. As we get closer to that deadline, the debate between supporters and detractors of the current system will no doubt become fierce, with passionate arguments made on all sides – for changing the law, for continuing it as is and for repealing it entirely. That New York City’s brand of mayoral control remains controversial seven years after implementation is a testament to both its achievements and its shortcomings, as well as the significant engagement by the public in the future of our schools.

As the discussions about the pluses and minuses of mayoral control move forward, it is important that the issues are framed in the proper context. Our schools are public institutions vital both to the promotion of common good and to individual economic opportunity. They serve students, their families and the larger community. It is essential, therefore, that our school system’s model of governance promotes the involvement of each of these constituencies in the work of education.

Mayoral control has brought additional funding and credibility to the public schools, and the fact that someone – Mayor Bloomberg in this case – was willing to take responsibility for what goes on in schools was a major breakthrough. We still think there are reasons to keep mayoral control, but not without modifications to the current law that address the lack of sufficient regulation and oversight of the public school system. The experience of the last seven years points strongly to a need for a governance system that is more democratic, more accountable and more transparent. Institutional checks and balances and institutional voices for all constituencies must be integral to the governance design. Public education is about ensuring that we keep our promise to our democracy and to our future generations, to prepare them to lead and participate. Responsibility for that cannot repose in one person who is elected every four years, no matter how gifted or effective that person may be. It must be shared among all the stakeholders.

How do we ensure all stakeholders have a voice in important educational decisions? How do we establish a system of checks and balances that prevents the undemocratic monopolization of decision-making and promotes transparency and accountability? And, equally important, how do

we foster collaboration and a sense of common cause in the quest to increase opportunity for students? These are the pivotal questions that we try to address in this report. After all, accountability cannot be just a function of quadrennial elections; nor can it require teachers and parents to take to the streets in protest. The recent crisis in the financial industry amply illustrates the dangers of deregulation without adequate accountability.

Great schools share two very important attributes: a level of parental and teacher engagement in a collaborative and meaningful way. We know that schools where parents are engaged and choose to be involved are inherently stronger. We also know that schools that foster collaboration and reflect and value the true voice of the staff have better student outcomes.

Earlier this year, we celebrated dozens of schools that participated in our schoolwide bonus program, where through collaboration and shared decision-making, teachers were able to advance student achievement. Research shows that collegial, collaborative schools can better recruit and retain quality teachers and are more likely to try innovative instructional approaches and reforms.

Similarly, when organized groups of parents get involved with schools, change happens. We saw this with Community Collaborative 9 (CC9), a partnership between parents and teachers in District 9 in the Bronx where the idea for lead teachers developed and helped low-performing schools with novice staffs improve quickly. And it was the parent group Advocates for Children that called attention to the unmet needs of special education students and won needed resources for those students. It's that voice, that engagement and participation at all levels of the school system that have been missing from the current governance model and what needs to be institutionalized going forward.

The proposals crafted here try to maintain what has worked – a very direct tie between the DOE and mayor — and at the same time correct what has not worked, by ensuring checks and balance through a board where the mayor's voice is heard, but so are those of the community, parents and educators. A more independent, broad-based board where real discussions of policy and objective decision making can take place would go a long way toward addressing the shortcomings in the current governance structure. We believe that our recommendations will help foster real achievement for our students and a better work environment for educators, as well as stronger partnerships between the school system and the community at large.

CONTEXT FOR THE WORK OF THE TASK FORCE

When the New York State Legislature gave Mayor Michael Bloomberg centralized oversight and nearly unlimited control of New York City public schools in June 2002, it built into the legislation an automatic sunset, which would allow for a review of its commitment to what was then an untested model. At the time, many New Yorkers agreed that the public school system needed improvement, and were willing to give mayoral control a try.

The UFT's support for mayoral control was instrumental in the passage of the law. We believed that the mayor's focus on schools would be largely a positive development, attracting more funding and more attention to the needs of the city's schoolchildren. And, in our opinion, that's the way it turned out. In addition, mayoral control has provided clearer lines of accountability. However, that is not to say it has been an unmitigated success.

Unless the legislature votes to renew the law that authorized the new governance structure, it will expire in June 2009 and the system will return to its previous status. In anticipation of this debate, the United Federation of Teachers, in April 2007, appointed a member task force representing diverse opinions to evaluate the present school governance system and develop a set of recommendations with the goal of more effectively serving the educational and developmental needs of the students of New York City's public schools.

In addition to the day-to-day functioning of the schools, the task force looked at the broader history of school governance in the city, examining the factors that prompted waves of centralization and decentralization in the past. We were, of course, careful to weigh the ultimate goals of improving schools and student achievement, but also the need for parents and the community to feel connected with their schools.

The pivotal piece of the process was a series of six public forums across the five boroughs in early 2008, drawing more than 1,200 people, including classroom educators, parents, members of community groups, legislators, union members and other civic, labor and public officials to share their views. It was evident during our meetings and public forums that many parents and leaders in the education community were concerned about a lack of public input in decisions being made by the mayor and chancellor. They spoke at length about a need to restore transparency, public engagement and accountability to the system. A summary of the testimony given at the forums is included in this report.

Based on this testimony, our task force endorsed several key concepts. We believe an effective governance system and structure should:

- Ensure accountability and transparency with checks and balances at all levels
- Encourage public involvement in decision making
- Provide clear lines of communication and responsibility to solve problems
- Comply fully with state laws
- Support teamwork and collaboration focused on achievement
- Ensure the stability and oversight of resources on which schools depend

Guided by these six principles and the hours of public testimony, the task force then embarked on developing recommendations that we believed would improve upon the current school governance model. They can be found at the end of this report.

THE SEARCH FOR BALANCE IN NEW YORK CITY SCHOOL GOVERNANCE

The idea of giving the mayor control is not a new idea in New York City school governance.

For most of the history of the school system, whether it was centralized or decentralized, the mayor and other political officials have had strong *de facto* (if not *de jure*) involvement in the selection of central and local board members and the chancellor.

Mayoral involvement in school governance, however, has typically co-existed with some form of community authority exercised through school boards that were appointed or elected.

What is different about the current form of school governance is that the mayor's control of public education is now *de jure*. There is an absence of the checks and balance that an independent central board or local community boards provided, albeit in a way most thought unwieldy, political and ineffective. Notably, a Quinnipiac University poll in the summer of 2008 that found 55% of New Yorkers felt the Mayor should share control with an independent school board.

Centralization vs. decentralization has been the theme of school reforms from time immemorial. Most legislative changes have been a response to a perception that power had either become too dispersed or too concentrated on one level.

For example, in 1871 when William Marcy (Boss) Tweed - head of the Democratic machine often called Tammany Hall, which ruled politics in the city - persuaded the legislature to convert the Board of Education into a city department, he was given power to appoint all school officials. Just two years later however, in 1873, the legislature restored the independent board out of concern over corruption and a need to reform city politics.

Over the years, the State Legislature, which has constitutional authority over public education, and city officials have constantly tried to find the right balance of power among the different levels of political and educational authority - the school, the local community, the central board, the borough presidents, the City Council and the mayor — to ensure efficient, effective and democratic administration of the city school system. Whether that search should now be considered completed is the subject of the rest of this report.

NYC'S BRAND OF MAYORAL CONTROL: THE FIRST SEVEN YEARS

The New York City public school system has undergone a period of dramatic and at times divisive change since 2002. With the mayor and his appointed chancellor firmly in control, schools became a higher priority on both the city and state level, which translated into marked increases in education funding, resources and personnel. The central Board of Education and the community school boards, seen by many as a symbol of all that was wrong with the school system itself, were eliminated. Education funding has grown by billions; teachers' qualifications have improved, with almost 100% of teachers now certified; student achievement has risen; and many innovative programs are now in place. Playing a major role in attracting and retaining qualified teachers has been a 43% increase in salaries since 2002.

But along with those positive changes have come many controversies. The Community Education Councils (CECs), which replaced the local Community School Boards, are advisory at best. The new version of the central board of education, called the Panel for Education Policy (comprised of the chancellor, seven members appointed by the mayor and five by the borough presidents), became merely a rubber stamp. The end result is that decisions with major implications for the lives of children and families are being made with little if any public discussion or consultation. Democratic participation is lacking, probably more so than at any previous time in the 165-year history of the city school system.

The first seven years of mayoral control have also seen several extensive reorganizations in terms of school support services. Community district offices were abolished in favor of a regional structure. Then some schools were allowed to work outside of that structure as part of what was known as the Empowerment Zone, and before long, the regional structure was scrapped and replaced with another system of public and private supports known as School Support Organizations (SSOs). Parents, educators and other stakeholders had no say in the decision-making that paved the way for these overhauls.

Since the mayoral takeover, school officials have focused almost exclusively on changing the organizational structure of the school system, following the pattern of a hostile corporate takeover and restructuring. No sooner do schools adapt themselves to one set of structural changes than another one replaces it – an institutional 'wheel of fortune' that disregards the importance of stability in the lives of children and their schools. Reforms have at times been

chaotic for many students, parents, teachers and principals, who no longer have input into or influence over many issues. The lack of transparency and collaboration has led to several high-profile controversies.

Social Promotion

Under mayoral control, the Panel on Education Policy (PEP) replaced the former Board of Trustees of the Board of Education. That seven-member board had one member appointed by each of the borough presidents and two mayoral appointees. Since the demise of the city's Board of Estimate, the Board of Education had become the borough presidents' main power source, and so the board was highly politicized, but also very sensitive to community concerns. But critics said that with so many different appointing authorities, nobody in fact was accountable for the board's actions. And, if it was meant to be an independent check on the mayor's power over the school system, it failed at that, too, because most often the mayor was able to forge political alliances with the borough presidents to control the majority of votes. It was well known that no chancellor could be appointed or continue to serve without the mayor's approval.

The first test of the new panel's independence arose in 2004 when the mayor and chancellor proposed a plan to end the social promotion of third-grade students who failed standardized tests. There was strong public opposition to the plan, much of it based not on support for social promotion but on the use of a single standardized test as the sole criterion and the need for more help for children who were failing. The mayor tried to reframe that debate by insisting he was simply ending social promotion, something that was in fact already Board policy. The teachers union, too, supported ending social promotion, but, like many parents and members of the panel, wanted to make sure there were appropriate supports for children who were retained in grade, and that the policy would be implemented better than it had been previously.

Making it clear that the panel was meant to be little more than a rubber-stamp, the mayor removed two of his appointees who opposed the plan and engineered the firing of a third (the appointee of a borough president who was a political ally) in order to obtain the vote he had hoped for. This action cemented the mayor's unfettered control over the panel and the schools. It also illustrated the mayor's conviction that he knew best what the schools needed to turn around despite the views of parents and the public.

There are several other issues that demonstrate the same attitude, including:

Cell Phones

When the DOE decided to enforce a long-time ban on cell phones in schools, parents and the UFT urged the city and the DOE to find a compromise that would allow students to have the phones to use on the way to and from school and in case of emergencies, but not in classes. Parents emphasized their need to keep tabs on their kids for safety reasons and in the event of an emergency, as dramatically demonstrated during the 9/11 attacks. But despite parents' concerns, the DOE has upheld its ban, even confiscating phones during weapons searches. Thousands of parents are forced into encouraging their children to conceal the phones and flout the rules or to pay storeowners to store the phones during the day.

School Bus Routes

When, in a money-saving effort, outside consultants reorganized the school bus schedule in the dead of winter in January 2006, ignoring the protests of parents and community members, they did so without any knowledge of local geography and traffic patterns. Thousands of children were left standing in below-freezing temperatures in the streets waiting for buses that were late or never came at all. Others were forced off the buses and made to traverse busy highways or walk long distances that weren't apparent from maps. If the education community and the parents – the people who realize the difficulty in charting new bus routes – had been involved, these complications would have been avoided.

Gifted and Talented

Under the recent overhaul of DOE policy for gifted programs, the number of students entering these programs dropped by half, mainly because admittance relied heavily on test scores. The new policy, intended to diversify gifted programs, actually resulted in even greater numbers of white students and a decline in the number of Black and Hispanic students entering the programs, according to a recent analysis by the *New York Times*.

Another reason for the decline is a rigid policy that dictates that there must be at least 15 qualified children in a grade for a program to be established in a district. If an insufficient number of students qualify, there is no program. For example, there are no gifted and talented programs in District 9 in the South and Central Bronx.

Cultural disadvantages and economic circumstances should not hinder deserving kids who may benefit from these programs. Children should not have to travel to another neighborhood, district or even borough to participate in gifted and talented programs.

Every neighborhood and school should have programs that meet the needs of gifted and talented children. Once again, the DOE has refused to modify its policy, despite the protests of parents and educators.

As controversial as these incidents were, others that are less well known may illustrate even more serious breaches that have resulted from the lack of checks and balances:

No-Bid Contracts

Citing exceptions to normal competitive bidding rules, the DOE has doled out hundreds of millions of dollars in contracts without competitive bidding, often with mixed results.

According to research and analysis by several offices, including the City Comptroller, the Public Advocate and the City Council, dozens of no-bid contracts totaling hundreds of millions of dollars have been awarded since 2003 – the most high-profile of which was the department’s \$15.8 million consulting contract with Alvarez & Marsal.

The practice of no-bid contracts must be examined during reconsideration of school governance. Some of these contracts may be entirely appropriate because the companies hired are uniquely qualified to do certain work, but the lack of bids on so many occasions raises issues of secrecy, transparency and accountability. An open contract award process is a necessary check and balance against patronage, cronyism and self-dealing. Especially during these difficult economic times, all spending, including DOE contracting practices, should be transparent.

School Leadership Teams

In 2007, the DOE unilaterally revised regulations concerning the roles and responsibilities of parents and educators on School Leadership Teams (SLTs), giving final say on Comprehensive Education Plans and school budgets to principals. When parents and the UFT appealed, the State Education Department (SED) ruled that the DOE had improperly changed the rules in order to further empower school principals (a major objective of the chancellor’s latest reorganization) and limit SLTs’ right to shape the schools’ Comprehensive Education Plan (CEP). State Education Commissioner Richard Mills ordered the DOE to revise the rules and get approval of the CEP from the teachers and parents.

The SED ruling affirmed that an important purpose of the legislation requiring school CEPs was to make sure that everyone in a school community has a say in how schools operate and that the administration cannot unilaterally abridge that right.

Special Education

Multiple reorganizations have resulted in chaos and confusion for students with special needs, their families and the school personnel who serve them. Under the first reorganization, education evaluators and over 300 special education supervisors were cut. School psychologists became solely responsible for psycho-educational assessments and caseload management and school-level oversight of special education services disappeared. At the same time, the district-based structures for overseeing special education, including Committees on Special Education, were dismantled. Thousands of student files “went missing” when the ten regional offices that replaced the CSEs opened for business. The new titles and offices that were created were so poorly designed that even the personnel who worked in them did not fully understand their roles and responsibilities. The percentage of evaluations that were completed in a timely fashion plummeted.

Under the 2007 “Children First” reforms, the regional offices were disbanded and replaced by five Integrated Service Centers (ISCs) and the Office of Student Enrollment, Planning and Operations (OSEPO). With principals in charge, special education program recommendations are based largely on what the school offers rather than what the child needs. When a school is found to be violating students’ Individualized Education Programs (IEPs) or ignoring federally mandated procedures, no one has the authority to direct the principal to comply with the law.

When school opened in September 2008, hundreds of children with special needs were turned away by “empowered” principals. Hundreds more endure long bus rides or arrive at school late and leave early due to consolidation of bus routes. Thousands of children are still not receiving related services or are receiving less service than they are entitled to receive. District 75 students in co-located schools are routinely denied equitable access to lunchrooms, playgrounds, libraries and other school facilities and programs. The Special Education Call Center, which is supposed to help parents navigate the system and resolve problems, can’t be reliably accessed through the NYC government hotline and when it is, it provides inconsistent or incorrect information. Not surprisingly, the number of requests for impartial hearings and mediation has soared together with the amount of money being spent on private school placements. As of the release of this report, parents and school personnel are bracing for yet another reorganization of special education, this one motivated by budget concerns.

Test Scores

The reporting of annual test scores, previously handled by the State Education Department with straightforward charts and tables, has become an occasion for self-congratulation under mayoral

control. The city has boasted of great progress for all students, but sometimes by spinning the actual results. For example, in elaborate PowerPoint presentations, the mayor and chancellor claim credit for raising 4th grade ELA scores by 15 percentage points and math scores by 28 points. But 6 points of the ELA gain and 15 points of the math gain occurred in 2002, before their reforms were instituted. In addition, they have told the public that their policies have resulted in large academic gains when in reality those gains were achieved by students across the whole state and so cannot be attributed to anything the city has done. Similarly, the chancellor says he has narrowed the performance gap between white students and their black and Hispanic peers, but independent researchers, looking at the same data, have found that these gaps have hardly moved, and in some cases widened.

Test scores under No Child Left Behind have taken on outsized importance, and this is not the fault of mayoral control. But the city has perpetuated this distortion as it uses test-score gains in defending the mayor's leadership. It has claimed great academic success even as other measures of achievement, such as the widely-respected National Assessment of Academic Progress (NAEP), showed New York City students making little progress. It has turned a deaf ear as many educators questioned the validity of the state test results and parents have objected to the outside emphasis on testing and test prep in the schools, which reduces instructional time.

Teaching to the test has also been at the expense of a well-rounded curriculum. Art, science and history instruction has been set aside to make more time for test preparation; and schools have had to sacrifice field trips, projects, school plays and science fairs.

Clearly, what is needed as a check and balance is an independent research entity to provide information to the public and verify results. The city has recently agreed to participate in an independent research alliance with academics and researchers who will evaluate student achievement. This third-party, non-partisan assessment, if truly independent, would add the kind of accountability that has been lacking under mayoral control as it is currently constituted.

Conclusion

A closer look at the Panel for Education Policy and its relationship with the central DOE in many ways crystallizes what's been missing from the school system for the last seven years. The DOE's top-down, secretive methods, coupled with the lack of an independent entity where questions and concerns about policies can be raised and objective decision-making can take place, are the most significant shortcomings of this entire model of governance.

UFT PUBLIC FORUMS ON SCHOOL GOVERNANCE

The UFT School Governance Task Force held a series of public forums early in 2008. The goal was to elicit the views of classroom educators, parents, community groups, legislators, union members and other civic, labor and public officials, make them part of a public record, and consider them in shaping our recommendations .

Many of the same concerns were echoed at each of these six public forums as had been expressed at forums sponsored by others, including the Public Advocate, City Council, state lawmakers and several universities. Hearing dates and locations were as follows:

- **Staten Island** - Jan. 17, Petrides Complex
- **Manhattan** - Jan. 22, Martin Luther King Education Complex
- **Bronx** - Feb. 7, Bronx UFT office
- **Brooklyn** – Feb. 12, Brooklyn UFT office
- **Manhattan** – Feb. 13, JHS 104
- **Queens** – Feb. 28, Queens UFT office

Several themes emerged repeatedly at each of the forums. Some of the main concerns are summarized in bold below, followed by quotes from persons who either spoke or submitted written testimony.

School Leadership Teams (SLTs) were intended to give parents a voice in decisions made by administrators on the school level, but the parent and teacher voices have been effectively eliminated.

“This administration is trying to appease parents to make them think they have a voice when they really don’t.”

- Patty Stucker, PTA parent & SLT member on Staten Island

“Give more power to the SLTs. They used to be a body that had some amount of power; now, they’ve been reduced to meaningless talk shops.”

- Peter Lamphere, teacher in the Bronx

“The public schools have a unique responsibility for children and thus an unusual responsibility to involve the parents of the children in reviewing and discussing decisions about their education.”

- Diane Ravitch, education historian

The CECs are powerless, and parents and educators are not adequately involved or informed about decisions that have been made.

“Neither school boards nor CECs are representative of parents. Fewer than 100 votes could get you on the school board. With the CECs now, one vote from a parent representative can get you on, for whatever that’s worth since they have no power. There is a need to re-establish a real role for parents.”

- Josh Karan, CEC representative in Manhattan

“Parents have no expectation of change, even after they’ve raised their concerns. That is not democracy.”

- Marion Bell, educator in East Harlem

“CECs always have problems getting parents to serve. Every couple of weeks I see the postings in the community paper seeking parents to serve. Why? They have become debating societies where the district superintendents monopolize their time.”

- Marc Trager, high school teacher in Brooklyn

“Their (CECs’) exclusion from any direct role in policy making is an insult to the parents and children these councils are intended to represent.”

- Marilyn Dashman, teacher in Brooklyn

The Panel for Education Policy that replaced the central Board of Education is a rubber stamp.

“We need an independent authority in order to have the chancellor and mayor come in line.”

- Robert Jackson, New York City Council

“We were filled with hope with the new mayor and chancellor but two areas demand change: the role of the chancellor in accountability to the community...and we need some sort of appropriate independent central board.”

- Mary Silver, parent in Manhattan

Stakeholders want someone to go to with their ideas and concerns.

“We need to go back to local control of some sort. Before, at least we knew who to call. There is no voice for parents anymore.”

- Julius Adams, teacher & parent in Queens

“When the Department of Education was established, parents were cut off from the system. When a parent had a problem, they used to be able to go to the district office, which had the knowledge and ability to do something. Now if you’re lucky enough to get somebody at Tweed on the phone, they either have no knowledge about the situation or are unable to do anything about the problem.”

- David Campbell, teacher in Brooklyn

“The local school district is the nerve center. We should keep mayoral control in place, but restore the role of the 32 school districts and re-empower the superintendents to function as intended.”

- Mark Weprin, New York State Assembly

“I know the old way wasn’t great, but at least I felt as an elected official I had someone to go to. Most disheartening is the complete disconnect between what I hear from the mayor and what I hear from you.”

- James Oddo, New York City Council

More control is needed over no-bid contracts and how private money is used.

“Mayoral control is being used as a vehicle to privatize the schools. Private money is being used to buy policy.”

- Michael Fiorello, teacher in Manhattan

“There is an over-reliance on no-bid contracts for consultants without regard for what is best for children. This is where they should be cutting the budget.”

- Marilyn Dashman, teacher in Brooklyn

There is not enough consultation or collaboration with teachers who are on the front lines of education.

“The workshop model that was forced on us limits my ability to attend to the needs of children who are performing poorly. How about holding the people accountable who come up with these crazy theories? I’ve been doing this for 19 years. How about my input?”

- Jim Sweeney, teacher on Staten Island

“In the last five years we’ve experienced too much change without any consultation from those of us in the trenches dealing with the children.”

- Delores Losapony, teacher in Brooklyn

“We went from districts to regions, and now our schools are floating around as their own entities. All these changes create great uncertainty to us as educators. When we go to look for assistance, the support is minimal. (This administration) lacks collaboration.”

- John Amato, teacher in Brooklyn

All information comes from one source and there is a lack of objective public information about schools.

“One problem with centralized education is that all official information comes from one source, which can skew information to make itself look good.”

- Dana O’Brien, student in Brooklyn

RECOMMENDATIONS TO THE STATE LEGISLATURE

In the spring of 2007, the UFT School Governance Task Force embarked on what turned out to be almost a two-year study to evaluate the current school governance structure. A significant part of that effort was input from all stakeholders – parents, educators and community members.

From the feedback of the public forums and the consensus about the need to restore public accountability to the system, we developed six cornerstone concepts that are the basis of our recommendations:

We believe an effective governance system and structure should:

- Ensure accountability and transparency with checks and balances at all levels
- Encourage public involvement in decision making
- Provide clear lines of communication and responsibility to solve problems
- Comply fully with state laws
- Support teamwork and collaboration focused on achievement
- Ensure the stability and oversight of resources on which schools depend

RECOMMENDATION:

Therefore, the task force proposes that the UFT recommend that the existing school governance law be continued, with a series of modifications to the current structure and roles at the school, district and central levels.

The following specific recommendations address those modifications.

SCHOOL LEVEL

(Including stand-alone programs)

Effective school governance fosters the engagement and involvement of all stakeholders - parents, educators and community members. They all have valuable contributions to make and should be respected. The school level is the most important point of interaction with and access for parents. Our strongest public schools are those that foster collaboration among administrators, teachers, staff, parents and the community.

The committed people who work at collaborative schools understand that they exist within the broader context of the neighborhood and community, and that every citizen is a stakeholder and resource. They also realize that effective parent engagement promotes involvement and bridges the gap between school and students' homes.

In order to develop strong parental and community involvement and collaboration that support teaching and learning, that involvement must be authentic and democratic, and there must be clear lines of communication, accountability and transparency.

SCHOOL LEVEL RECOMMENDATIONS

School Leadership Teams (SLTs)

School Leadership Teams must better fulfill their responsibility to bring educators and parents together to collaborate on decision-making at the school level. A renewed commitment to the SLT concept is necessary so schools can fully benefit from these important groups and parents can play a bigger role in the education of their children. Strengthening SLTs is essential to effective parent and community engagement, involvement and representation at the school level.

There is also a need for professional development for SLT members - administrators, teachers and parents – so they are better able to do what they want to and are supposed to do.

The role of School Leadership Teams should be in compliance with New York State and City laws, regulations and guidelines: to collaboratively determine a school's educational goals, the budget priorities to support those goals and the strategies to achieve those goals.

More specifically, their responsibilities should include creating the Comprehensive Education Plan (CEP) for a school, and consulting with and advising the principal on:

- The school-based budget
- Administrative personnel
- The evaluation of the school program.

In addition, SLTs should consult in the superintendent's rating of the principal.

Principals and Shared Responsibilities

Principals serve as the educational leaders of schools, establishing and promoting high standards and expectations for student achievement, and ensuring a safe environment for the school community to learn and work in.

Principals are also responsible for the day-to-day operation of their schools and should carry out those duties in collaboration with parents, teachers and other staff. This will ensure that mandated services such as those listed in Individualized Education Programs (IEPs) and required for English Language Learners (ELLs) are provided to meet the educational and developmental needs of students.

Recent changes in the C-30 process for the selection of principals and assistant principals that have diminished the input of parents and educators from the school community should be reversed. The level 1 committee should once again be actively involved in vetting all candidates.

The SLT and the principal should work together to ensure a safe, orderly learning environment; a collaborative, team-oriented approach to student achievement; and adequate resources for manageable class sizes, professional development, support services, facilities, curricula in all subject areas and to meet federal, state and local mandates.

Each year, as part of the Learning Environment Survey that is reflected in the school's Progress Report, parents and staff respond to questions about the job the principal is doing. In the spirit of mutual accountability, that should be expanded to include a more formal evaluation of the principal that is considered by the superintendent in rating the principal.

DISTRICT LEVEL

(Community School Districts, High School Districts, District 79 and District 75)

Some of the biggest complaints and frustrations with the current governance structure have to do with the weaknesses at the district level. Since community school district offices were essentially eliminated in 2003, several new configurations have been tried, including regional offices, integrated support centers and school support organizations. Many parents and community members complain about the difficulties of getting information or assistance. Schools protest that they can not get the simplest operational needs addressed by the current structure.

Community Education Councils are frustrated, having become largely advisory under the current administration. CECs have not been able to exercise the powers and duties afforded them under the law, including the ability to have a say in a district's budget and policies as well as school zoning and closings. As a result, interest in CECs is cursory at best.

DISTRICT LEVEL RECOMMENDATIONS

Philosophically, we approached our discussions about the district level with two core beliefs: One, the district should be a key point of access and input for parents and the community, as well as an important source of localized support for neighborhood schools. And two, a return to the flawed community school board system would not solve any of the aforementioned problems, but neither would simply keeping the largely powerless, and therefore ineffectual CECs.

Our recommendations call for a renaming and rebirth, of sorts, for the Community Education Councils (CECs), and a renewed commitment by the DOE to ensure that stakeholders have a part in the process.

In addition, we believe in the re-empowerment of community superintendents and to a limited extent, community district offices, as service points for parents.

Under the UFT plan, community superintendents and the newly renamed District Education Councils (DECs) would operate with the resources and authority intended under state law. District-level dialogues and forums focusing on performance and improving student achievement should be the norm.

District Education Councils (DECs)

In the spirit of a new beginning, CECs should be renamed District Education Councils (DECs). All community members would be eligible to be DEC members. Each of the new DECs should be comprised of nine members who serve staggered three-year terms and can be removed for cause.

Best efforts must be made to ensure that all segments of the community and all geographic neighborhoods within districts are represented on the DECs to ensure a diversity of perspectives and amplify participation. In an effort to broaden and improve the selection process for panel members, they should be chosen as follows:

- Three by a vote of presidents and officers of the parents' associations or parent/teachers associations
- Three by the borough president corresponding to such district
- Three by the city council members who represent all or part of such district

High School District Councils (HSDCs)

For high schools, nine member High School District Councils (HSDCs) should be created to represent each of the six high school districts (Alternative HS, Bronx HS, Queens HS, Manhattan HS, Brooklyn HS, and Brooklyn and Staten Island HS). All community members are eligible to serve on the HSDCs; they should serve staggered three-year terms and be removed for cause.

The proposed selection process for council members is as follows:

- Three members chosen by a vote of presidents and officers of the parents' associations or parent-teachers' associations
- Three members chosen by the borough president(s) corresponding to such district
- Three members chosen by the city council members who represent all or part of such district

It is worth noting that the uniqueness of District 75, which serves moderately to severely disabled children, requires a different approach than the aforementioned structure. We advocate that the Citywide Council on Special Education (CCSE) continue to exist in its present form, with parents serving as nine of the eleven voting members and two additional voting members appointed by the Public Advocate. We also strongly suggest that parents of students with disabilities in schools that share space should be welcomed at all community and school-based PTA meetings.

Powers and Duties of DEC's & HSDCs

The roles and responsibilities of the Community Education Councils (CECs) detailed in present law are practical and well-designed, but poorly implemented and rarely adhered to. In fact, the law is very specific in outlining powers and duties. Take for example the following responsibilities and functions of CECs pursuant to New York State Education Law § 2590-e:

- Establish educational policies and objectives consistent with policies established by the city board
- Submit an annual evaluation of the community superintendent as well as the district's Comprehensive Education Plan, district budgets, district safety plans and district policies
- Hold meetings at least every month with the community superintendent to discuss the current state of the schools in the district, during which the public may speak so that parents and the community have a voice and a public forum to air their concerns
- Approve zoning lines of elementary and middle schools in the district
- Prepare annual school district report cards

If adhered to, these powers and duties would go a long way toward improving the engagement and access of parents and the community. In addition to present law, we recommend adding the following powers and duties to the newly named DEC's:

- Allow the DEC's to make recommendations to the chancellor on the appointment of the community/district superintendent
- Allow the DEC's to hold public hearings and submit recommendations to the central board on any proposed school openings and closings, including the addition of new schools and/or charter schools to existing buildings

Community Superintendents

The powers and duties of community/district superintendents under Education Law § 2590-f are also robust, and include:

- Make decisions regarding the educational policy and budget for his/her district in consultation with the DEC
- Appoint and assign principals and supervisory personnel
- Grant tenure to teachers and rate principals
- Ensure effective implementation of individual schools' CEPs
- Evaluate, at least annually, the performance of every principal in the district in consultation with the SLT

- Retain fiscal officer(s) to monitor and report on schools' expenditures pursuant to school-based budgets
- Provide relevant data to the DEC's to encourage informed and adequate public discussion on student achievement and the state of each school within the district
- Have regular communications with all parent associations in the district and meet at least quarterly with elected officers of the parent associations

In addition, we recommend:

- Community/district superintendents should be responsible for all school-related issues, i.e. transportation, safety, placement, curriculum, medical, renewing contracts, hiring and firing.
- Working together, the superintendent and the District Education Council should ensure that mandated support services are provided to meet the educational and developmental needs of students.

The DEC's and superintendents should oversee the use of all district funds and resources for academic achievement; safe, orderly learning environments; collaborative, team-oriented approaches; manageable class sizes; relevant professional development; adequate support services; decent facilities; curricula in all subject areas; and to meet federal, state and local mandates.

District Leadership Teams

District Leadership Teams should also have a role in sharing responsibilities and accountability, serving as liaisons to individual schools and as models for SLTs. Like the new DEC's, District Leadership Teams should be representative of all stakeholders, and include parents, a superintendent or designee and members of each collective bargaining unit, as well as two students on the high school level.

CITYWIDE LEVEL

The advisory Panel on Educational Policy, which replaced the central school board, has been rendered essentially powerless – not by design, but by practice. Without a mechanism to discuss and debate priority issues and policies, the hard work and accomplishments of the last seven years have been at times marred by high profile controversies and calamities. Furthermore, with members on the panel serving at the pleasure of those who appointed them, and with the chancellor serving as the chair, the central board lacks true independence.

CITYWIDE LEVEL RECOMMENDATIONS

At the citywide level, our priority as a task force was to develop a system of checks and balances that would ensure greater shared public responsibility, accountability and transparency. The linchpins of the entire governance structure are the chancellor, the central board and their relationships with one another.

The failure has been that there is no meaningful discussion of or consideration of proposed policies, as was envisioned in the 2002 law. It was meant to be a policy board that not only voted on policies, but discussed them and worked with the mayor and chancellor on those policies.

Our recommendations call for a recasting and reshaping of the central board. More specifically, the new incarnation, known as the Citywide Education Policy Council (CEPC) would have the same policy functions outlined in present law, but its members would be appointed more broadly and serve fixed terms.

These changes would enable it to carry out its responsibilities with independence, on a fully-informed basis and in good faith, so that it can exercise objective judgment in the best interest of all stakeholders.

Citywide Education Policy Council (CEPC)

The CEPC should be comprised of 13 appointed members (see chart), each serving a three- year fixed term. Members could be removed only for cause. The board is to select its own chair.

CEPC members would be appointed according to the following structure:

- Five by the Mayor
- Five by the borough presidents (1 for each borough)
- One by the City Public Advocate (self or designee)
- One by the City Comptroller (self or designee)
- One by the Speaker of the City Council (self or designee)

THE CURRENT CENTRAL BOARD
(Panel for Education Policy – PEP)

THE PROPOSED CENTRAL BOARD
(Central Education Policy Council – CEPC)

Manhattan BP Appointee	Manhattan BP Appointee
Bronx BP Appointee	Bronx BP Appointee
Brooklyn BP Appointee	Brooklyn BP Appointee
Staten Island BP Appointee	Staten Island BP Appointee
Queens BP Appointee	Queens BP Appointee
Mayoral Appointee	Mayoral Appointee
Mayoral Appointee	Mayoral Appointee
Mayoral Appointee	Mayoral Appointee
Mayoral Appointee	Mayoral Appointee
Mayoral Appointee	Mayoral Appointee
Mayoral Appointee	Public Advocate (or designee)
Mayoral Appointee	City Comptroller (or designee)
Chancellor (Chairperson)	City Council Speaker (or designee)
	Chancellor (<i>ex officio</i> member)
13 Total Members	13 Total Members

Responsibilities of the CEPC would include providing advice and consent to the chancellor on matters of education policy affecting the welfare of the schools and their students, and ensuring that city schools are operated according to New York State and City rules, regulations and guidelines.

The CEPC would retain all of the powers and duties presently in the law (Education Law §§2590-b and 2590-g), including approving all standards, policies, objectives, and regulations

proposed by the chancellor that are directly related to educational achievement and student performance; and remaining the government or public employer of all employees.

In addition, the CEPC shall hold public hearings on the proposed expense and capital budgets, presented by the chancellor, prior to the mayor submitting either to the City Council.

The Mayor

The mayor should retain control of the school system and accountability for student achievement by:

- Selecting the chancellor
- Selecting five members of the Central Education Policy Council (CEPC)
- Retaining fiscal responsibility for city schools, with appropriate checks and balances.

The Chancellor

The chancellor should continue to be selected by the mayor. However, if the mayor proposes a candidate for chancellor who requires a waiver from the state education commissioner because he or she does not have the educational qualifications required by law, the commissioner must solicit and consider comments from the CEPC prior to making a determination on the waiver.

The duties of the chancellor are to include:

- Set education policy, with advice and consent from the CEPC
- Work with the CEPC to ensure that mandated services are provided in order to meet the educational and developmental needs of all students
- Serve as an *ex officio* member of the central board

In the spirit of shared responsibility and 360-degree accountability, parents and staff should have the opportunity each year to evaluate the job the chancellor is doing. Such an evaluation could be part of the annual Learning Environment Surveys, with the CEPC compiling and announcing the results, or the CEPC could conduct hearings and issue a report. The results should be part of the mayor's considerations in deciding whether the chancellor should be retained or replaced.

LEGAL ACCOUNTABILITY

As described herein, many aspects of the 2002 law have not been implemented or are ignored. We believe there has to be a mechanism for challenging the actions or inactions of the DOE and seeking redress, rather than waiting for the next election or the next legislative review.

Therefore, we recommend if the Department of Education fails to abide by the terms of the statute, a complaint may be filed with the state commissioner of education, who shall expeditiously investigate and determine whether the complaint is valid. If the complaint is upheld, the DOE will be ordered to comply with the law.

If further complaints about violations of the same provisions are received by the commissioner, the commissioner shall appoint an independent monitor to investigate and report to the commissioner on whether violations are occurring. The monitor shall also attempt to gain compliance. The monitor will report the findings to the Commissioner on his/her findings within 30 days. The report shall be made public and an Article 78 court proceeding can be brought to enforce the order of the state education commissioner and further compel the DOE to comply.

SUNSET OF THE LAW

A sunset provision allows for a law to be repealed unless legislative action is taken to extend it. The 2009 sunset of the school governance law is a powerful accountability and oversight measure, and it gives the state legislature a practical and constructive means for reviewing and retooling the law. We recommend the sunset provision should continue to exist, with a sunset of the law every six years.

ACKNOWLEDGMENTS

The UFT Governance Task Force would like to express its sincere thanks and appreciation to Randi Weingarten, without whom this report would not have been possible.

The UFT would like to recognize and thank the task force chair Emil Pietromonaco and co-chairs Carmen Alvarez and Teresa Anderson for their hard work and dedication.

The following UFT members and staff devoted a great deal of their time and energy to the work of the task force:

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