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**REPORT BY THE COMMITTEE ON EDUCATION AND THE LAW
REGARDING MAYORAL CONTROL OF THE
NEW YORK CITY SCHOOL SYSTEM**

As a non-partisan organization devoted to the rule of law, the New York City Bar Association has a keen interest in ensuring that New York State and New York City provide the constitutionally mandated “sound basic education” to all New York City school children. Our members are parents, advocates, and citizens, each concerned about the future of this City. On behalf of the Association, we write to offer some principles and ideas that the Legislature should consider as it debates the future of mayoral control of the New York City school system. This past year, the Association has watched the debate surrounding mayoral control carefully and co-sponsored a well-attended forum with the League of Women Voters of New York City. At that forum, we heard from both supporters and opponents of the current system.

First and foremost, we believe that promoting the values of accountability, transparency and parental involvement are fundamental to the success of the New York City schools. To that end we support the central role and responsibility of the Mayor in the governance of the school system. The Mayor’s role at the center of city government and as the most prominent citywide elected official combined with clear responsibility and authority for the success or failure of the schools ensures that education results are now the center of any election campaign, providing direct accountability.

We believe that holding the Mayor accountable for the success or failure of the schools ensures that the Chancellor and the Mayor will work together on policy and funding, rather than at cross-purposes as was so often the case in the recent past. Therefore, we support plans that provide that the Mayor appoints the Chancellor. We also support retaining the Mayor’s ability to appoint a majority on the Panel for Education Policy, with the remainder to be selected by others. We further support a role for the Panel that is advisory and consultative, and suggest that certain of the members be parents and that the members of the Panel play an active and public role in discussing educational policy, while leaving final operational and policy decisions in the hands of the Chancellor and the Mayor. Whatever final structure is developed must afford a measure of respect to the opinions of the members of the Panel, who should be a distinguished group of citizens with experience in education policy.

As lawyers, we know that any decision requires a full understanding of the facts and the law underlying it. Therefore, accountability works best when accompanied by transparency and full information. We are encouraged and hope that the success of New York City schoolchildren on the recent statewide reading and math tests reflects a new pattern of achievement. We believe that accurate data is fundamental to accountability. The repeated controversy over the interpretation of test results, in the absence of independent verification of the data, illustrates that

basic numbers remain a focus of struggle rather than celebration. Therefore, we support an independent agency, either the Independent Budget Office or some other entity, being given the power to review educational results to ensure that the basic numbers are fully verified and understood by all.

Similarly, we support efforts to make the Department of Education more accountable for the money it spends. The Association has long supported the need for New York City schoolchildren to receive a fair share of education funding. The funding increases of the last few years were welcome. However, they must be spent wisely and appropriately. Therefore, we support efforts to regulate procurement policies and ensure that contracts are awarded consistent with regulations that govern other city spending.

Finally, parental involvement and democratic participation are important values. We agree with efforts to find meaningful ways for parents to advocate, be consulted and influence important decisions being made about their local schools. In furtherance of attracting a greater degree of parental involvement and input, the structure of the city school system should provide for some level of control and oversight that is closer to the schools than the larger regions that exist currently, either through the existing superintendents or some other structure. While we recognize that the Chancellor (and the Mayor) will have ultimate responsibility for allocation of resources and other reforms, in a City as large and diverse as ours, parents should have the opportunity to voice concerns at a more local level.

June 2009