

# MAYORAL CONTROL OF NEW YORK CITY SCHOOLS



FINAL REPORT OF THE  
NEW YORK STATE EDUCATION DEPARTMENT  
PURSUANT TO CHAPTER 364 OF THE LAWS OF 2022  
AS SUBMITTED TO THE GOVERNOR AND LEGISLATURE



# MAYORAL CONTROL OF NEW YORK CITY SCHOOLS



New York State Education Department  
89 Washington Avenue  
Albany, NY 12234

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MESSAGE FROM DR. BETTY A. ROSA  
COMMISSIONER OF EDUCATION  
PRESIDENT OF THE UNIVERSITY OF THE STATE OF NEW YORK

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To the Honorable Kathy Hochul, Governor of New York; the Honorable Andrea Stewart-Cousins, President Pro Tempore and Majority Leader of the Senate; and the Honorable Carl Heastie, Speaker of the Assembly:

I am pleased to submit the New York State Education Department's report concerning mayoral control of the New York City public school system, as required by §8 of Chapter 364 of the Laws of 2022.

This report—which includes detailed analyses, findings, and recommendations—has been meticulously crafted by a dedicated team and represents the Department's commitment to fulfilling our duties with rigor and fidelity. I trust that the information contained in this report will be helpful as you continue to make informed decisions for the betterment of the New York City public school system and all of its students.

This endeavor would not have been possible without the dedication of over 100 State Education Department staff and volunteers. I am exceptionally grateful to each of these individuals for their unwavering commitment to the students and families of New York.

I would also like to extend the Department's deep appreciation to the NYCDOE staff, building principals, and school safety officers in each school that facilitated and hosted the mayoral control hearings. Thank you for providing a safe and secure atmosphere for the public to participate.







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LEGISLATIVE MANDATE  
§8 OF CHAPTER 364 OF THE LAWS OF 2022 (S.9459/A.10499)

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§8. 1. The commissioner of education shall conduct a comprehensive review and assessment of the overall effectiveness of the city of New York's school governance system. Such review and assessment shall include a study of school governance models and best practices utilized by other school districts. The commissioner of education shall contract with an institute of higher education to assist in conducting such review and assessment.

2. The commissioner of education shall hold at least one public hearing in each borough of the city of New York and engage and solicit input from a broad and diverse range of stakeholders and other interested parties, including but not limited to students, parents, teachers, administrators, staff and individuals with experience and expertise in education policy and school governance.

3. The commissioner of education shall issue a report to the governor, the temporary president of the senate, and the speaker of the assembly of its findings and recommendations.

# Preface

On June 30, 2022, Governor Kathy Hochul signed into law bill S.9459/A.10499 to “extend[] and update[] provisions of governance of the City School District of the City of New York...”<sup>1</sup> As summarized in both sponsors’ accompanying bill memos—the law “extend[ed] provisions of mayoral control of the New York City School District for an additional two years until June 30, 2024,”<sup>2</sup> and “[made] reforms to NYC school governance to provide parents with a greater voice and more input in educational decisions and ensure that New York City is more responsive to the concerns of parents.”<sup>3</sup>

In addition, §8 of the enacted legislation required the New York State Education Department (NYSED or “the Department”) to “conduct a comprehensive review and assessment of the overall effectiveness of the city of New York’s school governance system.”<sup>4</sup> The legislation charged NYSED with three distinct responsibilities:

1. Contract with an institution of higher education to conduct a comprehensive review of governance of the New York City Department of Education and study school governance models and best practices;

2. Hold public hearings in each borough of New York City to engage and solicit input from a broad array of stakeholders—including students, parents, teachers, administrators, district and school staff, and experts of the public with expertise in education policy and school governance—with respect to their experiences with mayoral control of the New York City school system; and
3. Issue a final report synthesizing findings from the studies and the public hearings to the Governor and Legislature.

This report represents NYSED’s fulfillment of these requirements.

The design of this study was carefully chosen to align with the legal framework above. Part One reviews and synthesizes a wide and deep breadth of educational scholarship and reporting as related to mayoral control of school systems broadly, and—more specifically—New York City’s implementation of mayoral control as governed by New York State law. Part Two summarizes key themes and findings based on direct input from the public—including students, parents, teachers, school administrators and staff, individuals with experience and expertise in education policy and school governance—“on

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1 Kathy Hochul, “Approval No. 10 of 2022,” June 30, 2022, New York State Legislative Retrieval System.

2 Assembly Introducer’s Mem in Support of 2022 NY Assembly Bill A10499.

3 Senate Introducer’s Mem in Support, Bill Jacket, L 2022, ch 364 at 6.

4 Ch 364, L 2022.

their experiences, assessments, and/or review of the mayoral control system of New York City schools.”<sup>5</sup> The overall findings and recommendations of this report immediately follow this preface.

Under the direction of dedicated NYSED project staff, the Department collaborated with researchers at the CUNY School of Law to develop this report. Led by Professor Natalie Gomez-Velez, the research team at the CUNY School of Law was selected based on their research expertise in education, law, governance, and procedure. Moreover, Professor Gomez-Velez has extensive professional experience with New York State and New York City education, having served on the New York State Board of Regents and as the Bronx representative on the New York City Panel for Educational Policy. Her qualifications made her uniquely suited to lead the academic portion of this report.

The Department also selected WestEd, a leading education research and service organization in the United States, to perform a formal analysis of the public’s spoken and written testimony on mayoral control. WestEd has worked with New York State and New York City public schools on a variety of research and technical assistance projects over many years. WestEd’s broader work includes leading multiple federally funded regional and national research and technical assistance centers, including the Region 2 Comprehensive Center, which directly provides support to the state education agencies and school districts in New York, Connecticut, and Rhode Island.

Part One of this study provides an extensive review of New York City school governance, with a focus on mayoral control from 2002 to the present. This section also examines school governance models and best practices, including comparative examples of mayoral control governance structures in other large cities across the United States. This work is based on a synthesis of scholarship that includes over 67

books and book chapters, over 165 journal articles and reports, and other sources, including legislation and New York State policies.

Part Two of this study is based on direct feedback from the public “on their experiences, assessments, and/or review of the mayoral control system of New York City schools.”<sup>6</sup> Beginning in late November 2023, the public was invited to provide feedback to the State Education Department in one of two ways: (a) by providing oral testimony at one of five public hearings in New York City—one in each borough—and/or (b) by submitting written electronic testimony to NYSED. NYSED’s written testimony portal opened to the public on November 27, 2023, and closed 65 days later on January 31, 2024.

The dates and locations of each public hearing were as follows:

- December 5, 2023 (Bronx): DeWitt Clinton High School
- December 18, 2023 (Queens): Thomas A. Edison CTE High School
- January 11, 2024 (Brooklyn): Boys and Girls High School
- January 18, 2024 (Manhattan): High School of Fashion Industries
- January 29, 2024 (Staten Island): New Dorp High School

To help ensure broad access and public participation, each borough’s hearing location was selected based on its centrality and accessibility via public transportation. ASL interpretation and language translation services were available to all attendees, and each hearing was broadcast live in 11 languages. Live human captioning was also available with each livestream. Recordings of each hearing are available on NYSED’s website.

For each hearing, each person seeking to provide oral remarks was required to register in advance.

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5 New York State Education Department. “Dates and Locations Set for Public Hearings on Mayoral Control of New York City Schools.” NYSED press release, November 7, 2023. On the NYSED website. <https://www.nysed.gov/news/2023/dates-and-locations-set-public-hearings-mayoral-control-new-york-city-schools>, accessed on March 19, 2024.

6 Ibid.

Registration closed 48 hours in advance of each hearing or whenever all available speaking slots were filled, whichever came first. Public remarks from members of the public who lived or worked in each respective borough were prioritized. All oral testimony was limited to three minutes per speaker, and presenters testified in the order of their arrival at the hearing.

NYSED’s efforts to solicit public input for each mayoral control hearing were extensive. In addition to 10 press releases and media advisories announcing opportunities for public participation, NYSED specifically invited the following groups prior to each hearing, requesting that they forward the hearing information to other relevant stakeholders:

- Every New York City superintendent and building principal in each borough (more than 1,600);
- The New York City Mayor’s Office;
- NYCDOE leadership and staff;
- Each Borough President’s office;
- Local education stakeholder organizations, including the United Federation of Teachers (UFT), the Council of School Supervisors & Administrators (CSA), and the Conference of the Big 5 School Districts;
- Statewide education stakeholder organizations—including the New York State PTA (NYSPTA), New York State United Teachers (NYSUT), and the School Administrators Association of New York State (SAANYS);
- All members of the Panel for Educational Policy (PEP) and New York City Council Education Committee;

- All Assemblymembers, Senators, and New York City Councilmembers in each respective borough;
- All Community Education Councils (CEC) in each respective borough;
- Public and private institutions of higher education in each respective borough (approximately 50 in total), with requests to forward the hearing information to any relevant stakeholder groups interested in participating; and
- Community-based organizations in each respective borough, with requests to forward the hearing information to any relevant member groups in their organizations interested in participating.

In total, NYSED received hundreds of oral and written testimonies from members of the public on their “experiences, assessments, and/or review of the mayoral control system of New York City schools.”<sup>7</sup>

Immediately following this section are the report’s overall findings and recommendations. As with any complex topic—let alone a consequential one affecting the educational experiences of nearly one million children and their families—meticulous and unbiased consideration of all evidence and feedback was prioritized throughout the research process. This report strives to provide as accurate an analysis of mayoral control of New York City schools as possible. It is the Department’s hope that this report serves policymakers, researchers, stakeholders, and the public now and in the future.

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7 New York State Education Department. “Dates and Locations Set for Public Hearings on Mayoral Control of New York City Schools.” NYSED press release, November 7, 2023. On the NYSED website. <https://www.nysed.gov/news/2023/dates-and-locations-set-public-hearings-mayoral-control-new-york-city-schools>, accessed on March 19, 2024.



# Overall Findings & Recommendations on New York City Mayoral Control

For decades, New York City public school governance has been actively debated. At the heart of the debate is how centralized and decentralized governance structures determine and implement public education policy and the role various stakeholders should have in such decision-making structures. Since 2002, New York City has operated under a centralized model known as mayoral control. The law authorizing New York City mayoral control will expire in June 2024. To help inform its consideration of whether or how the authorizing statute should be renewed, the legislature tasked the New York State Education Department with conducting a comprehensive review of New York City’s school governance system, which is the subject of this report.

## HISTORY OF MAYORAL CONTROL IN NEW YORK CITY’S PUBLIC SCHOOLS

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For most of New York City’s history, its public schools were governed by a central board of education appointed by the mayor and local boards appointed either by the mayor, the central board, or other municipal officials. In contrast, most U.S. and New York State public schools are governed at the local level by elected school boards. In the 1960s, community organizers of color who were deeply concerned about inequalities in the city’s public schools advocated for greater representation and community control of public schools. As a compromise response, the New York State Legislature decentralized New York City school governance, resulting in a system in which 32 local elected school boards and a seven-member

central board staffed with mayoral and borough president appointees governed the schools. That system soon drew complaints about public school performance, corruption, and a lack of accountability, prompting calls for mayoral control of public schools.

In 2002, the New York State Legislature granted the mayor of New York City control of the city’s public schools. The original law created a 13-member board of education (“BOE”), also known as the “Panel for Educational Policy” (“PEP”), with eight members appointed by the mayor and one member appointed by each of New York City’s five borough presidents.

As detailed more fully in Section I of the report, the initial mayoral control law was amended eight times between 2003 and its most recent version, which passed in 2022. The amendments sought to address concerns about transparency, representation, and participation. For example, the amendments created community education councils (CECs) as district-level advisory authorities whose members include elected parent representatives and appointed student and borough representatives. The law provided for school leadership teams (SLTs) to support shared decision-making at the school level. The PEP has expanded over time from 13 to 15 to its current 23 members, 13 of which are mayoral appointees, maintaining a majority of mayoral appointees throughout. Other amendments to the mayoral control law added CEC representation on the PEP and created and reconfigured advisory city-wide councils for special education, English language learners (ELL), high schools, and District 75 special education students.

This report encompasses a literature review and a synthesis of public testimony submitted to NYSED centered on public school governance under mayoral control. The literature review includes a summary of New York City school governance under mayoral control, a description of public education goals and theories of governance, reviews of studies of mayoral control school governance, and examples of public school governance in seven other large U.S. cities. The themes that emerge from the literature review are echoed in the oral and written testimony submitted to NYSED in December 2023 and January 2024.

The question for New York City—as with other large cities—is not whether a mayor should be active in and supportive of public education. Rather, the question concerns the manner, extent, and balance of mayoral governing power over education and the role that school leaders, educators, parents, and other key stakeholders play in governing the largest public school district in the U.S. Ultimately, it is up to the state and city to determine what model best meets student, parent, and educator needs given factors such as the city’s political culture, interest groups, state/local relations, the legal foundation of city government, and what has been learned from the history of school governance in New York City and elsewhere. These determinations must consider the purposes of public education and the goals of public school governance.

#### PURPOSES AND GOALS OF PUBLIC EDUCATION AND GOVERNANCE

Public education is often understood as advancing at least three related but distinct purposes: education for democracy; education to develop full human potential; and education to prepare people to engage competitively in and contribute to the economy. The goals of public education governance are related to these broad purposes and help shape how those purposes translate into practice. As the report details, these education governance goals can be framed around the four “E”s: educational outcomes, equity, efficacy, and engagement.

Improving educational outcomes is a central goal of any educational governance system. Student test scores and graduation rates are typically used to measure student achievement. Some reports have aimed to tie these outcomes to mayoral control governance. However, the literature reveals a mixed picture and inconclusive results. Data issues, including changes in test content, scoring, and graduation requirements, as well as the impact of poverty and other structural issues, often cast doubt on the reliability of comparisons of student performance. Researchers report no consensus about whether any specific form of public school governance leads to sustained improvements in student performance.

Fostering equity is another foundational goal of educational governance, particularly along the lines of race and class. Some have identified persistent inequity and the harmful and enduring impact of race- and class-based segregation as the most significant challenge facing urban public education in the United States. Studies have concluded that New York City public schools are among the most segregated in the country and that access to high-quality schooling is inequitably distributed.

Strengthening efficacy is another prominent public school governance goal. Ensuring the effective use and allocation of resources is often discussed in terms of accountability and transparency. Checks and balances to guard against the misuse of resources are key to any governance structure, regardless of whether power is vested in community-based or centralized government or with private entities.

Another critical governance goal is effective engagement of key stakeholders and the public. This includes educators, school leaders, parents, students, local community members, government leaders, advocates, researchers, and the business community. Meaningful input into educational decisions is seen as essential to educational governance’s effectiveness.

#### GOVERNANCE MODELS

Nationwide, school systems have adopted a variety of governance structures and models to achieve



these goals. Although most U.S. public school systems are and have been governed by locally elected school boards, a trend toward establishing mayoral control in large U.S. cities developed in the mid-1990s. This trend paralleled the growth of privatization-centered models of education reform, including charter schools and voucher programs. The term “mayoral control” encompasses a range of school governance structures that span a continuum from stronger to weaker control on the part of mayors, relative to other stakeholders and governance participants.

The arguments for and against mayoral control from the literature are summarized in Section II of the report. After describing the history of mayoral control in New York City, the report summarizes the experience of mayoral control in the following cities: Boston, Chicago, Detroit, Philadelphia, Washington, D.C., Los Angeles, and Yonkers.

Among the seven cities studied that have adopted or considered mayoral control, a number of approaches and formats have emerged. The approaches include structures in which the mayor appoints all school board members; the mayor selects school board candidates from a list generated from a nominating committee; the mayor appoints officials, whether the chancellor, a superintendent, or the governing board members, subject to approval by another entity such as the city council; and the mayor exercises informal power to bring stakeholders together for school reform, among others.

#### PUBLIC TESTIMONY

The public’s views from spoken testimony and written comments, coupled with the literature review, are summarized in this report and confirm the importance of governance in the context of broader public education purposes and school governance goals. Decisions about specific school governance design should reflect local factors; the context, including the history of education policy and governance in New York City; the role of interested parties, including educators, parents, teachers’ unions, business interests, community members and students; fiscal conditions; and the legal context for

the governance structure within the state. Tradeoffs are inherent in designing any governance structure, including mayoral control models. From one city to the next, school governance models evolve and change over time, balancing the competing priorities that are explored in this report.

The following 10 findings emerge from the review of the public hearing testimony, written comments, and the synthesis of the extensive literature on school governance. Specific recommendations made by the public for addressing the issue of mayoral control follow these findings.

## Findings

### **1. The public testimony and written comments offered varying perspectives on mayoral control, with the majority of testimony calling for reforms with the purpose of creating more avenues for greater representation, community input, and shared decision-making.**

The majority of public testimony called for some measure of reforms to the governance system of New York City public schools, ranging from modifications to a complete removal or phase-out of mayoral control. Some constituents found the existing governance system to be effective in its current form. Few called for a total return to the pre-mayoral control structure of local school boards.

A significant portion of the public testimony presented nuanced recommendations that sought modifications to the balance in representation around decision-making, regardless of the continuation of mayoral control. Constituents frequently spoke about the limitations of the PEP, given that the majority of members are mayoral appointees, and the limited power of CECs and SLTs in the current system. Many presented the opinion that mayoral control should be phased out or modified in favor of some form of a representative decision-making body, with this process

informed by the experience of other large cities that have transitioned away from mayoral control.

Members of the public who spoke and wrote in favor of continued mayoral control portrayed the centralized governance structure as conducive to efficient, consistent, and transparent distribution of resources and policy implementation and oversight. They also praised “mayoral accountability” as a structure that ensures that constituents have a democratically elected executive to whom they can appeal and hold accountable for education outcomes. Despite these differing views, there was broad agreement in the public testimony that reforms to the current structure are needed to ensure that a diversity of viewpoints is represented in educational decision-making regarding New York City’s public schools.

## **2. Compared with similar school systems reviewed in this report, New York City’s public school governance model grants the most power to the mayor, closely followed by Yonkers.**

In New York City, the PEP has 23 members, of which 13 are appointed by the mayor. The mayor appoints the chancellor. Other cities employing mayoral control require additional input, which may serve as a check and balance on the mayor’s power. Some U.S. cities require appointments to the board of education to be drawn from lists of names submitted by a nominating panel composed of members of designated stakeholder groups, such as parents, teachers, principals, and union and business representatives. Others require certain mayoral appointments to be approved by the city council. For example, in Philadelphia, the mayor appoints all nine members of the board of education from lists of names provided by a nominating committee, subject to the advice and consent of a majority of all members of the city council after a public hearing. Boston’s governing school committee also is selected from names put forth by a nominating panel. In the District of Columbia, the mayor’s appointment of the chancellor is subject to city council approval, and a nominating panel assists the mayor in selecting the chancellor. Like New York City, the mayor of the city of Yonkers, NY also appoints school board members,

though those members serve for staggered terms. In contrast, in Los Angeles, which always has had an elected board despite efforts to institute mayoral control, the mayor exerts informal power through other forms of influence, such as endorsing and supporting candidates with shared education policy views.

## **3. The majority of public school systems in the United States follow an elected board/superintendent structure rather than an appointive system under mayoral control.**

The vast majority of U.S. public schools are governed by elected school boards. After a shift in which a number of large U.S. cities, including New York City, adopted mayoral control governance in the late 1990s and early 2000s, some have shifted away from mayoral control. For example, Detroit returned to an elected board after moving away from mayoral control in 2004, although the district was governed by an emergency financial manager appointed by the governor from 2009 through 2020. Chicago is in the process of returning to an elected school board through legislation enacted in 2021 that became effective in 2022. In Boston, a non-binding ballot measure in November 2022 revealed that a majority of Boston voters preferred an elected school board, but the mayor vetoed legislation that laid out a timetable for phasing in an elected body that included a voting student member.

Experts debate whether publicly elected or mayor-appointed school boards provide more opportunity for the public to have their voices heard. School board elections appear to promote democratic engagement by local communities of parents and educators but historically have had lower voter turnout than mayoral elections. Studies indicate that those who vote in school board elections have been mostly White and that many do not have children enrolled in local public schools. At the same time, an appointed board may lack incentives to seek parental or local community input since board members do not need electoral support.

**4. The majority of public hearing participants said they do not feel heard or included in the New York City public school system’s decision-making processes.**

The process by which New York City public school leaders make decisions, respond to input, delegate responsibility, and channel decisions was discussed frequently in both spoken and written testimony. For example, members of CECs and SLTs described a lack of autonomy in meeting unique needs within their local school contexts or to influence the direction of the PEP.

Many teachers testified that they sought greater acknowledgment of their expertise in understanding and addressing the needs of their students within their unique school contexts. Teachers, sometimes expressing frustration, asserted that curriculum and instructional decisions were made without substantive educator input by politicians without education expertise. As one teacher from the Bronx said:

*“Mayoral control can lead to a top-down approach where decisions are made at the higher administrative levels and pushed down to schools. This does not take into account the context specific insights that we as educators possess from our direct experience with students. Our expertise should be valued and play an active role in shaping curriculum, policies, and instructional strategies as well as decision-making. Decisions made at the mayoral level may not align with the day-to-day realities that we face in the classroom.”*

Researchers who study school governance echo these concerns. For example, some emphasize the importance of inclusive and meaningful engagement in public school governance, which is only possible when there is reasonable equality among participants. Parents and community members have critiqued a lack of transparency and insufficient input under strong mayoral control structures. Although teachers’ unions initially supported some shifts to mayoral control, many have critiqued appointed boards under strong mayoral control governance. Yet some argue that centralized, appointed governance structures are less politicized and, therefore, more efficient than elected boards.

**5. Most public hearing participants testified that the centralization of decision-making authority in the mayor and chancellor results in a “one-size-fits-all” approach at the expense of local needs, conditions, and desires. The scale of the New York City public school system requires governance that is sensitive to variation in local community needs.**

Many public hearing participants questioned whether the “one-size-fits-all” approach of mayoral control can equitably meet the goals of a diverse education system and can adequately address the needs of the most vulnerable.

The teachers maintained that centralized control of significant decision-making diminished their ability to shape key decisions at their schools. They called for a governance system that features accountability, equity, and local expertise with more representative decision-making processes. Given the vast size and variation of student needs within the New York City public school system, teachers, parents, and other constituents suggested that the structure should change to support greater local flexibility as well as decision-making processes that meaningfully incorporate local input.

As one teacher expressed via spoken testimony in the Bronx:

*“Mayoral control doesn’t speak to equity, it doesn’t speak to differentiation in different buildings, it doesn’t give us insight and the ability to change things on the spot uniquely for individual students, and it certainly doesn’t represent communities as a whole.”*

**6. Public hearing testimony and written comments expressed concerns with the lack of checks and balances and transparency in decision-making, given the current PEP structure that gives disproportionate voice and voting to mayoral appointees.**

The public testimony included numerous pleas for “checks and balances” to the centralized decision-making power offered by mayoral control. This was frequently characterized by calls for reforms

to the composition of the PEP. The sentiment that was expressed was to meaningfully incorporate the perspectives of educators, parents, students, and other community members to counterbalance mayoral appointees who were described as lacking education expertise and voting in lockstep with the administration. When making suggestions to revise mayoral control, the public described a lack of accountability to local school communities. Expressing concerns that the PEP lacks integrity, the public raised concerns about unchecked decision-making regarding curriculum and education policies, supplanting education funds, and steering public dollars toward allied private entities.

Some non-mayoral appointees on the PEP who provided testimony expressed frustration that their service on the panel appeared to be nothing more than a formality. Members of CECs and SLTs described an absence of opportunities for authentic collaboration with the PEP. Community members described providing input at PEP meetings that was summarily dismissed, even in cases of fierce community opposition to decisions around issues such as school closures and co-location with charter schools; they noted CEC members' limited roles with respect to school zoning, school locations and school boundary decisions.

Researchers who study school governance regularly emphasize the importance of necessary checks and balances. A mayor can have too much influence over an appointed board. Without checks or balances, a mayoral-appointed school board can be reduced to a city agency rubber-stamping a mayor's agenda, which may not provide effective oversight. Although some argue that "centralized accountability" and clear educational "standards and templates" are vital to ensuring checks and balances, others maintain that locally focused or mixed models that include oversight at different levels, including by parents, educators, and community members, can be more effective. Regardless, clarity about the lines of responsibility and accountability are key.

## **7. Some studies and examples suggest that mayoral control can attract resources, increase efficiency, and reduce corruption and bureaucracy. Yet other studies and examples have found persistent issues with inefficiency and the misuse of resources.**

Arguments addressing the efficacy of mayoral control governance structures indicate that mayoral control may promote efficiency but by itself will not prevent self-interest and waste. Although some studies indicate that mayoral control can attract resources, increase efficiency, and reduce corruption and bureaucracy, other studies and examples note persistent issues with self-interest and inefficiency. For example, some studies of mayoral control have noted improvements in attracting revenue and in focusing expenditures on schools and students. Others indicate that mayoral initiatives may improve bureaucratic efficiency by reducing expenditures on general administrative purposes. Mayoral control has been associated with improvements such as balanced budgets, improved relationships with teachers' unions, and the ability to leverage and combine services for children. Mayoral control also has been associated with increased accountability and effective resource management.

In some cases, however, mayoral control regimes have been plagued by self-interest and have had resources diverted away from schools, students, and classrooms. Some administrations governed under mayoral control have faced corruption charges. In addition, observers note that mayoral control and similar governance models often usher in market-oriented reforms that outsource significant public education dollars to private entities through purchasing and service contracts and other methods. Some scholars have documented the influence of wealthy political donors and philanthropists in shaping education reform centered on school choice and privatization and the role of mayoral control in facilitating such efforts.

**8. Most public hearing participants raised concerns that placing authority over New York City public schools in the hands of a single elected official contributes to a lack of continuity in policies and programs.**

The public testimony noted that four-year election cycles disrupt programming as successive administrations roll out their education agendas. Rather than focusing on teacher practice and student learning, educators are constantly responding to changing priorities, learning new curricula, and implementing roll out plans at the expense of classroom learning time. Those teachers who provided public testimony specifically expressed fatigue at the number and pace of new reforms they had to adjust to. They also testified that changing policy agendas made it difficult to maintain consistent programming and resulted in lost classroom learning time. The public noted that reforms often feel politically motivated based on the priorities of new administrations, rather than based on prior evidence of effectiveness or the best interests of students. As a result, there is a perception that the current structure results in a significant amount of lost effort, expertise, and resources. One parent from Manhattan articulated this as follows:

*“Whenever there is a new mayor, the complete DOE leadership is removed and replaced by supporters of the new mayor. Programs that were started during the previous administration are not guaranteed to be continued, even if they are successful. Lots of money, expertise and resources [are] lost during this process. I am saddened how PreK programs are struggling and underfunded, despite the overwhelming success. I am even more saddened that 3-K programs may never fully take off.”*

The public testimony also makes clear that students often bear the brunt of these consequences. Many educators specifically pointed toward decisions to adopt specific literacy curricula that many are concerned will increase, rather than decrease, the achievement gap. As one parent/caregiver from Brooklyn expressed in written testimony:

*“We want our teachers investing in improving the quality of the education our kids are getting, not constantly reacting to top-down decisions. Due to the timeline of mayoral control, districts, schools, educators and students spend the majority of their time responding to changing initiatives. Rather than deepening their work, engaging in meaningful reflection, and taking the time to assess for impact, communities are constantly forced to respond to changing priorities.”*

Constituents also provided examples of promising programs that may have positively impacted students if given more time, only to be discontinued under a new administration. For instance, constituents linked recent budget cuts enacted under the current administration with the loss of programs intended to support high-need students, such as academic supports, counselors, 3K and PreK programs, and after-school programming.

**9. Research indicates that there is no conclusive relationship between school governance structures and student achievement (e.g., ELA and math scores)**

Reports of improvements in student educational outcomes under mayoral control have not been consistent across grade levels or across cities and have not been sustained over time. Mayoral control has not been found to reduce race- and class-based achievement gaps.

The issue of how educational outcomes are measured is fraught: Although students’ ELA and math test scores and even graduation rates typically are referenced as key measures of student achievement and attainment, those metrics may be skewed by factors including policy changes, testing limitations, and structural inequality and may not be an accurate reflection of the success or failure of a particular governance model or educational approach.

Researchers report no consensus about whether any specific form of public school governance leads to better student performance. Some studies found a positive association between districts with mayoral

control and investment in teaching staff, greater spending on instruction, and improvements in student performance, particularly in the early years of mayoral governance. However, causality has been difficult to establish; studies have been unable to attribute improvement in student performance to mayoral control.

The research team noted a drop-off in the volume of studies and commentary after the mid-2010s. As a result, there is less recent data analyzing the longer-term impact of governance reform in those cities that adopted strong or moderate mayoral control models in the 1990s.

**10. There is little evidence that any governance structure has reduced longstanding inequities in educational access and attainment among students.**

Some have argued that a mayoral control school governance structure allows more latitude to address inequity in public schools. However, there is little evidence that equity initiatives under mayoral control have worked. For example, in some cities, including New York City, mayoral-supported initiatives such as those expanding school choice and school competition, which were posited to provide greater access to quality schools, did not successfully close opportunity and achievement gaps. Such models did not eliminate the barriers low-income families and students of color face in exercising true choice and achieving equal access to high quality schools. To the contrary, the public testimony raised concerns about the inequitable impacts of decisions made under the current mayoral control structure. Moreover, some constituents expressed doubt about the current structure's effectiveness in addressing the equity issues faced by local communities.

Inequities in school funding were often raised by the public, noting variation across school communities. For example, a number of students need to be bussed to more highly resourced schools to have their learning needs adequately addressed. Some constituents voiced the belief that Black and Brown students' schools are being defunded, relocated, and closed and that their communities are being disempowered.

The issue of co-located charter schools was also frequently described as exacerbating inequities while undermining school culture. In addition, educators spoke of the challenges of meeting the needs of large numbers of newcomer students with limited staff and budgets.

## Recommendations Based On Public Feedback

The findings above reflect the information that was collected through the combination of reviewing the literature in this area and the synthesis of what was learned through the public comment process. In many respects, the two approaches to collecting information were mutually reinforcing; the experiences of other cities align with the way in which the New York City public expressed its views on mayoral control of the public schools.

To further distill the findings, four recommendations provided by the public for next steps are presented below. The fourth—a process recommendation—encapsulates the suggestions made by numerous members of the public to explore options and transitions in mayoral control policy to move forward; other cities have adopted this approach, as noted in the literature review.

**1. Empower student, parent, and teacher expertise in the New York City school system.**

The public, both through their testimony and written comments, recommended strengthening the roles of CECs and SLTs in relation to both local decision-making and collaboration with the PEP. The recommendation seeks to elevate the roles and responsibilities of these groups with locally elected and appointed members who see schools from the perspective of their local community and children. Teachers as well called for holding up their expertise

through stronger representation in local school-site decisions. Significant support for greater decision-making authority at the local level and greater voice through the PEP was a consistent theme.

## **2. Create more avenues for meaningful deliberation and shared decision-making.**

A significant number of constituents both for and against the continuation of mayoral control recommended revising the balance of the PEP to reduce the number of mayoral appointments and strengthen representation from education leaders and the communities they serve. A frequent suggestion involved making improvements to the structure of the current PEP, regardless of whether mayoral control continued. This stems from public hearing testimony and written comments stating that constituent representation through the PEP is ineffective. Two additional details supported this set of comments. First, the PEP members who are appointed by the mayor are not accountable to members of the public in local school communities. Second, the PEP members not appointed by the mayor make up a minority voice on the PEP, having little leverage on major decisions.

## **3. Ensure more accountability and transparency with an introduction of stronger principles of checks and balances in the governance system.**

Most constituents called for a more distributed approach to public school governance but recognized that the previous model prior to 2002 could exacerbate existing inequities in the system.

Regardless of the specific governance model suggested, constituents agreed that broadening participation and ensuring a diversity of viewpoints in educational decision-making should be a primary goal of the new governance structure. The information gathered from public hearing testimony and written comments illustrated that parents and community members involved in the CECs and SLTs believed their participation had little impact on decision-making processes, notwithstanding the significant time commitments and burden associated with these committee assignments. Some offered that their roles were symbolic as they suggested reforms that would lead to shared decision-making over a greater range of budget, curriculum, and programming decisions at the local level.

## **4. Establish a commission to consider reforms to the New York City Department of Education governance structure.**

Several speakers, in their call for significant and modest reform, acknowledged that any changes to the existing system would require time for planning, input, and meaningful transitions. The insights that emerge from this report and the range of public suggestions are consistent with the approaches of other cities that have convened a representative commission to study alternative models of public school governance. Therefore, the final recommendation is to convene a commission to examine options related to maintaining and/or adjusting the current model of New York City mayoral control.





# Part One: Comprehensive Review of New York City Mayoral Control





# New York State School Governance and New York City Mayoral Control

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# A. School Governance in New York State

## I. BOARD OF REGENTS AND STATE EDUCATION DEPARTMENT

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Public education in the United States is structured as primarily a matter of state and local control.<sup>1</sup> In New York State, the State Constitution vests the legislature with the power to “provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.”<sup>2</sup> Unlike most states, where the governor appoints the commissioner of education and members of the state board of education,<sup>3</sup> New York State education is governed by a legislatively appointed board of regents.<sup>4</sup> The New York State Board of Regents (the “Regents” or the “Board of Regents”) governs New York State education policy.<sup>5</sup> In 1784, the board of regents was created by statute and was later incorporated into the New York State Constitution.<sup>6</sup> Pursuant to New York State Constitution Article XI, Section 2, the Board of Regents is given broad regulatory power

by the New York State legislature, which has the authority to increase, modify, or diminish the board’s power.<sup>7</sup> Under New York Education Law Section 201, the Regents’ primary purpose is to “encourage and promote education.”<sup>8</sup> The Regents is responsible for general supervision of all educational services in New York State as well as for setting overall public education policy in New York. The Regents are trustees of the University of the State of New York and oversee the New York State Education Department (NYSED),<sup>9</sup> which is responsible for the supervision of all public schools within the state. It determines the State of New York’s educational policies and establishes rules to carry into effect the state laws and policies in education.<sup>10</sup> In addition to preK–12 and higher education, the Regents oversees vocational rehabilitation services, libraries, the New York State State museum and exercises oversight over certain professional licenses.<sup>11</sup>

## 2. SCHOOL DISTRICTS ACROSS NEW YORK STATE

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New York State schools are organized into 731 school districts, with 4,412 public schools and 335 charter schools as of September 2023.<sup>12</sup> In most parts of the state, elected school boards oversee school

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1 Kimberly Jenkins Robinson, “Disrupting Education Federalism,” *Washington University Law Review* 92 (2015): 969, <https://perma.cc/PEU6-KSLC>. The “constitutional foundations” for educational federalism “lie in the omission of education from the purview of federal authority and the Tenth Amendment’s reservation of state authority in all areas that the Constitution does not assign to Congress.” Robinson, “Disrupting Education Federalism,” 969.

2 N.Y. Const., art. XI, § 1.

3 N.J. Stat. Ann. § 18A:4–21 (West 2023); N.J. Stat. Ann. § 18A:4–4 (West 2023); “K-12 Governance: State Profiles,” Education Commission of the States, accessed December 19, 2023, <https://www.ecs.org/k-12-governance-state-profiles/>. By statute, the New Jersey governor appoints the commissioner of education and the members of the state board of education with the advice and consent of the senate. N.J. Stat. Ann. § 18A:4–4 (West 2023).

4 “About Us,” New York State Education Department, accessed December 19, 2023, <https://perma.cc/58E9-EH4H>.

5 “About Us.”

6 N.Y. Const., art. XI, § 2.

7 N.Y. Const., art. XI, § 2.

8 N.Y. Educ. Law § 201 (McKinney 2023).

9 N.Y. Educ. Law § 101 (McKinney 2023).

10 “About Us.”

11 Pam Belluck and Raymond Hernandez, “Down from Their Ivory Tower, New York’s Regents Get Tough,” *New York Times*, February 17, 1997, <https://www.nytimes.com/1997/02/17/nyregion/down-from-their-ivory-tower-new-york-s-regents-get-tough.html>.

12 “New York State Education at a Glance,” [data.nysed.gov](https://data.nysed.gov); see also “District Lists,” New York State Education Department (2022–2023), <https://data.nysed.gov/lists.php?type=district>.

district operations.<sup>13</sup> These boards are composed of locally-elected individuals in their respective communities — mostly volunteers — who, as school board members, determine the policies and govern the operations of the local school systems.<sup>14</sup>

## B. New York City School District Governance Before 2002

The New York City school district is the largest school district not only in the state but in the nation.<sup>15</sup> According to U.S. Census data, New York City's population was 8,804,190 as of April 1, 2020.<sup>16</sup> Its demographics are as follows: White alone, 37.5%; White not Hispanic or Latino, 31.2%; Hispanic or Latino, 29.0%; Black or African American, 23.1%; Asian, 14.5%; Two or More Races, 8.9%; American Indian and Alaska Native alone, 0.6%; Native Hawaiian and Other Pacific Islander alone, 0.1%.<sup>17</sup> In 2022–2023, there were 1,047,895 students in the NYC school system.<sup>18</sup> Of those students, the

reported demographics are 41.1% Hispanic, 23.7% Black, 16.5% Asian, and 14.7% White. In addition, 14.1% of students were English Language Learners, 20.9% were students with disabilities, and 72.8% were economically disadvantaged.<sup>19</sup> There are about 1,300 school buildings<sup>20</sup> across five counties (or boroughs) and 1,867 schools within the New York City Department of Education (DOE) as of Fall 2022.<sup>21</sup>

Governance of the New York City school district is distinct from the rest of the state's school districts. For most of the city's history, "an independent central board appointed by the mayor and local boards appointed by either the mayor, the central board, or other public officials" governed its public schools.<sup>22</sup> New York City's central board is referred to in New York State law as the "City Board" or the "board of education." The City Board governance structure, a form of mayoral control, lasted until 1969, when, in response to claims of corruption, along with deep concerns about race and class inequities in schooling and representation, Black and Puerto Rican parents organized for community control of the schools.<sup>23</sup> This led to a series of legislative changes to public-school governance, including the establishment of pilot community control districts.<sup>24</sup> "The push for community control was a demand for strong

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13 The state legislature created Boards of Cooperative Educational Services (BOCES) to provide shared educational programs and services to school districts within the state. BOCES partner with districts to provide a broad range of services that help meet the evolving educational needs of students. BOCES membership is not currently available to the "Big Five" city school districts: New York City, Buffalo, Rochester, Yonkers, and Syracuse; "About Us," Boards of Cooperative Educational Services of New York State, accessed December 19, 2023, <https://perma.cc/Q2L2-J5NB>.

14 "NYSSBA Overview," New York State School Boards Association, accessed December 19, 2023, <https://perma.cc/RA3N-GAW5>.

15 "DOE Data at a Glance," New York City Public Schools, accessed December 19, 2023, <https://www.schools.nyc.gov/about-us/reports/doe-data-at-a-glance>.

16 "Population," New York City Department of City Planning, accessed December 27, 2023, <https://perma.cc/HT9C-E396>.

17 U.S. Census Bureau, U.S. Department of Commerce, Bureau of Census, QuickFacts New York City, New York, (2022). <https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork/PST045223>.

18 "DOE Data at a Glance"

19 "DOE Data at a Glance."

20 "School Buildings," New York City Public Schools, accessed December 19, 2023, <https://perma.cc/H72R-FE5P>.

21 "DOE Data at a Glance."

22 Diane Ravitch, "A History of Public School Governance in New York City," in *When Mayors Take Charge: School Governance in the City*, ed. Joseph P. Viteritti (Washington, DC: Brookings Institution Press, 2009), 171.

23 Anthony De Jesus and Madeline Perez, "From Community Control to Consent Decree: Puerto Ricans Organizing for Education and Language Rights in 1960's and 70's New York City," *Centro Journal* 21, no. 2 (Fall 2009): 9, <https://www.redalyc.org/articulo.oa?id=37720842002>.

24 Barry D. Hovis, "New York City School Decentralization," *University of Michigan Journal on Law Reform* 3, no. 1 (1969): 229, <https://repository.law.umich.edu/mjlr/vol3/iss1/12>.

democracy and a transformation of the relationship between parents and the NYC Schools” such that parents would have more authority to shape their community schools to have more inclusive teachers, leadership, and curriculum.<sup>25</sup>

#### I. 1969 DECENTRALIZATION OF NEW YORK CITY PUBLIC SCHOOLS IN RESPONSE TO CORRUPTION FINDINGS, INEQUITY, AND COMMUNITY ADVOCACY

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The late 1950s to the early 1970s was a turbulent time for New York City schools.<sup>26</sup> Some have called it a “critical social experiment” and a “bitter struggle.”<sup>27</sup> Others have described it as a period of effective community organizing, parent power, and inclusive engagement in education in response to a public-school system that was failing Black and Puerto Rican children.<sup>28</sup> Prompted by community members furious over inequalities in New York City schools that overwhelmingly disadvantaged poor Black and

Puerto Rican people,<sup>29</sup> organizers in the Bronx and Brooklyn mobilized for desegregation,<sup>30</sup> improved school conditions, and greater representation, including local and parent control of schools.<sup>31</sup>

In 1961, in response to startling allegations of school corruption during a heated New York City mayoral campaign, New York’s legislature found and declared that conditions<sup>32</sup> “existing in [the New York City] school system ... ha[d] shaken public confidence, cause[d] ... grave concern and call[ed] for prompt corrective action” and that “this [was] a time of crisis for the New York city schools.”<sup>33</sup> In that year the legislature passed a law reorganizing and reconstituting the city’s board of education and altering the method of appointing its members.<sup>34</sup>

During this period, the legislature also recognized the “need for effective community participation in the ‘government’ of the schools [—] a major theoretical break from past tradition.”<sup>35</sup> This recognition, along with sustained community advocacy, led to a

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25 Jeffrey R. Henig et al., “Parent and Community Engagement in New York City and the Sustainability Challenge for Urban Education Reform,” in *Education Reform in New York City*, ed. Jennifer O’Day, Catherine S. Bitter, and Louis M. Gomez (Cambridge, MA: Harvard Education Press 2011), 35.

26 “[M]ore than a decade of turbulence regarding the quality of educational services it delivered, the extent of equality in the way they were delivered to different racial and ethnic groups, and the accountability of the system to the publics it was supposed to serve.” David Rogers, Susan Amlung, Educational Priorities Panel, and New York Interface Development Project, Inc., *School Decentralization in New York City* (Washington, DC: National Institution of Education, July 1981), 10, <https://perma.cc/FSD7-9P5R>.

27 Rogers et al., “School Decentralization,” 10–12.

28 Laura Kaplan, “United Bronx Parents and the Struggle for Educational Equality in the 1960s,” *Theory, Research, and Action in Urban Education* 4, no. 2 (2016), <https://perma.cc/89E2-AFHL>; De Jesus and Perez, “From Community Control to Consent Decree,” 10–11.

29 Lana Dee Povitz, “A Taste of What It Takes: United Bronx Parents, School Lunch, and the Struggle for Community Control,” in *Stirrings: How Activist New Yorkers Ignited a Movement for Food Justice* (Chapel Hill, NC: University of North Carolina Press, 2019), 27; Louis Kushnick, “Race, Class and Power: the New York Decentralization Control,” *Journal of American Studies* 3, no. 2 (December 1969): 203, <https://doi.org/10.1017/S0021875800008124>. “Probably the single most important factor underlying the black demand for decentralization and community control was the almost complete failure of the New York City school system to educate the majority of its pupils who are [B]lack or Puerto Rican.” Kushnick, “Race, Class and Power,” 203.

30 David Tipson et al., “Effective School-Integration Mobilization: The Case for Non-litigation Advocacy and Impact,” *Fordham Urban Law Journal* 48 (2021): 488, <https://ir.lawnet.fordham.edu/ulj/vol48/iss2/4>.

31 Kaplan, “United Bronx Parents.”

32 The conditions included: “(1) ‘irregularities in the school construction program’; (2) ‘serious hazards in school buildings due to inadequate maintenance and improper repairs’; (3) ‘instances of corruption among employees’; and (4) ‘staggering administrative complexities and needless red tape.’” Kenneth R. McGrail, “New York City School Decentralization: The Respective Powers of the City Board of Education and the Community School Boards,” *Fordham Urban Law Journal* 5 (1977): 242–243, <https://ir.lawnet.fordham.edu/ulj/vol5/iss2/3>, citing 1961 N.Y. Laws ch. 971, § 1.

33 1961 N.Y. Laws ch. 971; *Lanza v. Wagner*, 11 N.Y.2d 317 (N.Y. 1962).

34 1961 N.Y. Laws ch. 971.

35 McGrail, “School Decentralization,” 243.

series of steps toward decentralization to support greater community participation. For example, 1962 legislation gave the city's board of education discretionary power to establish several local school board districts and to determine their boundaries.<sup>36</sup> The City Board and the state legislature continued to move toward decentralization in 1967 and 1968.<sup>37</sup> This included an experiment in community control in which locally elected community school boards had robust decision-making authority in three school districts, including the Ocean-Hill Brownsville section of Brooklyn. However, a local decision to fire several teachers led the United Federation of Teachers (UFT), which opposed community control, to initiate a teachers' strike.<sup>38</sup> The strike effectively derailed efforts to attain community control of schools.<sup>39</sup> Instead, in 1969 the legislature passed Article 52-A of the New York Education Law — a compromise reorganizing New York City's public-school system into a central board and community school districts.<sup>40</sup>

The 1969 law decentralized New York City school governance and reduced the mayor's power to select the board of education. It established a new city board of education comprising seven members: one appointed by each borough president and two appointed by the mayor.<sup>41</sup> The law empowered the City Board to establish "no less than thirty nor more

than thirty-three community [school] districts" of about equal numbers of students, whose members would be elected by proportional representation.<sup>42</sup> The 32 nine-member community school boards established under the law controlled elementary and junior high schools, including the power to appoint superintendents and to approve the superintendents' choice of principals, while the City Board controlled the city's high schools.<sup>43</sup> The 1969 law empowered the City Board to employ the school's chancellor for a term of not less than two and not more than four years, subject to removal for cause.<sup>44</sup> The City Board and the chancellor were responsible for broad education policymaking.<sup>45</sup>

While the 1969 "decentralized" governance structure is said to have permitted greater parent and community involvement in local schools,<sup>46</sup> some note that it was a failed reform that maintained centralized, bureaucratic control of schools with little actual community control.<sup>47</sup> For example, community school board elections had perennially low voter turnout and participation — never exceeding 10% of eligible voters.<sup>48</sup> In many parts of the city, clubhouse politicians captured control of the local school board elections and school boards were subject to undue influence by local politicians, parent activists, and teachers' union leaders.<sup>49</sup> In addition, public-school

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36 McGrail, "School Decentralization," 244.

37 McGrail, "School Decentralization," 244–246.

38 Loren Lefty, "The Long Fight for Educational Equity in NYC," Museum of the City of New York, February 11, 2015, <https://perma.cc/2HUD-7R9M>.

39 Lefty, "Long Fight."

40 Nick Juravich, "A Chalkbeat Roundtable: What New York City Is Still Learning from Its Teacher Strikes of 1968," *Chalkbeat New York*, October 18, 2018, <https://perma.cc/PX48-ZDZT>.

41 N.Y. Educ. Law § 2590-b (McKinney 1969); Hovis, "School Decentralization," 231.

42 N.Y. Educ. Law § 2590-b (McKinney 1969); Bill Jacket, L. 1969 ch. 330 at 7–8.

43 N.Y. Educ. Law §§ 2590-e, 2590-g (McKinney 1969); Bill Jacket, L. 1969 ch. 330 at 21–22, 25–26.

44 N.Y. Educ. Law § 2590-h (McKinney 1969); Bill Jacket, L. 1969 ch. 330 at 28.

45 Bill Jacket, L. 1969 ch. 330 at 28; Office of Education Affairs, *A Summary of the 1969 School Decentralization Law for New York City* (1969), <https://perma.cc/PV8H-5JUW>.

46 Leonard Buder, "Decentralization of Schools Provides Painful Lessons," *New York Times*, December 11, 1988, <https://www.nytimes.com/1988/12/11/weekinreview/the-region-decentralization-of-schools-provides-painful-lessons.html>.

47 Marilyn Gitell, "School Reform in New York and Chicago Revisiting the Ecology of Local Games," *Urban Affairs Quarterly* (September 1994): 144–145, <https://perma.cc/86VC-BULK>.

48 Ravitch, "History of Public School Governance," 82.

49 Henig et al., "Parent and Community Engagement," 35.



performance, measured by test scores, achievement, and graduation rates, varied widely along race and class lines.<sup>50</sup> At the same time, concerns mounted about cronyism and corruption in several school districts.<sup>51</sup>

The backlash against decentralization began in the 1970s during Mayor Lindsay's second term and continued in some form in every subsequent mayoral administration.<sup>52</sup> For example, amid a deep fiscal crisis during Mayor Beame's administration in the mid-1970s, efforts to cut city school budgets by Mayor Beame and by a state fiscal control board were blocked by school boards and by state legislation protecting school budgets.<sup>53</sup> This prompted Mayor Beame to call for direct control over schools and school budgets by replacing the board of education with a mayor-appointed education commissioner.<sup>54</sup> Calls for mayoral control of public schools and school budgets occurred for various reasons during the Koch, Dinkins, and Giuliani administrations.<sup>55</sup>

By the mid-1990s, claiming poor public-school performance, Mayor Giuliani sought to gain control over what he perceived as a decentralized and corrupt school system.<sup>56</sup> In 1996, however, in the face of strong opposition from both state legislators and school board

advocates, Giuliani abandoned his bid to gain control over the New York City public-school system.<sup>57</sup>

## 2. CONCERNS ABOUT DECENTRALIZATION AND 1996 AMENDMENTS DIMINISHING COMMUNITY SCHOOL BOARDS' POWER

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"[C]onfronted with evidence of corruption and patronage in many school districts,<sup>58</sup> in the summer of 1996 the Legislature amended the education law to diminish community school boards' power and transfer the power to select superintendents from the boards to the citywide schools' chancellor."<sup>59</sup> The aim of the amended law was to "create[] a governance structure that fosters leadership and produces accountability" while also "promot[ing] and enhanc[ing] parental involvement in local school decision making."<sup>60</sup> The 1996 law retained the 32-school-district structure governed by the central city board of education.<sup>61</sup> The law limited the community school boards' role to policymaking and established a process for selecting community school superintendents.<sup>62</sup> The 1996 amendments gave the chancellor the power to select superintendents "from candidates recommended by the local community board."<sup>63</sup> The law also gave the chancellor the power

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50 Henig et al., "Parent and Community Engagement," 35.

51 Matthew Purdy and Maria Newman, "Students Lag in Districts Where Patronage Thrives," *New York Times*, May 13, 1996, <https://www.nytimes.com/1996/05/13/nyregion/students-lag-in-districts-where-patronage-thrives.html>.

52 Adam McGlynn, "A Case Study in Policy Change: Mayoral Control in New York City's Schools," *Journal of School Choice* 4, no. 3 (2010): 296–301, <https://eric.ed.gov/?id=EJ897911>.

53 McGlynn, "A Case Study," 297–298.

54 McGlynn, "A Case Study," 297–298.

55 McGlynn, "A Case Study," 298–301.

56 James Dao, "Giuliani Drops Bid for Power over Schools," *New York Times*, November 23, 1996, <https://www.nytimes.com/1996/11/23/nyregion/giuliani-drops-bid-for-power-over-schools.html>.

57 Dao, "Giuliani Drops Bid"; Ralph Vartabedian, "Giuliani's Poor School Marks," *L.A. Times*, September 13, 2007, <https://perma.cc/DJL9-BHAN>.

58 Vartabedian, "Giuliani's Poor School Marks."

59 Kate Taylor, "Does It Matter Who Runs New York City Public Schools?," *New York Times*, June 23, 2017, <https://www.nytimes.com/2017/06/23/nyregion/new-york-school-control.html>.

60 N.Y. Bill Jacket, L. 1996 ch. 720, Mem. In Support at 8.

61 N.Y. Educ. Law § 2590-e (McKinney 1996); N.Y. Bill Jacket, L. 1996 ch. 720, Executive Chamber, Mem. Filed with S.B. No. 1, at 1.

62 N.Y. Bill Jacket, L. 1996 ch. 720, Executive Chamber, Mem. Filed with S.B. No. 1, at 1.

63 N.Y. Bill Jacket, L. 1996 ch. 720, Executive Chamber, Mem. Filed with S.B. No. 1, at 1.

to reject school principal candidates, even though they were hired by the superintendents.<sup>64</sup>

Thus, “[b]efore the New York State Legislature gave the mayor control over New York City’s schools in 2002, New York City public schools were governed by a Board of Education and 32 elected community school boards. The Board of Education had seven members; the mayor appointed two, and each of the five borough presidents appointed one. The central Board of Education selected the chancellor. The mayor also influenced the school system through the city budget.”<sup>65</sup>

### 3. THE PATH TO THE 2002 MAYORAL CONTROL LAW

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Michael R. Bloomberg won the New York City mayoral election on November 6, 2001, in the aftermath of the September 11, 2001, attacks on the World Trade Center.<sup>66</sup> Bloomberg was sworn in as New York City’s 108th mayor on January 1, 2002.<sup>67</sup> As a candidate and as mayor, Bloomberg made a strong push for mayoral control of New York City public schools.<sup>68</sup> He succeeded in persuading the New York State legislature to enact mayoral control of schools by pressing his case with New York legislators<sup>69</sup> and favorably settling a teachers’ union contract.<sup>70</sup>

In response to what it called a “dysfunctional system that ha[d] not effectively responded to the needs of the City’s school children,” the New York

State legislature in 2002 put forward a bill, later signed by Governor Pataki, that would eliminate the 32 elected community school boards and give the mayor the power to appoint the chancellor and a majority of the board of education, effectively creating mayoral control over public-school governance in New York City.<sup>71</sup>

## C. Legislation Governing New York City Mayoral Control 2002–2022

This subsection summarizes the key New York State legislative enactments and amendments to New York City school governance under mayoral control from 2002 to 2022. It places the enactments and amendments in the context of relevant developments during each mayoral administration.

### I. 2002 ENACTMENT OF MAYORAL CONTROL OF THE NEW YORK CITY SCHOOL DISTRICT

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The legislature described the purpose of the 2002 mayoral control law as “[t]o reorganize the governance structure of the New York City public school system to provide the Mayor of the City of New York with

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64 N.Y. Bill Jacket, L. 1996 ch. 720, Executive Chamber, Mem. Filed with S.B. No. 1, at 1.

65 Taylor, “Does It Matter.”

66 Paul Schwartzman, “Even Bloomberg’s Mom Thought His Mayoral Bid Was Doomed. Then 9/11 Changed Everything,” *Washington Post*, February 24, 2020, <https://perma.cc/NZY7-YTLE>.

67 Jennifer Steinhauer, “Bloomberg Takes Oath as 108th Mayor of New York,” *New York Times*, January 1, 2002, <https://www.nytimes.com/2002/01/01/nyregion/the-mayoral-transition-overview-bloomberg-takes-oath-as-108th-mayor-of-new-york.html>.

68 Diane Ravitch, “Letter from New York City: Bloomberg’s Reforms,” Thomas B. Fordham Institute, January 22, 2003, <https://perma.cc/QRZ3-97QJ>.

69 Jennifer Steinhauer, “City Hall Memo; Mayor’s Bid for Schools Tests His Ear for Politics,” *New York Times*, March 23, 2002, <https://www.nytimes.com/2002/03/23/nyregion/city-hall-memo-mayor-s-bid-for-schools-tests-his-ear-for-politics.html>; Ravitch, “Letter From New York City.”

70 Abby Goodnough, “Mayor Links Teacher Pay to Control of Schools,” *New York Times*, March 9, 2002, <https://www.nytimes.com/2002/03/09/nyregion/mayor-links-teacher-pay-to-control-of-schools.html>.

71 N.Y. Bill Jacket, L. 2002 ch. 91 at 3–4.

control over the Board of Education and to eliminate the City's existing 32 community school boards.<sup>72</sup>

Specifically, the law, which became effective on July 1, 2002, amended various sections of New York's Education Law to give the mayor of New York City control over an expanded 13-member board of education (BOE) of the New York City public-school system and power to appoint the chancellor of the city school district (who would chair the BOE) and 7 members of the BOE, for a total of 8 out of 13 total appointees.<sup>73</sup> Each of New York City's five borough presidents would then appoint one of the remaining 5 board members, with the condition that each of those appointees be a parent of a child currently enrolled in a New York City public school.<sup>74</sup>

Under the law's new structure, the BOE, or City Board, retained certain powers over citywide educational policies and standards of the NYC public schools. Notably, the United Federation of Teachers, in expressing strong support for the 2002 mayoral control bill, stressed that the updated law, while giving the mayor managerial control, effectively "force[d] the Board to focus on larger policy issues, as opposed to the day-to-day micro-management in which it ha[d] historically engaged."<sup>75</sup> The updated law eliminated the board's power to appoint the chancellor, who instead would be appointed by and serve at the pleasure of the mayor. The chancellor would be responsible for administrative and educational functions, such as the appointment of managerial staff (including community school district superintendents), the

allocation of resources, and day-to-day operations of the New York City public schools.<sup>76</sup>

The 2002 law eliminated the city's existing 32 community school boards as of June 2003.<sup>77</sup> "In the meantime, it called for establishing a 20-member task force (with 10 members appointed by the Senate and 10 members appointed by the Assembly)" to issue a report and recommendations regarding community school boards and their powers and duties by February 15, 2003.<sup>78</sup> The 2002 law included a sunset provision indicating that it would expire on June 30, 2009, requiring the legislature to reauthorize the governance structure or have it lapse to the prior structure.<sup>79</sup>

The legislation's supporters argued that it would "give the mayor greater control over the administration of the school system, educational policies and standards, and thereby increase the mayor's accountability for the system's educational performance."<sup>80</sup> It also would enable the mayor to determine the resources necessary "to address locally identified educational priorities" and to ensure the cost-effective delivery of educational services.<sup>81</sup> Supporters further argued that the elimination of the community school boards would dismantle a dysfunctional, unresponsive, and unaccountable system mired in politics, bureaucracy, and red tape that had not yielded effective operations nor responded to the needs of the city's schoolchildren.<sup>82</sup>

Those opposed to the law argued that "revisions in the governance structure of NYC public schools

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72 N.Y. Bill Jacket, L. 2002 ch. 91 at 3.

73 N.Y. Bill Jacket, L. 2002 ch. 91 at 3.

74 N.Y. Bill Jacket, L. 2002 ch. 91 at 3.

75 N.Y. Bill Jacket, L. 2002 ch. 91, N.Y. State United Teachers Mem. In Support at 6.

76 N.Y. Bill Jacket, L. 2002 ch. 91 at 3.

77 N.Y. Bill Jacket, L. 2002 ch. 91 at 3, Budget Report on the Bill at 1.

78 N.Y. Bill Jacket, L. 2002 ch. 91 at 3, N.Y. Pub. Auth. Law § 1748 (McKinney 2002).

79 N.Y. Bill Jacket, L. 2002 ch. 91 at 4, Budget Report on the Bill at 2.

80 N.Y. Bill Jacket, L. 2002 ch. 91 at 4, Budget Report on the Bill at 2.

81 N.Y. Bill Jacket, L. 2002 ch. 91 at 4, Budget Report on the Bill at 2.

82 N.Y. Bill Jacket, L. 2002 ch. 91 at 4, Budget Report on the Bill at 2.

w[ould] not necessarily improve educational quality.”<sup>83</sup> In addition, they argued that eliminating community school boards would diminish public involvement in neighborhood schools.<sup>84</sup>

## 2. 2003 ESTABLISHMENT OF COMMUNITY DISTRICT EDUCATION COUNCILS AND A CITYWIDE COUNCIL ON SPECIAL EDUCATION

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Following passage of the 2002 law, the New York State legislature created a Task Force on Community School District Governance Reform to address concerns about the elimination of elected community school boards and facilitate a “new structure of community representation.”<sup>85</sup> The task force began its work in November 2002 and conducted over 50 hours of public hearings across New York City’s five boroughs.<sup>86</sup> The hearing testimony reflected a desire for structural changes based largely on concerns about the perceived loss of public and community input on public education policymaking.<sup>87</sup> Following the hearings, the task force submitted a report and recommendations to the legislature on February 12, 2003.<sup>88</sup> The task force recommended the establishment of community

district education councils (also later referred to as community education councils, or CECs) in each of the 32 community school districts. Each CEC would comprise eleven members: eight elected by school district parents, two members of the business, civic, or community sector appointed by the borough president, and one high school senior appointed by the superintendent.<sup>89</sup> The task force stressed the crucial role of local representation, including parents and communities, in the new governance system.<sup>90</sup> Furthermore, it stressed that “[t]he local community governance structure cannot exist in a vacuum. It must be logically connected with and accountable to the rest of the citywide educational governance structure — the Chancellor, the new citywide Board of Education, and the Superintendents.”<sup>91</sup>

On the basis of the task force report and recommendations, the legislature amended the law to establish community district education councils within the New York City community school district system — one community council for each community school district — and a citywide council on special education.<sup>92</sup> A stated purpose of the 2003 amendments was “to adopt a new community governance structure

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83 N.Y. Bill Jacket, L. 2002 ch. 91 at 5, Budget Report on the Bill at 3.

84 N.Y. Bill Jacket, L. 2002 ch. 91 at 5, Budget Report on the Bill at 3.

85 *Final Report of the Task Force on Community School District Governance Reform*, §2, February 15, 2003, <http://assembly.state.ny.us/comm/NYCSchGov/20030219>.

86 *Transcript, Task Force on Community School District Governance Reform Public Hearing* (Staten Island, NY), January 6, 2002, <https://nyassembly.gov/comm/NYCSchGov/20030128/20030106.html>; *Transcript, Task Force on Community School District Governance Reform Public Hearing* (Manhattan, NY), December 10, 2002, <https://nyassembly.gov/comm/NYCSchGov/20030128/20021210.html>; *Transcript, Task Force on Community School District Governance Reform Public Hearing* (Brooklyn, NY), January 16, 2003, <https://nyassembly.gov/comm/NYCSchGov/20030128/20030116.html>; *Final Report of the Task Force on Community School District Governance Reform*, §2, February 15, 2003, <http://assembly.state.ny.us/comm/NYCSchGov/20030219>.

87 *Transcript, Task Force on Community School District Governance Reform Public Hearing* (New York, NY), December 10, 2002, <https://nyassembly.gov/comm/NYCSchGov/20030128/20021210.html>; *Transcript, Task Force on Community School District Governance Reform Public Hearing* (Brooklyn, NY), January 16, 2003, <https://nyassembly.gov/comm/NYCSchGov/20030128/20030116.html>.

88 *Final Report of the Task Force on Community School District Governance Reform*, §1.

89 *Final Report*, §3.

90 *Final Report*, §4.

91 *Final Report*, §4.

92 S.B. 5688 (N.Y. 2003). The newly established Citywide Council on Special Education consisted of 11 voting members (and 1 nonvoting member) serving for two years. Of the 11 voting members, 9 were to be selected by parents of children who receive special education services with two other members to be appointed by the public advocate of the City of New York “from the persons with experience in the areas of education or employment of persons with disabilities.” Additionally, the chancellor’s supervisor of special education programs would appoint a nonvoting member — a high school senior — to a one-year term. The chancellor, in consultation with the parents of disabled students, was to develop a process by which to fill vacancies in case they arose. The council was given “the power to advise and comment on educational or instructional policy, on services provided to disabled students, and on the establishment of committees/ subcommittees on special education in community school districts.” It also would “issue an annual report on services provided by the

for the New York City school district, which would provide an opportunity for meaningful participation for both parents and the community.”<sup>93</sup>

The 2003 amendments prescribed the composition of the community district education councils: eleven voting members and one nonvoting member, each of whom would serve for two years.<sup>94</sup> Presidents and officers of the parents’ association or parent-teachers’ association would appoint nine of the voting members. The borough president would appoint the remaining two voting members, who must be community members with business experience.<sup>95</sup> The district superintendent would appoint the nonvoting high school senior member for a one-year term.<sup>96</sup> All terms were set to begin on December 1, 2003, with the elections taking place on or before October 31, 2003.<sup>97</sup>

The law gave the councils input into the evaluation of superintendents and other top administrators.<sup>98</sup> Council members would meet monthly with the superintendent and review the quality of educational

programs.<sup>99</sup> The councils also would approve district zoning issues.<sup>100</sup> The law further instructed that no person could serve on more than one community council or on both the citywide council on special education and a community council.<sup>101</sup> Individuals holding elected office, convicted of a felony, or who had been removed from a community or citywide council would be ineligible to serve.<sup>102</sup>

To ensure a smooth transition, the 2003 amendments provided for the continuance of the existing community school boards until November 30, 2003.<sup>103</sup>

Once mayoral control was enacted, Mayor Bloomberg appointed the chancellor and a majority of members of the City Board of Education. Although the statute granting New York City mayoral control retained and continued a reconfigured board of education, or City Board, Mayor Bloomberg unilaterally renamed the body the Panel for Educational Policy (PEP).<sup>104</sup> Bloomberg’s appointment of Joel Klein, a publishing executive

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city-wide district” and was required to “hold at least one public meeting per month.” N.Y. Bill Jacket, L. 2003 ch. 123, Budget Report on Bill at 1. The 2003 amendments adopted these recommendations, aiming to “develop a new governance system that is accountable and efficient” and “addresses the need for proper representation, reform and other changes that are needed to produce a system that works.” N.Y. Bill Jacket, L. 2003 ch. 123 at 5. The 2003 amendments created a community district education council in each of the community school districts and established a citywide council on special education. N.Y. Bill Jacket, L. 2003 ch. 123 at 3.

93 S.B. 5688 (N.Y. 2003); N.Y. Bill Jacket, L. 2003 ch. 123 at 3.

94 N.Y. Bill Jacket, L. 2003 ch. 123 at 3.

95 N.Y. Bill Jacket, L. 2003 ch. 123 at 7.

96 N.Y. Bill Jacket, L. 2003 ch. 123 at 3.

97 N.Y. Bill Jacket, L. 2003 ch. 123 at 8–9. Beginning in 2005, the selection of council members was to take place on the second Tuesday in May, with terms commencing the following July 1. Vacancies would be filled by the community district education council after consultation with the presidents’ council or other body representing parents’ associations and other education groups within the district. The chancellor was to develop a uniform election process for parent associations and parent-teacher associations, develop a process for nomination and selection of candidates for members of community councils to ensure that such councils reflect the local community, promulgate rules regarding financial disclosure by nominees and prohibit political endorsements for campaign contributions to nominees, ensure the distribution of parent guides regarding community councils, and ensure that there be public hearings and input from parents regarding any procedures or rules and regulations.

98 N.Y. Bill Jacket, L. 2003 ch. 123 at 8–9.

99 N.Y. Bill Jacket, L. 2003 ch. 123 at 8–9.

100 N.Y. Educ. Law § 2590-e (11) (McKinney 2003).

101 N.Y. Educ. Law § 2590-c (5) (McKinney 2003).

102 N.Y. Educ. Law § 2590-c (5) (McKinney 2003).

103 N.Y. Educ. Law § 2801 (McKinney 2003).

104 It appears that the mayor’s goal was to distinguish the “Panel for Educational Policy” from a more empowered “board of education” and diminish its role in the eyes of the public. N.Y. Educ. Law § 2590 (McKinney 2006) (continuing the Board of Education but changing its functions); *Minutes of September 23, 2002 Public Meeting of the Panel for Educational Policy*, <http://schools.nyc.gov/NR/rdonlyres/A1692877-F76D-48AF-8436-7D9A793F62DA/1088/MinutesofAction92302.pdf>. Hereinafter the report will refer to this board as the City Board or PEP. Natalie Gomez-Velez, “Public School Governance and Democracy: Does Public Participation Matter?,” *Villanova*

and antitrust lawyer, as his first schools' chancellor, <sup>105</sup> raised concerns because Klein had no educational background, but also drew praise for an apparent willingness to challenge the status quo.<sup>106</sup>

After the 2003 CEC governance changes were enacted, the New York State Assembly held a public hearing on their implementation.<sup>107</sup> At the hearing, lawmakers questioned Chancellor Joel Klein about his plan for managing the restructured community school districts, which he claimed were “fully functioning and fully alive.”<sup>108</sup> Klein insisted that his plans were designed to make it easier for public-school parents to navigate the school system and cut through bureaucratic red tape, ensuring efficiency of the system in responding to parents' concerns.<sup>109</sup> Klein's approach to parent engagement centered on direct engagement with individual parents; it included a central office of family engagement and advocacy, parent coordinators in each school, and the later establishment of district family advocates, in addition to an online Achievement Reporting and Innovation System (ARIS)<sup>110</sup> parent link and a parent survey, as well as offering choice and charter schools.<sup>111</sup> Klein appeared to some to be less interested in engaging parents in school leadership or as policy

partners through structures designed for more robust parent engagement such as school leadership teams (SLTs) and community education councils (CECs).<sup>112</sup> Despite Klein's claimed efforts, there were concerns about opportunities for parental and public input.<sup>113</sup> Still, the United Federation of Teachers (“UFT”) reiterated its support for mayoral control of schools.<sup>114</sup> Among other comments, superintendents and community members raised concerns about the lack of local control over the budget, staffing, and education in practice.<sup>115</sup>

Under mayoral control, Mayor Bloomberg and Chancellor Klein made numerous structural and organizational changes to New York City public schools. For example, they dismantled the existing New York City locally based school district structure and reorganized it into a regional structure.<sup>116</sup> This restructuring facilitated a process of simultaneous centralization and decentralization, including implementing a uniform curriculum and lockstep standardized testing alongside a decentralized, school-based budgeting model of education management.<sup>117</sup> Another hallmark of Mayor Bloomberg and Chancellor Klein's initial implementation of mayoral

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*Law Review* 53 (2008): 352, <https://digitalcommons.law.villanova.edu/vlr/vol53/iss2/2>. Thus, the references to the central New York City Board of Education include its formal statutory name, “board of education,” or BOE, and its informal moniker, the “Panel for Educational Policy,” or PEP.

105 Jennifer Steinhauer, “The New Schools Chancellor: Overview; Bloomberg Picks a Lawyer to Run New York Schools,” *New York Times*, July 30, 2002, <https://www.nytimes.com/2002/07/30/nyregion/new-schools-chancellor-overview-bloomberg-picks-lawyer-run-new-york-schools.html>.

106 Sharon Otterman and Jennifer Medina, “New York Schools Chancellor Ends 8-Year Run,” *New York Times*, November 9, 2010, <https://www.nytimes.com/2010/11/10/nyregion/10klein.html>; Andy Newman, “Hearst Official to Replace Klein at Helm of City Schools,” *New York Times*, November 9, 2010, <https://perma.cc/S4ZP-ELT7>.

107 *Notice of Public Hearing, Assembly Standing Committee on Education*, September 12, 2003, <https://www.assembly.state.ny.us/comm/Ed/20030904/>.

108 *Transcript, Public Hearing: Update on New York City's Implementation of the School Governance Legislation*, September 12, 2003, 10–11.

109 *Transcript, Public Hearing*, September 12, 2003, 19–21.

110 The ARIS system was later found ineffective and abandoned. Nolan Feeney, “NYC Schools Abandon \$95 Million Controversial Computer Program,” *Time*, November 19, 2014, <https://time.com/3590483/new-york-schools-aris/>.

111 Henig et al., “Parent and Community Engagement,” 38–41.

112 Henig et al., “Parent and Community Engagement,” 41–43.

113 Abby Goodnough, “Some Parents Fear Weaker Role in Centralized Schools,” *New York Times*, January 17, 2003, <https://www.nytimes.com/2003/01/17/nyregion/some-parents-fear-weaker-role-in-centralized-schools.html>.

114 *Transcript, Public Hearing*, September 12, 2003, 182–183.

115 *Transcript, Public Hearing*, September 12, 2003, 218–220.

116 David Rogers, *Mayoral Control of the New York City Schools* (Springer, 2009), 24.

117 Gomez-Velez, “Urban Public Education Reform,” 52.

control was the dismantling of several large high schools and creation of smaller schools.<sup>118</sup>

The approach ostensibly supported both large-scale accountability and local innovation.<sup>119</sup> Yet it also arguably diminished transparency, public participation, and oversight.<sup>120</sup> The centralization of education decision-making in the hands of the mayor and chancellor concentrated citywide policies at a very large scale at the top. At the same time, the decentralization of school organization and budgeting made it difficult for parents — and the larger public — to engage.<sup>121</sup>

Mayor Bloomberg and Chancellor Klein labeled their substantive reform agenda “Children First.” It centered on assessment and accountability, in tandem with market-based notions of choice and competition. Key components included establishing a common literacy and math curriculum, placing parent coordinators in each school, emphasizing school security, requiring school progress reports, and assigning letter grades to schools based largely on state assessments.<sup>122</sup> The Bloomberg/Klein “choice and competition” agenda included the creation of new small schools within larger high schools and the expansion of charter schools — publicly funded and privately run schools not subject to the same regulatory restrictions as traditional public schools. Since 2002, the number of charter schools created

in New York City has risen dramatically.<sup>123</sup> As of 2023, New York City has 274 charter schools with an estimated 146,200 students (about 15% of public-school students).<sup>124</sup> The Bloomberg/Klein approach has been characterized as both “transformative” and “top-down, non-participative.”<sup>125</sup>

During the initial seven years of mayoral control of schools, Mayor Bloomberg and Chancellor Klein’s reforms received mixed responses.<sup>126</sup> The attention given to public education and several initiatives, such as small schools and a principals’ academy received a mostly positively reception.<sup>127</sup> Some observers credited the Bloomberg/Klein reforms with notable improvements in test scores, graduation rates, and reducing achievement gaps.<sup>128</sup> Others questioned the metrics’ accuracy and expressed concerns that politics and public relations took precedence over actual, sustained academic improvement under the mayoral governance.<sup>129</sup> At the same time, various stakeholders, including parents, educators, and advocates, raised concerns about specific policy choices such as school closures, test-based grade retention, and charter school expansion, as well as broader issues of transparency, accountability, and meaningful parental participation.<sup>130</sup>

One of the most contentious early mayoral control episodes involved the mayor and chancellor’s

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118 *Transcript, Public Hearing*, September 12, 2003, 178–179.

119 Rogers, *Mayoral Control*, 28.

120 Rogers, *Mayoral Control*, 28.

121 Rogers, *Mayoral Control*, 28–29.

122 Luz Yadira Herrera and Pedro Noguera, “Children First and Its Impact on Latino Students in New York City,” *In Motion Magazine*, September 7, 2013, <https://perma.cc/CT63-XS9A>.

123 Herrera and Noguera, “Children First and Its Impact.”

124 “Home,” NYC Charter Schools, accessed December 19, 2023, <https://charternyc.org/>.

125 Rogers, *Mayoral Control*, 28.

126 Peter Meyer, “New York City’s Education Battles,” *Education Next* 8, no. 2 (Spring 2008): 12–13. <https://eric.ed.gov/?id=EJ787775>.

127 Meyer, “New York City’s Education Battles,” 12.

128 James S. Liebman, Kayla C. Butler, and Jan Buksunski, “Mine the Gap: Using Racial Disparities to Expose and Eradicate Racism,” *South California Review of Law and Social Justice* 30, no. 1 (2021): 40–42, <https://perma.cc/3Z6-9NKY>; Maureen Kelleher, “New York City’s Children First Lessons in School Reform,” Center for American Progress (2014), <https://perma.cc/A5EA-GWXG>.

129 See, e.g., Sol Stern, “Grading Mayoral Control,” *City Journal* (Summer 2007), <https://perma.cc/Y9BS-XPWW>.

130 Jennifer Medina, “N.Y. Senate Renews Mayor’s Power to Run Schools,” *New York Times*, August 6, 2009, <https://www.nytimes.com/2009/08/07/nyregion/07control.html>.

decision to implement a 3rd grade retention policy under which students would be held back if they failed a single standardized test administered at the end of the school year.<sup>131</sup> On the basis of significant educational research counseling against such use of high-stakes testing and finding that grade retention based on a single standardized test harms long-term student achievement and is a misuse of such tests, several PEP members opposed the proposal and indicated plans to vote against it.<sup>132</sup> In response, on the day of the meeting in which the policy would be subject to a vote, Mayor Bloomberg “fired” and replaced two mayoral appointees and persuaded the Staten Island borough president to replace his appointee, resulting in a projected eight-to-five vote against the proposal becoming an eight-to-five vote in its favor.<sup>133</sup> The mayor’s action initially drew strong negative public outcry regarding both the policy and his summary removal of panel members to get it passed.<sup>134</sup> Soon after, however, several in the popular press praised Bloomberg for swift and decisive action to end what he called “social promotion.”<sup>135</sup> Bloomberg then imposed additional grade retention policies, perceived as a short-term political “win.”<sup>136</sup>

As time went on, public concern about mayoral control and the city department of education’s lack of public inclusion, engagement, and responsiveness regarding educational policy and practice grew and has continued unabated.<sup>137</sup> Indeed, Chancellor Klein acknowledged in retrospect that his team “didn’t engage the public, the city’s communities, and our teachers as effectively as we should have.”<sup>138</sup> Yet, while there had been substantial critiques of mayoral control over the prior seven years, when the law came up for reconsideration in 2009, there did not appear to be a strong appetite to return to the former governance structure.<sup>139</sup>

On October 2, 2008, Mayor Bloomberg announced that he would seek a third term, notwithstanding a term limits law limiting New York City mayors to two terms.<sup>140</sup> Bloomberg persuaded elected officials, civic leaders, and others to support his bid for city council approval to run for a third term.<sup>141</sup> Running as an independent, Bloomberg narrowly defeated Democratic candidate William C. Thompson Jr. (a former NYC comptroller and board of education president)<sup>142</sup> to win a third term as mayor.<sup>143</sup>

131 Gomez-Velez, “Public School Governance and Democracy,” 320–234.

132 Gomez-Velez, “Public School Governance and Democracy,” 321–322.

133 David Herszenhorn, “Bloomberg Wins on School Tests after Firing Foes,” *New York Times*, March 16, 2004, <https://www.nytimes.com/2004/03/16/nyregion/bloomberg-wins-on-school-tests-after-firing-foes.html>.

134 Gomez-Velez, “Public School Governance and Democracy,” 323.

135 Gomez-Velez, “Public School Governance and Democracy,” 323.

136 David Andreatta, “Social-Promotion Ban Boosts Bloomy,” *New York Post*, September 10, 2004, <https://perma.cc/STE3-KZL9>.

137 Gomez-Velez, “Public School Governance,” 324.

138 Joel Klein, *Lessons of Hope* (HarperCollins, 2014), 271.

139 Christina Veiga and Philissa Cramer, “Michael Bloomberg Is Running for President. What You Should Know about the Billionaire’s Education Record in New York City,” *Chalkbeat New York*, March 1, 2019, <https://perma.cc/R2XM-JHX3>; Jennifer Medina, “Debate on Mayoral Control of Schools Is Renewed,” *New York Times*, January 29, 2009, <https://www.nytimes.com/2009/01/30/education/30control.html>.

140 Sewell Chan, “Bloomberg Says He Wants a Third Term as Mayor,” *New York Times*, October 2, 2004, <https://www.nytimes.com/2008/10/02/nyregion/03bloomberg.html>.

141 Matt Cohen, “Nobody Dared Cross Him’: A Look Back at That Time Michael Bloomberg Bought a Third Mayoral Term,” *Mother Jones*, February 28, 2020, <https://perma.cc/PTG9-EFCV>; David W. Chen and Michael Barbaro, “Council Backs Bloomberg Bid to Run Again,” *New York Times*, October 23, 2008, <https://www.nytimes.com/2008/10/24/nyregion/24termlimits.html>.

142 Michael Powell, “In Schools Post, Thompson Was a Conciliator,” *New York Times*, October 20, 2009, <https://www.nytimes.com/2009/10/21/nyregion/21thompson.html>; Ann Phillips, “Thompson and Bloomberg Spar over Their Education Records in First Mayoral Debate,” *Chalkbeat New York*, October 13, 2009, <https://perma.cc/5W6U-DUS8>.

143 Ellen Wulforst, “New York Mayor Bloomberg Narrowly Wins Third Term,” *Reuters*, November 4, 2009, <https://www.reuters.com/article/idUSN03527593/>.



Prior to the mayoral control law's sunset in 2009, the New York State Assembly Education Committee held hearings in the five New York City boroughs.<sup>144</sup> Elected leaders, parents, advocates, and others raised concerns related to “checks and balances,” access to information, and effective participation.<sup>145</sup> The hearings drew a broad range of public comment, including presentations from a commission led by the New York City public advocate.<sup>146</sup> Testimony at the hearings ranged from full support for mayoral control<sup>147</sup> to deep skepticism and a desire for a decentralized system that provided more policy authority to local educators and parents.<sup>148</sup> Media and public commentary at the time varied widely: some reports noted benefits of mayoral control of schools,<sup>149</sup> others emphasized its drawbacks, including top-down administration and lack of transparency or accountability, and called for “put[ting] the public back into the public schools” by strengthening public oversight of the system.<sup>150</sup> Disputes over the degree of power given to the mayor, along with skepticism about claimed educational improvements and concerns about lack of parental involvement, led to a legislative stalemate on whether mayoral control should be renewed without concessions.<sup>151</sup> In addition, politics, including a leadership battle in the New York State Senate, delayed legislative action

needed to maintain mayoral control following its expiration.<sup>152</sup> Consequently, the mayoral control law lapsed briefly on June 30, 2009.<sup>153</sup> This resulted in a brief appointment and reconvening of the board of education as configured under the law preceding the 2002 mayoral control legislation, which met only once before the mayoral control law was reinstated.<sup>154</sup>

### 3. 2009 MAYORAL CONTROL EXTENSION FOLLOWING A BRIEF LAPSE

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On August 6, 2009, the New York State Senate approved an amended mayoral control law that continued the city board (or Panel for Educational Policy, PEP) and the community education councils.<sup>155</sup> It maintained the City Board's composition of 13 members, 8 appointed by the mayor and 1 by each of the five borough presidents (who had to be public-school parents).<sup>156</sup> The 2009 amendments added a requirement that 2 of the mayoral appointees be “parents of a child attending a public school within the city district” and that “all parent members shall be eligible to continue to serve on the city board for two years following the conclusion of their child's attendance at a public school within the city

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144 *Notice of Public Hearing on the Subject of Governance of New York City School District*, January 19, 2009, <https://assembly.state.ny.us/comm/Ed/20090119/>.

145 Medina, “Debate on Mayoral Control of Schools Is Renewed.”

146 *Transcript, Public Hearing on Governance of the New York City School District in the New York State Assembly Standing Committee on Education*, January 29, 2009, [https://nyassembly.gov/member\\_files/037/20090323/transcriptqueens.pdf](https://nyassembly.gov/member_files/037/20090323/transcriptqueens.pdf).

147 *Transcript, Public Hearing*, January 29, 2009, 19.

148 *Transcript, Public Hearing*, January 29, 2009, 88–89.

149 Jennifer Medina, “Panel Backs Leaving Schools under the Mayor,” *New York Times*, September 4, 2008, <https://www.nytimes.com/2008/09/04/education/04school.html>.

150 Medina, “N.Y. Senate Renews Mayor's Power”; Andrew Wolf, “It's Time for New York to Rethink Mayoral Control of the Schools,” *New York Daily News*, April 24, 2009, <https://perma.cc/44SC-2XH5>; Jennifer Medina and Javier Hernandez, “Senate Deal Keeps Mayor in Control of Schools,” *New York Times*, July 24, 2009, <https://www.nytimes.com/2009/07/25/nyregion/25control.html>.

151 A.G. Sulzberger, “Democrats Lash Out at Mayor over Control of Public Schools,” *New York Times*, July 19, 2009, <https://www.nytimes.com/2009/07/20/nyregion/20control.html?smid=url-share>.

152 Medina and Hernandez, “Senate Deal.”

153 Kate Taylor, “What If Mayor's School Control Lapses? A 2009 Episode Offers Clues,” *New York Times*, June 20, 2017, <https://www.nytimes.com/2017/06/20/nyregion/what-if-mayors-school-control-lapses-a-2009-episode-offers-clues.html>.

154 Taylor, “School Control Lapses.”

155 Medina, “Senate Renews Mayor's Power”; N.Y. Educ. Law § 2590-b (McKinney 2009).

156 N.Y. Bill Jacket, L. 2009 ch. 345. N.Y. Educ. Law § 2590-b (McKinney 2009).

district.”<sup>157</sup> The law provided that any City Board vacancy be filled within 90 days.<sup>158</sup>

The 2009 amendments changed the chancellor’s role from chair of the City Board to an *ex officio* nonvoting member. The City Board was to elect a chair from among its members.<sup>159</sup> All appointed members of the City Board continued to serve at the pleasure of their respective appointing authorities.<sup>160</sup> The 2009 amendments required the City Board to hold at least one regular public meeting per month.<sup>161</sup>

The 2009 amendments continued the Citywide Council on Special Education<sup>162</sup> and added analogous citywide councils on English Language Learners<sup>163</sup> and high schools.<sup>164</sup>

All citywide council members were to be unpaid volunteers but would be reimbursed for actual or necessary expenses directly related to their duties and responsibilities.<sup>165</sup> No person was to serve on more than one citywide council or simultaneously on a community education council.<sup>166</sup> Citywide council members were ineligible to be employed by any such council, any community district education council, or the City Board, nor could they hold elective public office or an elected or appointive party position (with some exceptions). Persons with a felony conviction or who had been removed from a citywide or community education council due to malfeasance or conviction of a crime directly related to such service were also permanently ineligible to serve on a citywide council. Any citywide council member who refused or neglected to attend three meetings of such citywide

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157 N.Y. Bill Jacket, L. 2009 ch. 345.

158 N.Y. Bill Jacket, L. 2009 ch. 345.

159 N.Y. Bill Jacket, L. 2009 ch. 345.

160 N.Y. Bill Jacket, L. 2009 ch. 345.

161 The board was to provide a public notice of such meetings, including the time, place, and agenda, at least 10 days in advance, including on the board’s website and through specific circulation to all community superintendents, community district education councils, community boards, and school-based management teams. The meeting agenda was to provide a “list and brief description of the subject matter being considered, identification of all items subject to a city board vote,” and who to contact for information and public comment and city board meetings, and the chair was to ensure sufficient time for “public comment on any topic on the agenda prior to any city board vote” and that minutes be timely provided. N.Y. Educ. Law. § 2590-b (McKinney 2009).

162 The structure and responsibilities of the council on special education remained the same as established by the 2002 amendment. N.Y. Educ. Law. § 2590-b (McKinney 2009).

163 The Citywide Council on English Language Learners (ELL) was composed of 11 voting members, 9 of whom were required to be parents of students in bilingual or English as a Second Language (ESL) programs, selected by parents of students in such programs through a process established by the chancellor, and 1 nonvoting member. The remaining 2 voting members were appointed by the city’s public advocate and were individuals with extensive experience and knowledge in ELL education who would contribute significantly to improving ELL programs. All of the voting members were to serve two-year terms. The nonvoting member was a high school senior who had been in a bilingual or ESL program, selected by the chancellor’s ELL supervisor. The chancellor was to develop a process for filling vacancies for unexpired terms on the Citywide Council on ELL in consultation with parents of students in bilingual/ESL programs, except that the public advocate would make appointments to fill unexpired terms of the public advocate’s appointees. The Citywide Council on English Language Learners was empowered to advise and comment on any bilingual/ESL program educational or instructional policy, issue an annual report on the effectiveness of such program and make recommendations for its improvement, hold at least one public meeting per month to discuss issues facing English Language Learners. N.Y. Educ. Law. § 2590-b (McKinney 2009).

164 The Citywide Council on High Schools consisted of 13 voting members and one nonvoting member. Ten voting members were parents of students attending public high schools, two from each of the five boroughs selected by presidents and officers of parent-teacher associations in the relevant boroughs through a process established by the chancellor. Of the remaining three voting members, one was the parent of a high school student with an IEP appointed by the Citywide Council on Special Education, one was a parent of student in a bilingual or ESL program appointed by the Citywide Council on ELLs, and one was appointed by the NYC public advocate and expected to “have extensive business, trade, or education experience” to contribute to improving NYC education. All of the voting members were to serve two-year terms. Officers of parents’ associations or parent-teacher associations who were candidates for the citywide councils were ineligible to vote in that selection process; the association would elect a member to vote in place of such officers. One nonvoting member was a public high school senior appointed by the chancellor who would serve a one-year term. N.Y. Educ. Law. § 2590-b (McKinney 2009).

165 N.Y. Educ. Law § 2590-b (McKinney 2009).

166 N.Y. Educ. Law § 2590-b (McKinney 2009).

## “[Cathie] Black’s selection drew fierce opposition and was mired in controversy.”

council without an adequate excuse, would vacate their office by refusal to serve.<sup>167</sup>

The 2009 amendments expanded independent oversight of the city school district. The New York City Comptroller was authorized to conduct operational, programmatic, and financial audits of the city school district “to the same extent that such comptroller has such authority for” New York City agencies.<sup>168</sup> The New York City Independent Budget Office was given the authority, and the resources, to analyze and issue reports about financial management of the school system and education matters, including graduation rates, enrollment projections, class sizes and teacher-to-student ratios, student assessment data, and services delivered to students with disabilities and English Language Learners.<sup>169</sup>

The 2009 law was scheduled to sunset on June 30, 2015, when the legislature would again review public-school governance in New York City.<sup>170</sup>

#### 4. CHANCELLOR JOEL KLEIN’S 2010 RESIGNATION AND REPLACEMENTS

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While the 2009 law was in effect, several political developments and policy initiatives transpired that would impact education governance. Having won reelection for an unprecedented third term, Mayor Bloomberg again took office on January 1, 2010, and retained control of New York City’s public schools.<sup>171</sup> On November 9, 2010, Chancellor Joel Klein resigned and Mayor Bloomberg appointed Cathie Black, chairwoman of Hearst Magazines, who had no educational background, to succeed Klein as schools’ chancellor. Black’s selection drew fierce opposition and was mired in controversy.<sup>172</sup>

Black’s lack of education credentials required that Bloomberg seek a waiver from the state education commissioner before hiring her.<sup>173</sup> Joel Klein had also required and received such a waiver.<sup>174</sup> The waiver request for Black encountered significant obstacles. A panel advising state education commissioner David Steiner<sup>175</sup> voted against granting Black a waiver, and polling showed that most parents of public-school children opposed Black’s appointment as schools’ chancellor.<sup>176</sup> Commissioner Steiner determined that he did not need the panel’s vote to approve the waiver and proposed a compromise that would grant Black

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167 N.Y. Educ. Law § 2590-b (McKinney 2009).

168 N.Y. Educ. Law § 2590-t (McKinney 2009).

169 N.Y. Educ. Law § 2990-u (McKinney 2009).

170 N.Y. Bill Jacket, L. 2009 ch. 345.

171 Otterman and Medina, “New York Schools Chancellor Ends 8-Year Run.”

172 Katie Honan, “The Brief, Blunderous Public Sector Life of Cathie Black,” *NBC News*, April 8, 2011, <https://perma.cc/9Q25-87JW>.

173 N.Y. Educ. Law § 3303(3) (McKinney 2011). The N.Y. Education Law sets forth superintendent qualifications (which apply to the New York City chancellor), including experience in education and educational supervision and academic credentials. N.Y. Educ. Law § 3303(3). The law includes a waiver provision as follows: “The commissioner, at the request of a board of education or board of cooperative educational services, may provide for the issuance of a certificate as superintendent of schools to exceptionally qualified persons who do not meet all of the graduate course or teaching requirements of subdivision one of this section, but whose exceptional training and experience are the substantial equivalent of such requirements and qualify such persons for the duties of a superintendent of schools.”

174 David W. Chen and Javier C. Hernandez, “Klein’s Waiver, and the City’s Chief Street Monitor,” *New York Times*, November 17, 2010, <https://perma.cc/9PF4-5982>.

175 New York State Education Department, “Commissioner Steiner Appoints Advisory Screening Panel to Conduct Review Process,” November 19, 2010, <https://perma.cc/K9GE-98X5>.

176 Rich Lamb, “Panel Votes against Waiver for Cathie Black,” *CBS News*, November 23, 2010, <https://perma.cc/MU27-J8P9>.

the waiver if Bloomberg appointed “a chief academic officer with requisite education credentials to serve as the No. 2 person to Ms. Black.”<sup>177</sup> Steiner proposed approving the waiver if Bloomberg committed to appointing “Deputy Chancellor for Performance and Accountability Shael Polakow-Suransky — a longtime local educator — as the city’s first-ever chief academic officer.”<sup>178</sup> Steiner ultimately approved a waiver for Cathie Black.<sup>179</sup> The waiver approval was followed by lawsuits seeking to overturn it,<sup>180</sup> as well as continued concerns about Black’s suitability to serve as schools’ chancellor.

Ultimately, Cathie Black resigned as schools’ chancellor in April 2011, a mere three months after taking the position.<sup>181</sup> Some viewed Cathie Black’s appointment as emblematic of a broader abuse of power under mayoral control<sup>182</sup> and/or as a “stinging setback” that damaged Mayor Bloomberg’s credibility and standing with the public.<sup>183</sup>

Dennis Walcott, a deputy mayor under Bloomberg, was appointed chancellor on April 7, 2011, the same day that Cathie Black resigned.<sup>184</sup> Walcott, who had some education experience, succeeded in obtaining

a waiver for the position. Walcott was viewed as “a trusted aide on education policy, having served in the Bloomberg administration for nine years.”<sup>185</sup> Walcott remained chancellor through the end of Mayor Bloomberg’s term, defending Bloomberg’s education record during the 2013 democratic primary for mayor<sup>186</sup> and warning against changes to Bloomberg’s policies under mayoral control.<sup>187</sup>

#### 5. 2013 AMENDMENT TO CITYWIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS

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Following its establishment under the 2009 amendments to the mayoral control law, the Citywide Council on English Language Learners (CCELL) had difficulty finding and retaining a sufficient number of eligible members to fill the nine parent vacancies, establish meeting quorums, and conduct business.<sup>188</sup> During the 2011–2013 term, CCELL lacked sufficient members present for a quorum.<sup>189</sup> While a special appointment process resulted in enough members for a quorum if all members were present, approximately 70% of meetings scheduled between the summer of 2011 and spring 2013 did not

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177 Javier C. Hernandez and Sharon Otterman, “Education Chief Raises Doubts on Pick by Bloomberg,” *New York Times*, November 23, 2010. <https://www.nytimes.com/2010/11/24/nyregion/24waiver.html>.

178 Yoav Gonen, “New Ed Aide Will Have Black’s Back,” *New York Post*, November 27, 2010, <https://perma.cc/492P-QMFX>.

179 Karen Matthews, “Media Executive Gets Waiver to Lead NYC Schools,” *NBC News*, November 29, 2010, <https://perma.cc/W94Z-ENF6>.

180 Sharon Otterman, “Second Suit Challenges Waiver for Chancellor,” *New York Times*, December 8, 2010, <https://perma.cc/LQ77-YRQ6>.

181 Michael Barbaro, Sharon Otterman, and Javier C. Hernandez, “After 3 Months, Mayor Replaces Schools Leader,” *New York Times*, April 7, 2011, <https://www.nytimes.com/2011/04/08/education/08black.html>.

182 Leonie Haimson, “The Appointment of Cathie Black and Bloomberg’s Abuse of Power,” *HuffPost*, November 17, 2010, <https://perma.cc/SUX6-7CGC>.

183 Elisa Gootman and Michael Barbaro, “Cathleen Black Is Out as City Schools Chancellor,” *New York Times*, April 7, 2011, <https://perma.cc/C6F3-HK5F>.

184 Sara Frazier, “Schools Chief Cathie Black Steps Down, Deputy Mayor to Replace Her,” *NBC News*, April 7, 2011, <https://perma.cc/T9KQ-44F7>.

185 Amanda Fairbanks and Joy Resmovitz, “New York City Schools Chancellor: Cathie Black Out, Dennis Walcott In,” *HuffPost*, April 7, 2011, <https://perma.cc/Y5TP-JRMQ>.

186 Javier C. Hernandez, “Schools Chief Blasts Mayoral Candidates over Remarks at Education Forum,” *New York Times*, May 13, 2013, <https://www.nytimes.com/2013/05/14/nyregion/schools-chief-blasts-democratic-mayoral-candidates.html>.

187 Javier C. Hernandez, “New York Schools Chief Warns against Changes,” *New York Times*, May 18, 2013, <https://www.nytimes.com/2013/05/19/nyregion/walcott-criticizes-calls-to-reverse-school-reforms.html?searchResultPosition=2>.

188 Domenick Rafter, “DOE Explains CEC Election Changes,” *Queens Chronicle*, November 29, 2012, <https://perma.cc/S35R-6TB6>.

189 N.Y. Bill Jacket, L. 2013 ch. 103 at 8, 10, 12.

have a quorum, and meetings had to be rescheduled.<sup>190</sup> The 2013 selection process, which ran from February to May, again resulted in too few parent candidates to achieve a quorum for meetings, in spite of additional outreach by the NYC Department of Education and extension of the application deadline.<sup>191</sup> Because former CCELL members whose children had benefited from the program and had moved into non-ELL classes were no longer eligible to serve on the council, the recruitment problem worsened, shrinking the pool and depriving the CCELL of experienced members.<sup>192</sup>

In response to this concern, the legislature passed an amendment that extended CCELL parent member eligibility to a parent of a student who was or had been an English Language Learner within the preceding two years.<sup>193</sup> The amendment also extended eligibility to ELL parents serving on community education councils.<sup>194</sup> The proponents of these 2013 amendments hoped that it would help solve the recruitment problem by modestly expanding eligibility criteria to include parents whose children had achieved language proficiency and had moved out of ELL programs within the two years preceding the parent's election to the CCELL or CEC.<sup>195</sup>

## 6. BILL DE BLASIO BECOMES NEW YORK CITY MAYOR IN 2014

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In 2013, New York City voters “elected Bill de Blasio mayor on a platform that included ending the Bloomberg-Klein school reforms.”<sup>196</sup> Controversial reforms under Bloomberg included neighborhood school closures, opening charter schools, and using standardized-test scores to evaluate schools and teachers.<sup>197</sup> In addition, some observers noted that Bloomberg and Klein’s technocratic policy experimentation treated “teachers, students, parents, and communities only as the instruments and subjects of the experiments rather than as partners,” turning many stakeholders against their reforms.<sup>198</sup> Moreover, some claimed that Mayor Bloomberg’s reforms failed to improve, and in some cases exacerbated, outcome disparities based on race and class, while others disputed that assessment.<sup>199</sup>

Bill de Blasio began his mayoral term on January 1, 2014.<sup>200</sup> Mayor de Blasio pledged a progressive agenda to reduce inequality.<sup>201</sup> He named Carmen Fariña, a veteran educator, as schools chancellor.<sup>202</sup> Mayor de Blasio’s public education priorities included retaining mayoral control of schools, establishing universal pre-kindergarten for New York City four-year-olds, reducing high-stakes testing and class sizes, charging charter schools rent, and reversing Mayor Bloomberg’s policies of closing schools and

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190 N.Y. Bill Jacket, L. 2013 ch. 103 at 8, 10, 12.

191 N.Y. Bill Jacket, L. 2013 ch. 103 at 8, 10, 12.

192 N.Y. Bill Jacket, L. 2013 ch. 103 at 8, 10, 12.

193 N.Y. Educ. Law §2590-c(2)(b) (McKinney 2013).

194 N.Y. Educ. Law §2590-c(8)(c) (McKinney 2013).

195 N.Y. Bill Jacket, L. 2013 ch. 103.

196 Liebman et al., “Mine the Gap,” 54.

197 Liebman et al., “Mine the Gap,” 54.

198 Liebman et al., “Mine the Gap,” 54.

199 Liebman et al., “Mine the Gap,” 54–55.

200 Ray Sanchez, “Sworn-in de Blasio Pledges to Take on ‘Tale of Two Cities’ in NYC,” CNN, January 1, 2014, <https://perma.cc/K3QJ-R9ZG>.

201 Michael M. Grynbaum, “Taking Office, de Blasio Vows to Fix Inequity,” *New York Times*, January 1, 2014, <https://www.nytimes.com/2014/01/02/nyregion/bill-de-blasio-inauguration.html>.

202 Andrew Siff, and the Associated Press, “De Blasio Names Veteran NYC Educator Carmen Farina Next Schools Chancellor,” *NBC News*, published December 26, 2013, updated December 30, 2013, <https://perma.cc/SD49-YJJS>.

co-locating charter schools with public schools, among other things.<sup>203</sup>

Mayor de Blasio succeeded in establishing universal pre-kindergarten, a popular education initiative.<sup>204</sup> However, de Blasio's efforts to have a wealth tax imposed to pay for the program were opposed by Governor Andrew Cuomo and failed. Mayor de Blasio also faced early resistance to his efforts to block and reverse charter school co-locations, including legislation that established a process for new city charter schools to receive facilities support, such as free space in public schools and rent payments for other spaces.<sup>205</sup> Mayor de Blasio's charter school efforts, along with reversals of other Bloomberg-era policies such as the use of high-stakes tests for grade retention and teacher evaluation, school closures, and student suspensions, proved difficult and controversial, particularly among Republican lawmakers, complicating legislative support for the continuation of mayoral control.<sup>206</sup>

## 7. 2015 ONE-YEAR EXTENSION OF MAYORAL CONTROL

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In contrast to the legislature's grant of mayoral control of public schools for a seven-year period followed by a six-year extension under Mayor Bloomberg, newly elected Mayor de Blasio faced legislative reluctance and even resistance when seeking to extend mayoral control.<sup>207</sup> Mayor de Blasio's term was marked by regular political battles impacting mayoral control of schools.<sup>208</sup>

In 2015, Mayor de Blasio sought permanent mayoral control of the New York City schools.<sup>209</sup> While there had seemed to be political consensus toward continuing mayoral control, some raised concerns about Mayor de Blasio's policies.<sup>210</sup> For example, in addition to long-standing disagreements over charter schools,<sup>211</sup> some observers took issue with the de Blasio administration's changes in "accountability" systems, such as eliminating the A-to-F school grading system<sup>212</sup> and diminishing the focus on parent ratings of schools' academic expectations.<sup>213</sup>

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203 Yasmeen Khan, "Glimmers of de Blasio's Education Agenda Emerge," *WNYC*, November 6, 2013, <https://perma.cc/GQ4C-LXL6>.

204 Office of the Mayor, "New York City Launches Historic Expansion of Pre-K to More Than 51,000 Children," September 4, 2014, <https://perma.cc/NSQQ-V2GG>.

205 Geoff Decker, "Pre-K Funds, Charter School Protections, and Common Core Changes in State Budget Deal," *Chalkbeat New York*, March 29, 2014, <https://perma.cc/W696-H55L>.

206 David Cantor, "Analysis: The Fierce Fight over Mayoral Control Reflects de Blasio's Weakness on Education," *The 74*, June 21, 2017, <https://perma.cc/FZ8U-SWTH>.

207 Some of that resistance related to well-funded interest groups like StudentsFirstNY, opposed to teachers' unions and certain of Mayor de Blasio's policies, who persuaded legislators and the governor that de Blasio had to "earn the right to govern the city's schools." Kate Taylor, "Bloomberg Is No Longer Mayor, but His Schools Agenda Thrives in Albany," *New York Times*, July 29, 2015, <https://www.nytimes.com/2015/07/30/nyregion/groups-that-back-bloombergs-education-agenda-enjoy-success-in-albany.html?searchResultPosition=17>.

208 William Neuman and J. David Goodman, "Mayor de Blasio Waits (and Waits) for a New Mandate to Run New York's Schools," *New York Times*, June 19, 2017, <https://www.nytimes.com/2017/06/19/nyregion/de-blasio-mandate-schools.html>.

209 Geoff Decker, "De Blasio Calls for Permanent Mayoral Control of Schools," *Chalkbeat New York*, February 25, 2015, <https://perma.cc/BB7E-NYWV>.

210 Marcus Winters, "Holding City Schools Accountable — From Top to Bottom: De Blasio Deserves Mayoral Control, but Progress Reports Are Going in the Wrong Direction," *New York Daily News*, May 19, 2016, <https://perma.cc/A3ZB-7J7G>.

211 Javier C. Hernandez, "Gentler Words about Charter Schools from de Blasio," *New York Times*, March 23, 2014, <https://www.nytimes.com/2014/03/24/nyregion/de-blasio-strikes-conciliatory-tone-on-charter-schools.html>.

212 Winters, "Holding City Schools Accountable."

213 Winters, "Holding City Schools Accountable."

Thus, Mayor de Blasio's request for a permanent extension of mayoral control yielded only a one-year legislative extension.<sup>214</sup> The reasons for the short-term extension were arguably rooted in a political deadlock within the New York legislature.<sup>215</sup> At the same time, opposition to certain education policy choices continued, affecting future renewal efforts.<sup>216</sup>

#### 8. 2016 ONE-YEAR EXTENSION OF MAYORAL CONTROL

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Upon the expiration of the 2015 extension, Mayor de Blasio sought a seven-year extension of mayoral control of New York City public schools.<sup>217</sup> However, the legislature granted only a one-year extension due to opposition from Senate Republicans.<sup>218</sup> The one-year extension was contingent on an agreement to lift the state's charter school cap.<sup>219</sup>

In addition, parent associations were growing increasingly frustrated with the chancellor's and other officials' perceived lack of interest in engaging with parent councils and lack of accountability for

policy failures. At public hearings held in 2016, these frustrations spilled into the open, prompting recommended changes to include all relevant stakeholders, including parents, teachers, and students, in school governance.<sup>220</sup>

A series of studies of the New York City school district and comparative studies conducted at that time focused on students' performance and the rift between public and charter schools but did little to tie these issues to school governance.<sup>221</sup>

#### 9. 2017 TWO-YEAR MAYORAL CONTROL EXTENSION

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At the end of the 2017 term, the legislature delayed extending the mayoral control law, nearly allowing it to lapse.<sup>222</sup> The assembly speaker and others expressed frustration with the use of renewal of New York City mayoral control of schools as a bargaining chip to pressure legislators on other matters, such as raising the charter school cap.<sup>223</sup> The issue was described as contentious and deadlocked.<sup>224</sup>

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214 Madina Touré, "Cuomo Proposes 3-Year Extension of Mayoral Control," *Politico*, January 15, 2019, <https://www.politico.com/states/new-york/city-hall/story/2019/01/15/cuomo-proposes-three-year-extension-of-mayoral-control-792577>.

215 Ross Barkan, "Mayoral Control Is Extended for Just a Single Year," *Observer*, June 23, 2015, <https://perma.cc/4E8K-HX9Z>; Ross Barkan, "Bill de Blasio Demands Senate Republicans Renew Mayoral Control of Public Schools," *Observer*, June 1, 2015, <https://perma.cc/5E9S-RPXN>.

216 Geoff Decker, "Senate leader: Questions About NYC Schools Spending Fueled One-Year Mayoral Control Deal," *Chalkbeat New York*, June 25, 2015, <https://perma.cc/JHF2-54QF>.

217 Kate Taylor, "De Blasio Asks State Senate for 7 More Years of Control over Schools," *New York Times*, May 5, 2016, <https://www.nytimes.com/2016/05/05/nyregion/de-blasio-asks-state-senate-for-7-years-of-control-over-schools.html?searchResultPosition=14>.

218 "Cuomo, Lawmakers Agree to 1-Year Extension of Mayoral Control over NYC Schools," *CBS News New York*, June 18, 2016, <https://perma.cc/RF3Y-LQNA>.

219 Barkan, "Mayoral Control Is Extended"; Glenn Blain, "Assembly Approves Modified Extension of Mayor de Blasio's Control of City Schools," *New York Daily News*, April 8, 2018, <https://perma.cc/244Y-9DGP>.

220 "Parents, Lawmakers Angry over de Blasio's Decision to Skip State Senate Hearing on Control over NYC Schools," *CBS News New York*, May 16, 2016, <https://perma.cc/M4JW-SWG3>.

221 See Marcus A. Winters and Joshua M. Cowen, "Grading New York: Accountability and Student Proficiency in America's Largest School District," *Educational Evaluation and Policy Analysis* 34, no. 3 (2012): 313–327, <http://www.jstor.org/stable/23254162>; Marcus A. Winters, Grant Clayton, and Dick M. Carpenter II, "Are Low-Performing Students More Likely to Exit Charter Schools? Evidence from New York City and Denver, Colorado," *Economics of Education Review* 56 (2017): 110–117, <https://doi.org/10.1016/j.econedurev.2016.12.002>; Marcus A. Winters, "Measuring the Effect of Charter Schools on Public School Student Achievement in an Urban Environment: Evidence from New York City," *Economics of Education Review* 31 (2012): 292–301, <https://doi.org/10.1016/j.econedurev.2011.08.014>.

222 Taylor, "Does It Matter."

223 J. David Goodman, "New York City Officials Raise Pressure over Mayoral Control of Schools," *New York Times*, June 20, 2017, <https://www.nytimes.com/2017/06/20/nyregion/new-york-city-officials-raise-pressure-over-mayoral-control-of-schools.html>.

224 Jesse McKinley, "State Lawmakers Leverage Their Power over de Blasio's Schools Role," *New York Times*, June 12, 2017, <https://www.nytimes.com/2017/06/12/nyregion/state-lawmakers-leverage-their-power-over-de-blasios-schools-role.html>.

However, shortly before the law was set to expire on June 30, 2017, the assembly speaker succeeded in “linking the extension of mayoral control of the schools to the renewal of various local taxes.” Just before its expiration, the legislature passed, and the governor signed,<sup>225</sup> a two-year extension of mayoral control to 2019.<sup>226</sup>

#### IO. MAYOR BILL DE BLASIO’S RE-ELECTION AND SCHOOLS’ CHANCELLOR TRANSITION (2017–2021)

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On November 7, 2017, Mayor de Blasio won reelection to a second term. In December 2017 Chancellor Fariña announced her retirement.<sup>227</sup> Fariña’s tenure as schools’ chancellor generally was viewed positively based on her reinstatement of a district structure, improved graduation and college enrollment rates, and reduced absenteeism.<sup>228</sup> Fariña was considered a steady leader whose deep experience as an educator focused on school and classroom environments.<sup>229</sup> The education department’s signature policies, under an “Equity and Excellence for All” agenda, included expanded pre-K and “adding computer science and Advanced Placement classes” to schools, among others.<sup>230</sup> Fariña turned

away from the Bloomberg administration’s policy of closing schools deemed underperforming, instead “supporting community schools designed to infuse schools with social services” to address the challenges of poverty.<sup>231</sup> For example, she established a Renewal Schools program, under which the city paired 94 struggling schools with social service organizations, while also providing them with coaching and an extra hour of class each day.<sup>232</sup> The program was reported to be expensive and to yield mixed results, leading the department to close or merge 33 of the schools.<sup>233</sup>

In February 2018, soon after the start of de Blasio’s second term and the announcement of Fariña’s resignation, the generally compliant City Board/PEP rejected a mayoral proposal to close two Queens schools. Those voting against the proposal included a mayoral appointee to the PEP who resigned the following month.<sup>234</sup>

On March 6, 2018, Mayor de Blasio announced the appointment of Richard Carranza, a veteran educator, as schools’ chancellor.<sup>235</sup> Carranza was described as similar in temperament and approach to Fariña.<sup>236</sup> Yet he soon staked out his own priorities, including a focus on equity.<sup>237</sup> Mayor de

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225 Jesse McKinley and Lisa W. Foderaro, “New York Senate Joins Assembly on 2-Year Extension of Mayoral School Control,” *New York Times*, June 29, 2017, <https://www.nytimes.com/2017/06/29/nyregion/new-york-senate-assembly-schools.html>.

226 “Lawmakers OK 2-Year Extension of Mayoral Control of NYC Schools,” *NBC News New York*, June 29, 2017, <https://perma.cc/84NR-FKHQ>; McKinley and Foderaro, “New York Senate Joins Assembly.”

227 Kate Taylor and Elizabeth A. Harris, “Carmen Fariña, Head of New York City Schools, Is Retiring,” *New York Times*, December 20, 2017, <https://www.nytimes.com/2017/12/20/nyregion/carmen-farina-nyc-schools-retire.html>.

228 James Ford, “Fariña Formally Announces Retirement as NYC Schools Chancellor Amid Widespread Praise, but Some Criticism,” *Pix 11 News*, December 21, 2017, <https://perma.cc/Q2MT-AXQ5>.

229 Taylor and Harris, “Fariña, Retiring”; Phillissa Cramer, “Here’s How the New York City Education World Is Responding to Carmen Fariña’s (Re-)retirement,” *Chalkbeat New York*, December 23, 2017, <https://perma.cc/2SEN-RGXQ>.

230 Taylor and Harris, “Fariña, Retiring.”

231 Taylor and Harris, “Fariña, Retiring.”

232 Taylor and Harris, “Fariña, Retiring.”

233 Taylor and Harris, “Fariña, Retiring.”

234 Alex Zimmerman and Christina Veiga, “After Voting Down School Closures, de Blasio Appointee to Education Panel Is Out,” *Chalkbeat New York*, March 9, 2018, <https://perma.cc/AH7V-SB8R>.

235 Eliza Shapiro, “Carranza’s Challenge: Be Just like Fariña, Only Better,” *Politico*, March 6, 2018, <https://www.politico.com/states/new-york/city-hall/story/2018/03/06/carranzas-challenge-be-just-like-farina-only-better-296948>.

236 Shapiro, “Carranza’s Challenge.”

237 Elizabeth Harris, “Richard Carranza: ‘As the Chancellor, I Ultimately Own Everything,’” *New York Times*, April 4, 2023, <https://www.nytimes.com/2018/04/23/nyregion/richard-carranza-schools-chancellor-interview.html>.



Blasio’s equity agenda included tackling school segregation and inequality.<sup>238</sup> Chancellor Carranza named desegregation as a top priority.<sup>239</sup> However, Carranza soon faced both structural impediments and fierce, well-funded opposition to his and de Blasio’s desegregation proposals.<sup>240</sup> Mayor de Blasio’s legislative proposal to end selective high school admissions based on a single exam was met with strong opposition that derailed the legislation.<sup>241</sup> When a task force appointed by Mayor de Blasio to develop school integration and equity proposals issued recommendations that included “eliminating most selective admissions and all gifted and talented programs,” it was met with strong resistance.<sup>242</sup> Well-funded opposition to de Blasio’s effort to eliminate the specialized high school admissions test continued.<sup>243</sup>

Chancellor Carranza also handled COVID-19 pandemic school closures<sup>244</sup> (which he considered a “last resort”)<sup>245</sup> and reopenings, drawing praise from the teachers’ union for his openness during the process.<sup>246</sup> Yet Carranza reportedly differed with Mayor de Blasio about school integration, including

ending public-school gifted and talented programs that were based on tests for four-year-old children, and resigned on February 26, 2021.<sup>247</sup> Carranza was succeeded by Meisha Porter, a longtime city educator, former Bronx superintendent, and “the first Black woman to lead the sprawling New York City system,” on March 15, 2021.<sup>248</sup>

## II. 2019 THREE-YEAR MAYORAL CONTROL EXTENSION

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During the de Blasio administration, as expiration of the 2017 two-year mayoral control extension approached, Mayor de Blasio sought to assemble a broad coalition to support another extension of the law.<sup>249</sup> Mayor de Blasio and his supporters cited the accomplishments during his tenure, such as “rising graduation rates, universal pre-K and 3K, [and] growing college enrollment rates.”<sup>250</sup> They noted “how mayoral control replaced a school board system that was strained by political battles and diminished accountability.”<sup>251</sup> When Democrats gained control

238 Kate Taylor, “De Blasio, Expanding an Education Program, Dismisses Past Approaches,” *New York Times*, May 11, 2017, <https://www.nytimes.com/2017/05/11/nyregion/de-blasio-expanding-community-schools-initiative.html>.

239 Eliza Shapiro, “Desegregating N.Y. Schools Was His Top Priority. What Happened?,” *New York Times*, August 23, 2019, <https://www.nytimes.com/2019/08/23/nyregion/nyc-schools-chancellor-carranza-.html>.

240 Shapiro, “Desegregating N.Y. Schools.”

241 Eliza Shapiro and Vivian Wang, “Amid Racial Divisions, Mayor’s Plan to Scrap Elite School Exam Fails,” *New York Times*, June 24, 2019, <https://www.nytimes.com/2019/06/24/nyregion/specialized-schools-nyc-deblasio.html?smid=url-share>.

242 Shapiro and Wang, “Amid Racial Divisions,” Eliza Shapiro and Jeffrey Mays, “De Blasio Weighs Eliminating Gifted Programs in New York,” *New York Times*, August 27, 2019, <https://www.nytimes.com/2019/08/27/nyregion/de-blasio-gifted-talented-nyc.html?searchResultPosition=2>.

243 Reema Amin, “Wealthy Group of SHSAT Backers Are Ready for Round Two in Albany,” *Chalkbeat New York*, October 17, 2019, <https://perma.cc/RK77-25MU>.

244 Corina Knoll and Matthew Sedacca, “Parents Scramble as N.Y.C. Schools Close over Coronavirus,” *New York Times*, March 16, 2020, <https://www.nytimes.com/2020/03/16/nyregion/nyc-schools-closed-coronavirus.html?searchResultPosition=10>.

245 Eliza Shapiro, “Coronavirus in N.Y.C.: Why Closing Public Schools Is a ‘Last Resort’” *New York Times*, March 7, 2020, <https://www.nytimes.com/2020/03/07/nyregion/nyc-schools-coronavirus.html?searchResultPosition=7>.

246 Eliza Shapiro, “N.Y.C. Schools Chief to Resign after Clashes over Desegregation,” *New York Times*, February 26, 2021, <https://www.nytimes.com/2021/02/26/nyregion/richard-carranza-nyc-schools.html?searchResultPosition=1>; Emma G. Fitzsimmons, Jeffrey C. Mays, and Eliza Shapiro, “How N.Y.C.’s Mayor Ignored Warnings and Mishandled Reopening Schools,” *New York Times*, September 18, 2020, <https://www.nytimes.com/2020/09/18/nyregion/schools-reopen-delay-nyc.html?searchResultPosition=14>.

247 Shapiro, “Schools Chief to Resign.”

248 Shapiro, “Schools Chief to Resign.”

249 Reema Amin, “As Mayoral Control Debate Heats Up, de Blasio Takes Concerns about Parent Input ‘Very Seriously,’” *Chalkbeat New York*, March 7, 2019, <https://perma.cc/GQB9-KTH8>.

250 Amin, “Debate Heats Up.”

251 Amin, “Debate Heats Up.”

of the New York State legislature,<sup>252</sup> Mayor de Blasio renewed his push for a prolonged extension.<sup>253</sup> There did not appear to be a strong desire to end mayoral control at the time,<sup>254</sup> despite frustrations with mayoral control that were vented during public hearings in 2019.<sup>255</sup> However, a renewed political conflict ensued, focusing on the deepening divisions between charters and traditional public schools and the role mayoral control had in facilitating charter schools.<sup>256</sup>

As part of the 2019 budget deal, often called the “big ugly,”<sup>257</sup> the New York State Legislature extended New York City mayoral control of public schools for three years. This was the longest extension of mayoral control during Mayor Bill de Blasio’s term. The budget deal also included an increase in New York State education funding and a 3.4% increase in New York City school funding.<sup>258</sup>

The 2019 legislation expanded the City Board/PEP from 13 to 15 members.<sup>259</sup> One member would be elected by the presidents of local parent councils across the city, and the mayor would appoint 9 members instead of 8, maintaining the mayor’s majority power over the panel, while a new 10-day

notice and written explanation for removing any panel member would also be required.<sup>260</sup>

While the 2019 budget deal ostensibly gave Mayor de Blasio some breathing room in maintaining control of the city’s educational system, the COVID-19 pandemic introduced additional complexity in managing New York City’s public schools and assessing school performance. In early 2020, New York City was recognized as a COVID-19 “epicenter.” New York’s governor, Andrew Cuomo, ordered city public schools closed on March 16, 2020.<sup>261</sup> New York City teachers and school leaders were given one week to prepare for distance learning. Online classes for New York City’s 1.1 million public-school students began on March 23, 2020, and continued through the end of the 2019–2020 school year.<sup>262</sup>

COVID-19 school closures and the transition to online learning were difficult and exposed deep inequities.<sup>263</sup> The shift to online learning “revealed not only technological challenges and inequities but the multivariate importance of the City’s public schools in supporting children, families, communities, and society.<sup>264</sup> For example, the importance of public schools in supporting children facing food insecurity

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252 Zack Fink, “Mayor de Blasio Embraces Three Year Extension of Mayoral Control,” *Spectrum News NY1*, March 16, 2019, <https://perma.cc/MWC8-T5UQ>; Touré, “Cuomo Proposes 3-Year Extension of Mayoral Control.”

253 Christina Veiga, “In the Push to Extend Mayoral Control of Schools, de Blasio Highlights New Pre-K Dual Language Programs,” *Chalkbeat New York*, February 4, 2019, <https://perma.cc/48U7-EWUT>.

254 Veiga, “Extend Mayoral Control.”

255 *Public Hearing on Governance of the New York City School District in the New York State Assembly Standing Committee on Education*, December 16, 2019.

256 Jason L. Riley, “De Blasio Gives Up on Educating Poor Kids,” *Wall Street Journal*, August 28, 2019, <https://perma.cc/EW97-CVN9>.

257 Alex Zimmerman, “A \$1 Billion, Mayoral Control, and Tweaks to Parent Councils — What to Know about New York’s Budget Deal,” *Chalkbeat New York*, March 31, 2019, <https://perma.cc/EZP3-L5JE>.

258 Zimmerman, “\$1 Billion.”

259 Veiga, “Extend Mayoral Control.”

260 Leslie Brody, “Albany Extends Mayor’s Control of New York City Schools by Three Years,” *Wall Street Journal*, April 1, 2019, <https://www.wsj.com/articles/albany-extends-mayors-control-of-new-york-city-schools-by-three-years-11554156804>; Veiga, “Extend Mayoral Control.”

261 Natalie Gomez-Velez, “Reimagining Public Education Equity After COVID-19: Will Public Voices from New York’s Epicenter Be Heard Over the Siren Song of Billionaires?,” *Fordham Urban Law Journal* 48, no. 2 (2021): 319, <https://perma.cc/VYY9-YLEN>.

262 Gomez-Velez, “Reimagining Public Education,” 315, 319.

263 Gomez-Velez, “Reimagining Public Education,” 320.

264 Giulia Heyward, “From Shutdown to Reopening: Here’s a Look at N.Y.C. Schools’ Trek through the Pandemic,” *New York Times*, September 13, 2021, <https://www.nytimes.com/2021/09/13/world/reopening-timeline-nyc-schools.html>.

quickly became apparent.”<sup>265</sup> The New York City Department of Education arranged for families to pick up meals at school buildings across the city.<sup>266</sup> The transition to online, remote teaching and learning “depended on a technological infrastructure that many students and families lacked, exposing the extent of a pre-existing digital divide.” Teachers and school leaders made significant efforts to adapt, yet “public school closures and the move to remote learning exposed and exacerbated stark inequities in schooling for New York City children and families, as well as many of their teachers.”<sup>267</sup>

During this period, Governor Cuomo and Mayor de Blasio were often at odds.<sup>268</sup> Some observers critiqued the mayor’s and the governor’s COVID-19 responses as being “hampered by their own confused guidance, unheeded warnings, delayed decisions and political infighting.”<sup>269</sup>

The COVID-19 pandemic’s impact “prompted calls to re-think public education in New York

and elsewhere.”<sup>270</sup> On May 5, 2020, Governor Cuomo announced a plan to “reimagine education” in partnership with the Bill and Melinda Gates Foundation.<sup>271</sup> The announcement drew a swift and largely negative reaction from parents, teachers, education advocates, and local elected officials, who viewed it as thoughtless given the stark and deadly inequities the COVID-19 pandemic had exposed.<sup>272</sup> It also raised concerns about private interests directing and seeking to profit from a public health and education crisis.<sup>273</sup> The pandemic also exposed the influence of wealthy business interests in shaping education and other public policy, as many weighed in on school closures as related to broader economic concerns.<sup>274</sup> When Mayor de Blasio pushed to reopen schools, he “took heat from all sides,” and the principals’ union voted no confidence in de Blasio’s handling of public-school reopening.<sup>275</sup> Mayor de Blasio’s handling of COVID-19 school closures and reopenings drew criticism of his handling of the schools, impacting views of mayoral control more generally.<sup>276</sup>

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265 Gomez-Velez, “Reimagining Public Education,” 319–320.

266 Sophia Chang, “NYC Plans to Feed All Students, Deliver Laptops for Remote Learning,” *Gothamist*, March 16, 2020, <https://perma.cc/29LW-NXXG>.

267 Gomez-Velez, “Reimagining Public Education,” 320.

268 Jesse McKinley et al., “How a Feud between Cuomo and de Blasio Led to a Chaotic Virus Crackdown,” *New York Times*, November 16, 2020, <https://www.nytimes.com/2020/10/12/nyregion/cuomo-coronavirus-orthodox-shutdown.html>.

269 J. David Goodman, “How Delays and Unheeded Warnings Hindered New York’s Virus Fight,” *New York Times*, July 18, 2020, <https://www.nytimes.com/2020/04/08/nyregion/new-york-coronavirus-response-delays.html>.

270 Gomez-Velez, “Reimagining Public Education,” 315.

271 New York State Governor’s Office, “Amid Ongoing COVID-19 Pandemic, Governor Cuomo Announces Collaboration with Gates Foundation to Develop a Blueprint to Reimagine Education in the New Normal,” May 5, 2023, <https://perma.cc/Y99V-P22Y>; Reema Amin and Matt Barnum, “Cuomo Taps Gates Foundation to ‘Reimagine’ What Schooling Looks Like in NY,” *Chalkbeat New York*, May 5, 2020, <https://perma.cc/V4BJ-EC68>.

272 Bill Pietsch, “New York Gov. Andrew Cuomo Receives Backlash for Tapping Tech Billionaires Bill Gates and Former Google CEO Eric Schmidt to Help Rebuild the State,” *Business Insider*, May 7, 2020, <https://perma.cc/YG5H-Y3WE>.

273 Zephyr Teachout and Pat Garofalo, “Cuomo Is Letting Billionaires Plan New York’s Future. It Doesn’t Have to Be This Way,” *Guardian*, May 14, 2020, <https://perma.cc/3CH4-5D9E>.

274 New York City’s business community engages in public policy in multiple ways, including philanthropy, service in policy positions, political action, and advocacy. For example, in September 2020, wealthy business leaders signed an open letter criticizing the mayor’s leadership with respect to public safety, sanitation, and reopening businesses during the pandemic, while local chambers of commerce separately organized similar charges. See J. David Goodman, Emma G. Fitzsimmons, and Jeffrey C. Mays, “Inside the Clash between Powerful Business Leaders and N.Y.C.’s Mayor,” *New York Times*, September 13, 2020, <https://perma.cc/N95U-LB5L>.

275 See Tommy Beer, “NYC Principals Union Unanimously Votes ‘No Confidence’ in de Blasio,” *Forbes*, September 27, 2020, <https://perma.cc/7BG9-FW3B>; Eliza Shapiro, “How de Blasio Backed Himself into a Corner on Closing Schools,” *New York Times*, November 24, 2020, <https://www.nytimes.com/2020/11/24/nyregion/deblasio-school-reopening.html>.

276 Shapiro, “Closing Schools”; Raymond Domanico, “How de Blasio Failed Students in Failing Schools,” *City & State New York*, March 24, 2020, <https://perma.cc/Q5P7-6NUF>.

On October 14, 2021, the State Assembly held a hearing on New York City public-school governance, focused on what should be done with mayoral control.<sup>277</sup> A select group of experts and advocates testified. For example, Professor Jeffrey Henig testified about the history of school governance and offered examples of mayoral control structures in other cities. He noted that while school governance arrangements are important, governance change is not a panacea — it is neither necessary nor sufficient to bring about sustained school improvement.<sup>278</sup> Henig explained that governance structures matter only in conjunction with other forces — governance structures are relevant because of what they facilitate or make more difficult.<sup>279</sup> Broad and strong coalitions of parents and community activists who share a vision of public education and hold education officials accountable are important to ensuring good governance. Henig also urged that governance reform not be done “willy nilly” or based on short-term factors or mayoral personalities. Finally, Henig noted that open democratic consideration of school governance reforms is helpful but should be based on the goals of education.<sup>280</sup>

A consensus emerged that reforming the existing governance system “should not be rushed” and that “giving additional authority to those most involved in schools is needed.”<sup>281</sup>

## 12. ERIC ADAMS BECOMES MAYOR AND APPOINTS CHANCELLOR DAVID BANKS IN 2022

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On November 2, 2021, Eric Adams was elected New York City mayor.<sup>282</sup> He took office on January 1, 2022. Mayor Adams selected Chancellor David Banks, a “former teacher and principal who had created a network of all-boys schools,” as his first mayoral appointment.<sup>283</sup> Banks’s “first priorities would include expanding early childhood education options for the city’s youngest children; improving career pathways for older students; and combating students’ trauma,” as well as considering whether to implement a phase-out of gifted and talented programs begun by Mayor de Blasio.<sup>284</sup> Chancellor Banks’s appointment received a largely positive reception from a range of stakeholders and advocates, including a charter school advocate.<sup>285</sup> The appointment was viewed as a shift away from Mayor de Blasio’s educational philosophy, including

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277 *Public Hearing on Governance of the New York City School District*, October 14, 2021, [https://nystateassembly.granicus.com/player/clip/6393?view\\_id=8&redirect=true&ch=4b9028a42db4ec1c62f4885564bf12c9](https://nystateassembly.granicus.com/player/clip/6393?view_id=8&redirect=true&ch=4b9028a42db4ec1c62f4885564bf12c9).

278 *Public Hearing*, October 14, 2021.

279 *Public Hearing*, October 14, 2021.

280 *Public Hearing*, October 14, 2021. (Other invited speakers included Camille Caseretti of the Educational Council Commission, Leonie Haimson of Class Size Matters, Kemala Karmen of NYC Opt Out, and Thomas Sheppard, CEC presidents’ representative. They discussed proposals for governance change that would improve parent and community engagement, provide greater checks and balances, and support greater transparency and oversight. Assemblymembers Benedetto, Epstein, Reilly, Septimo, and Hyndman asked questions related to board members serving for terms rather than at the pleasure of the appointing authority, whether to have elected versus appointed or central versus local boards, the relationship between New York City’s central board (the City Board or PEP) and local CECs, the appointment of the chancellor, and whether a waiver of chancellor qualifications should be eliminated, among other governance matters. Several of those who testified referred to proposals for changing New York City school governance.)

281 New York State Assembly, Committee on Education, *2021 Annual Report* (December 15, 2021): 14, <https://nyassembly.gov/comm/?id=12&sec=story&story=100690>.

282 Katie Glueck, “Eric Adams Is Elected Mayor of New York City,” *New York Times*, November 3, 2021, <https://www.nytimes.com/2021/11/02/nyregion/eric-adams-mayor.html>.

283 James Barron, “The New Mayor’s First Appointment: Schools Chancellor,” *New York Times*, December 9, 2021, <https://www.nytimes.com/2021/12/09/nyregion/the-new-mayors-first-appointment-schools-chancellor.html>.

284 Barron, “New Mayor’s First Appointment.”

285 Jo Napolitano, “‘The Right Choice for This Historic Moment’: David Banks’s Appointment to NYC Schools Chancellor Welcomed in Several Circles,” *The 74*, December 9, 2021, <https://perma.cc/XGM2-BM5K>.

his opposition to expanding charter schools.<sup>286</sup> Banks appointed as first deputy chancellor Daniel Weisberg, a lead labor strategist for former Mayor Bloomberg.<sup>287</sup>

Facing an enrollment drop and recovery challenges from impacts of the COVID-19 pandemic, Banks began his tenure saying he would tackle the education bureaucracy, keep schools open, and end mask mandates, while exploring limited virtual learning options.<sup>288</sup> Banks “emphasized the need to improve literacy” and said he would work to “build bridges between schools” so that principals and administrators could learn from each other.<sup>289</sup> Banks also set forth plans to change the reading curriculum to a phonics-based system, introduce early dyslexia screening, and improve graduation rates and job readiness.<sup>290</sup> Chancellor Banks also rolled back efforts to reduce school segregation, taking the position that it is more important to improve education across New York’s segregated schools.<sup>291</sup>

Because the mayoral control law was set to expire in June 2022, Mayor Adams was tasked with arguing for its continuation early in his tenure. Adams urged the legislature to extend the mayoral control law to 2026 as proposed by Governor Kathy Hochul, which would span the duration of Adams’s term as mayor. In making his case, Adams noted that “under the

previous school board system, there was patronage, corruption, infighting and ‘personal politics’” and pointed to improved graduation rates and universal pre-kindergarten as initiatives accomplished by his predecessors under mayoral control.<sup>292</sup> As for Adams’s own initiatives, Chancellor Banks discussed expanding virtual learning options, changing reading instruction, increasing principals’ autonomy, and providing more career and technical education.<sup>293</sup> The Adams administration also announced expanding gifted and talented education and more summer programming and jobs for youth.<sup>294</sup>

### 13. 2022 TWO-YEAR MAYORAL CONTROL EXTENSION WITH MODIFICATIONS AND CALL FOR STUDY AND HEARINGS

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In March 2022, the New York State Senate and Assembly conducted a joint hearing on mayoral control of New York City public schools.<sup>295</sup> The virtual hearing included multiple panels consisting of parents, educators, and school leaders.<sup>296</sup> The consensus among the panelists was that there should be no blanket extension of mayoral control through Mayor Adams’s term because it would diminish the necessary accountability.<sup>297</sup>

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286 Napolitano, “The Right Choice.”

287 Eliza Shapiro, “David Banks, Educator and Adams Ally, Is Next N.Y.C. Schools Chancellor,” *New York Times*, December 8, 2021, <https://www.nytimes.com/2021/12/08/nyregion/david-banks-nyc-school-chancellor.html>.

288 Lola Fadulu, “Schools Chancellor Pledges to End New York City’s ‘Betrayal’ of Students,” *New York Times*, March 2, 2022, <https://www.nytimes.com/2022/03/02/nyregion/nyc-schools-david-banks-chancellor.html>.

289 Fadulu, “Schools Chancellor.”

290 Marcia Kramer, “NYC Schools Chancellor David Banks Shares His Vision for Department of Education,” *CBS News*, March 2, 2022, <https://perma.cc/H3EX-HTFG>.

291 Laura Meckler, “NYC’s Black Schools Chief Isn’t Sure Racial Integration Is the Answer,” *Washington Post*, November 17, 2022, <https://perma.cc/WJ73-8ZFL>.

292 Madina Touré, “Adams Makes His Case for Extending Mayoral Control Until 2026,” *Politico*, March 9, 2022, <https://perma.cc/C5U3-WJP6>.

293 Reema Amin and Josefa Velasquez, “Adams Makes His Case for Mayoral Control to Albany — From City Hall,” *The City*, May 9, 2022, <https://perma.cc/TN74-2JK8>.

294 Amin and Velasquez, “Mayoral Control to Albany.”

295 *Public Hearing on Mayoral Control in the New York City School District*, March 4, 2022, [https://nystateassembly.granicus.com/player/clip/6703?view\\_id=8&redirect=true&ch=6fd4dd2f8cb46a17b31e17ec0dbfb41d](https://nystateassembly.granicus.com/player/clip/6703?view_id=8&redirect=true&ch=6fd4dd2f8cb46a17b31e17ec0dbfb41d).

296 *Public Hearing*, March 4, 2022.

297 Megan McGibney, “Hochul’s Proposal to Extend Mayoral Control of NYC Schools to Four Years Gets Pushback,” *City & State New York*, March 4, 2022, <https://perma.cc/BVB3-EGMN>.

The legislature passed a two-year extension that included several changes to the law and called for the New York State Education Department to conduct a comprehensive review of mayoral control and issue findings. As noted more fully in Section IV, Assessments, the changes in the 2022 extension included the expansion of the City Board/Panel for Educational Policy to 23 voting members, adding five members elected by CEC presidents (one from each borough), and increasing the number of mayoral appointees to 13, thus maintaining a majority of mayoral appointees. The PEP also includes the chancellor and city comptroller as *ex officio* nonvoting members. The law provides that each community education council consists of 12 voting members who are locally elected in each of 32 school districts. The 2022 amendments also added a citywide council for District 75 (CCD75).

The 2022 mayoral control extension was passed in tandem with a new requirement that New York City “reduce actual class sizes, beginning September two thousand twenty-three and to be achieved by September two thousand twenty-eight for all classes.”<sup>298</sup> The law requires

*(1) kindergarten–third grade to have no more than twenty students per class; (2) fourth–eighth grade to have no more than twenty–three students per class; and (3) high school to have no more than twenty–five students per class. Physical education and performing groups shall have no more than forty students per class at all levels.*<sup>299</sup>

The class size reduction law mandates prioritizing higher-poverty school populations.<sup>300</sup> With limited exemptions, the law tasks the New York City Department of Education with developing a plan that sets forth methods for achieving class size targets and reporting its progress.<sup>301</sup>

State Senator John Liu described the class reduction companion to the mayoral control extension bill as together intended to improve schools and address inequities.<sup>302</sup> Mayor Adams and Chancellor Banks called the class size reduction requirement an unfunded mandate that the city could not afford.<sup>303</sup> While the class size reduction law is popular with many groups, some have raised concerns about whether it will be implemented equitably.<sup>304</sup>

The 2022 mayoral control law also included substantive changes designed to respond to concerns about representation and providing more checks on the mayor.<sup>305</sup> The 2022 amendments established the current structure, including an expanded 23-member City Board (or Panel for Educational Policy), among other changes, as described in Section IV, Assessments.

### 13. RECENT DEVELOPMENTS AFFECTING NEW YORK CITY PUBLIC SCHOOLS AND MAYORAL CONTROL (2022–JANUARY, 2024)

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Beginning in the summer of 2022, New York City experienced a large influx of migrants, including asylum seekers bused from the Texas southern border by Texas governor Gregg Abbott.<sup>306</sup> Mayor Adams

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298 N.Y. Educ. Law § 211-d.2.b.(ii)(A) (McKinney).

299 N.Y. Educ. Law § 211-d.2.b.(ii)(A) (McKinney).

300 N.Y. Educ. Law § 211-d.2.b.(i) (McKinney).

301 N.Y. Educ. Law § 211-d.2.b.(ii)(B) (McKinney).

302 Jillian Jorgensen, “Legislature Poised to Shrink Class Sizes — An Expense the City Says Will Lead to ‘Critical’ Cuts,” *Spectrum News*, June 1, 2022, <https://perma.cc/UV58-VC69>.

303 Jorgensen, “Legislature Poised to Shrink Class Sizes.”

304 See, e.g., Matthew Chingos and Ariella Meltzer, “Class Size Reductions May Be Inequitably Distributed under a New Mandate in New York City” (Urban Institute, August 2023), <https://perma.cc/EN2V-Z2DE>.

305 Reema Amin, “As Eric Adams Keeps Control over NYC Schools, He’s Forced to Lower Class Sizes,” *Chalkbeat New York*, June 3, 2022, <https://perma.cc/6DTN-WE7F>.

306 Stephen Neukam, “Gov. Greg Abbott Sends Five More Buses of Migrants to New York, Escalating Feud with Mayor Eric Adams,” *Texas Tribune*, August 24, 2022, <https://perma.cc/Z8ZE-EYJH>.

at first welcomed asylum seekers and made plans to shelter them and provide services. Over time, as the numbers of migrants increased, available resources were stretched, and requests for federal assistance were largely unmet, Adams's position changed.<sup>307</sup> By October 2022, Adams had declared a state of emergency, claiming the influx of migrants had overwhelmed New York City's shelter system and strained city resources.<sup>308</sup> By September 2023, Mayor Adams had stated at a town hall meeting that the migrant issue would "destroy New York City," prompting ire from immigrant advocacy groups and others concerned about his "negative" and "dangerous" rhetoric.<sup>309</sup> Some critics cited budget figures to dismiss Adams's dire claim while noting his administration's work in "delivering housing, food, education, and health services to thousands of newcomers every week and frantically setting up huge intake centers."<sup>310</sup>

Meanwhile, the influx of migrants impacted New York City schools, increasing enrollment (and thus state funding), while also presenting myriad challenges, including accommodating multiple languages, varied degrees of student preparation, and midyear enrollment fluctuations based on migrant student transience.<sup>311</sup>

Chancellor Banks said that schools were welcoming and accommodating migrant students.<sup>312</sup>

At the same time, as public schools continued to recover from post-pandemic challenges, persistent inequity, and the migrant influx,<sup>313</sup> in November 2023, Mayor Adams proposed significant budget cuts to city schools,<sup>314</sup> prompting outcry and a teachers' union lawsuit.<sup>315</sup> The lawsuit alleged, among other things, that the cuts violated state law requiring that state aid supplement, not supplant, city school expenditures and argued that the mayor was punishing schools for mismanagement of the migrant influx by other agencies.<sup>316</sup> Then, on January 12, 2024, Mayor Adams announced that he would reverse some, but not all, of the previously announced education cuts.<sup>317</sup>

On January 16, 2024, New York governor Kathy Hochul announced in her 2025 budget proposal state education funding increases, including an approximate 2.5% increase in funding for New York City public schools and support for a four-year extension of mayoral control of New York City schools.<sup>318</sup> The announcement drew an objection from State Senator John Liu that the issue of mayoral control does not belong in budget discussions and

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307 Sahalie Donaldson, "Following the Asylum-Seeker Odyssey: A Timeline," *City & State New York*, May 23, 2023, <https://perma.cc/97EQ-JRY4>.

308 Andy Newman and Emma G. Fitzsimmons, "New York Faces Record Homelessness as Mayor Declares Migrant Emergency," *New York Times*, October 7, 2022, <https://www.nytimes.com/2022/10/07/nyregion/eric-adams-migrant-crisis-response.html>.

309 Emma G. Fitzsimmons, "In Escalation, Adams Says Migrant Crisis 'Will Destroy New York City,'" *New York Times*, September 7, 2023, <https://www.nytimes.com/2023/09/07/nyregion/adams-migrants-destroy-nyc.html>.

310 Errol Louis, "What Eric Adams Is Getting Wrong about the Migrant Crisis," *New York Magazine*, September 12, 2023, <https://perma.cc/S8GY-264S>.

311 Alex Zimmerman, "With Influx of Migrants, NYC School Enrollment Ticks Up for First Time in 8 Years," *Chalkbeat New York*, November 15, 2023, <https://perma.cc/Q859-MCJV>; Reema Amin, "New York City Grapples with Influx of New Asylum-Seeking Students," *Chalkbeat New York*, October 18, 2022, <https://perma.cc/VJ54-LSZM>.

312 Alex Zimmerman, "Mergers, Migrants, Curriculum Mandates: NYC Schools Chief David Banks on His First 2 Years," *Chalkbeat New York*, November 7, 2023, <https://perma.cc/NG7S-Y5QL>; Reema Amin, "New York City Grapples with Influx."

313 Troy Closson, "New York Schools Came Back from the Brink. Now a New Crisis Looms," *New York Times*, October 2, 2023, <https://www.nytimes.com/2023/10/02/nyregion/nyc-schools-financial-crisis.html>.

314 Emma G. Fitzsimmons, "Eric Adams Slashes Budgets for Police, Libraries and Schools," *New York Times*, November 16, 2023, <https://www.nytimes.com/2023/11/16/nyregion/nyc-budget-cuts-schools-police-trash.html>.

315 Michael Elsen-Rooney, "NYC Teachers Union Sues Eric Adams to Halt School Budget Cuts," *Chalkbeat New York*, December 21, 2023, <https://perma.cc/39C3-KKUW>.

316 Elsen-Rooney, "Teachers Union Sues."

317 Troy Closson, "Adams, under Pressure, Drops Some of His School Cuts in Latest Reversal," *New York Times*, January 12, 2024, <https://www.nytimes.com/2024/01/12/nyregion/nyc-schools-budget-cuts-restoration.html>.

318 Julian Shen-Berro, "Hochul Proposes More Than \$800 Million Funding Increase for NY Schools, 4-Year Extension of Mayoral Control," *Chalkbeat New York*, January 16, 2024, <https://perma.cc/2T5T-9PUC>.

that such proposals should await the completion of the state education department’s public hearings and comprehensive report.<sup>319</sup>

These developments present complex questions as the New York State legislature considers mayoral control of New York City public schools.

## D. Current Structure of New York City Public-School Governance under Mayoral Control (2022–2024)

The current structure of New York City public-school governance under mayoral control was established through the legislature’s 2022 two-year extension and amendments. The 2022 amendments expanded the city board, or PEP, from 15 to 23 members and changed its composition to include more parents.<sup>320</sup> The law called for increased input by the community education councils and citywide councils, created a parent coordinator position in every school, and codified the Citywide Council for District 75, dedicated to students with disabilities.<sup>321</sup>

### I. BOARD OF EDUCATION (CITY BOARD OR PANEL FOR EDUCATIONAL POLICY)

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The city board, or Panel for Educational Policy (PEP), is composed of 23 members: 1 member appointed by each of the five borough presidents, one member elected by the five community education council (CEC) presidents representing each city borough, and 13 members appointed by the mayor.<sup>322</sup> Both the chancellor and comptroller serve as *ex officio* nonvoting members of the City Board.<sup>323</sup> The law, as amended in 2022, directs the chancellor to promulgate regulations establishing processes for CEC presidents to elect representative members to the City Board/PEP, as well as processes for their removal and for filling vacancies.<sup>324</sup> All appointed members and CEC elected members serve one-year terms commencing on July 1, 2023.<sup>325</sup> The “City Board shall elect its own chairperson from among its voting members.”<sup>326</sup>

The law provides that the appointing authority of any member of the City Board may remove that member only for good cause and must provide 10-day advance written notice and an explanation of the reasons for removal and a chance for the member to refute such reasons before removal.<sup>327</sup> Importantly, such good cause may not include voting against the appointment authority’s direction.<sup>328</sup>

Other than the chancellor, no City Board members may be employed by New York City.<sup>329</sup> The

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319 Julian Roberts-Grimela, “Legislators Object to Including Mayoral Control in Budget Negotiations,” *City & State New York*, January 18, 2024, <https://perma.cc/HVQ2-L69G>.

320 N.Y. Educ. Law § 2590-b (1) (McKinney 2022).

321 2022 S.B. 9459 (2002), N.Y. Sponsors Mem.

322 N.Y. Educ. Law § 2590-b.1.(a)(1)(C) (McKinney 2022).

323 N.Y. Educ. Law § 2590-b.1.(a)(2) (McKinney 2022).

324 N.Y. Educ. Law § 2590-b.1.(a)(1)(C) (McKinney 2022).

325 N.Y. Educ. Law § 2590-b.1.(a)(1)(C) (McKinney 2022).

326 N.Y. Educ. Law § 2590-b.1.(a)(1)(C) (McKinney 2022).

327 N.Y. Educ. Law § 2590-b.1.(a)(4) (McKinney 2022).

328 N.Y. Educ. Law § 2590-b.1.(a)(4) (McKinney 2022).

329 N.Y. Educ. Law § 2590-b.1.(a)(5)-(6) (McKinney 2022). The board members also cannot be employed by any of the city’s subdivisions, nor may they be a member, officer, or employee of any public corporation, authority, or commission where the mayor of the City of New York has a majority of the appointments. N.Y. Educ. Law § 2590-b.1.(a)(5)-(6) (McKinney 2022).



“The 2022 mayoral control extension was passed in tandem with a new requirement that New York City ‘reduce actual class sizes, beginning September two thousand twenty-three and to be achieved by September two thousand twenty-eight for all classes.’”

law includes borough and city residency requirements for the borough and mayoral appointees, respectively, as well as requirements that all of the borough president appointees and four of the mayoral appointees be the parent of a child attending a city public school.<sup>330</sup> The four parental mayoral appointees must include one parent of a child with an Individualized Educational Plan (IEP), one parent of a child enrolled in a bilingual or ESL program, and the parent of one child who is attending a District 75 school or program.<sup>331</sup> All parent members are eligible to continue serving for two years following the conclusion of their child’s attendance at a city public school.<sup>332</sup>

The law further provides that vacancies are to be filled within 90 days, that members of the City Board may not have staff, offices, or vehicles, or receive compensation for their services, but are to be reimbursed for actual, necessary costs associated with their duties.<sup>333</sup>

Moreover, each appointed and elected member of the City Board must complete at least six hours of training on the financial oversight, accountability, and fiduciary responsibilities of a City Board member, and a course on the powers, functions, and duties of the City Board.<sup>334</sup>

## 2. COMMUNITY EDUCATION COUNCILS

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Consistent with the legal requirements of retaining the community school district system in New York City,<sup>335</sup> each community district has a community education council (CEC).<sup>336</sup> The city board defines, adjusts, alters, maintains, and adopts the boundaries of the community districts,<sup>337</sup> and there must be not less than 30 and not more than 37 such districts.<sup>338</sup> Each CEC consists of 12 voting members who are locally elected in each of 32 school districts.<sup>339</sup> Of the 12 voting members, 9 are parents of children in pre-K through 8th grade, either attending a district school or a pre-K program offered by a

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330 N.Y. Educ. Law § 2590-b.1.(a)(7)-(8) (McKinney 2022).

331 N.Y. Educ. Law § 2590-b.1.(a)(8) (McKinney 2022).

332 N.Y. Educ. Law § 2590-b.1.(a)(5)-(6) (McKinney 2022).

333 N.Y. Educ. Law § 2590-b.1.(a) (10)-(11) (McKinney 2022).

334 N.Y. Educ. Law § 2590-b.1.(a)(12) (McKinney 2022).

335 The City Board, in conjunction with the chancellor and the community council representatives, must prepare and make public a plan to ensure the smooth transition of pupils and school personnel, creation of new boards, and allocation of school facilities and resources among the established community districts, which the City Board may readjust or alter only once in every 10 years. N.Y. Educ. Law § 2590-b.2.(c) (McKinney 2022).

336 N.Y. Educ. Law § 2590-b.2.(c) (McKinney 2022).

337 N.Y. Educ. Law § 2590-b.2.(b) (McKinney 2022). The established redistricting advisory study group is to prepare a report containing recommendations for dividing the city into no more than 37 community districts while ensuring that the recommendations provide for the most effective delivery of educational services. N.Y. Educ. Law § 2590-b.3.(b) (McKinney 2022).

338 N.Y. Educ. Law § 2590-b.2.(b) (McKinney 2022).

339 N.Y. Educ. Law § 2590-c.1. (McKinney 2022).

district school; these members are elected by parents of children attending these schools and programs.<sup>340</sup> Of these 9, 1 must be a parent of a student with an IEP, and one must be a parent of a student who is an English Language Learner.<sup>341</sup> In addition, 1 member must be a parent of a student attending a District 75 school or program located in the CEC's district, and 2 must be residents and/or local business leaders appointed by the borough president.<sup>342</sup> In addition, each CEC includes two nonvoting high school seniors who live in the district, appointed by the community superintendent.<sup>343</sup>

Each CEC has statutorily enumerated powers and duties to establish educational policies and objectives, not inconsistent with the education law and the policies established by the City Board, with respect to all pre-kindergarten, nursery, kindergarten, elementary, intermediate, and junior high schools and programs in connection therewith in the community district.<sup>344</sup> However, these CECs have no executive or administrative powers or functions.<sup>345</sup> Each CEC is to establish those bylaws and regulations as may be necessary to make effectual the provisions of the education law and for the conduct of the proceedings of the City Board.<sup>346</sup> Such bylaws and regulations are to be filed with the City Board and the commissioner

of education, and be made available for inspection by the public at the offices of the community council.<sup>347</sup>

With some provisions of the law set to expire effective June 30, 2024, the law provides that should it lapse, each community district will be governed not by a CEC consisting of 12 voting and 2 nonvoting members, but by a community school board consisting of 9 members elected for a term of three years and serving without compensation, reverting to the structure prior to the 2002 law.<sup>348</sup>

### 3. CITYWIDE COUNCILS

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The current 2022 mayoral control law establishes the following citywide education councils:

- Citywide Council on Special Education<sup>349</sup>
- Citywide Council on English Language Learners<sup>350</sup>
- Citywide Council on High Schools<sup>351</sup>
- Citywide Council for District 75<sup>352</sup>

#### CITYWIDE COUNCIL ON SPECIAL EDUCATION

The Citywide Council on Special Education has 12 members: 11 voting members serving for two-year

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340 N.Y. Educ. Law § 2590-c.1.(a)(1)(McKinney 2022).

341 N.Y. Educ. Law § 2590-c.8(c)(1) (McKinney 2022).

342 N.Y. Educ. Law § 2590-c.(a)(2)(b)(c) (McKinney 2022).

343 N.Y. Educ. Law § 2590-c.(a)(2)(d) (McKinney 2022).

344 N.Y. Educ. Law § 2590-e (McKinney 2022).

345 N.Y. Educ. Law § 2590-e (McKinney 2022).

346 N.Y. Educ. Law § 2590-b (McKinney 2022).

347 N.Y. Educ. Law § 2590-d.2. (McKinney 2022).

348 L.2022, c. 364, § 11, provides: “§ 11. This act shall take effect immediately; provided that the amendments to sections 2590-b, 2590-c, 2590-e, 2590-g and 2590-h of the education law made by sections one, two, three, four, five, six and seven of this act shall not affect the expiration or repeal of such provisions and shall expire and be deemed repealed therewith.”

349 N.Y. Educ. Law § 2590-b.4 (McKinney 2022).

350 N.Y. Educ. Law § 2590-b.5 (McKinney 2022).

351 N.Y. Educ. Law § 2590-b.6 (McKinney 2022).

352 N.Y. Educ. Law § 2590-b.7 (McKinney 2022) (District 75 provides highly specialized instructional support for students with significant challenges, such as: autism spectrum disorders, significant cognitive delays, emotional disabilities, sensory impairments, or multiple disabilities. The special education council district deals with students with IEPs but not the most challenging disabilities. New York City Department of Education, District 75, <https://www.schools.nyc.gov/learning/special-education/school-settings/district-75>, accessed December 19, 2023).

terms and one nonvoting member, a student with an IEP, appointed by the administrator designated by the chancellor, serving a one-year term.<sup>353</sup> Out of 11 voting members, 9 must be parents of students with IEPs, selected by parents of students with IEPs “pursuant to a representative process developed by chancellor.”<sup>354</sup> The remaining 2 voting members must be appointed by the New York City public advocate and must be an individual “with extensive experience and knowledge in the areas of educating, training or employing individuals with handicapping conditions.”<sup>355</sup> The vacancies for the parental positions shall be filled through a process developed by the chancellor upon consultation with parents of students with IEPs, while the public advocate appointee vacancies shall be filled by the public advocate for the remainder of the unexpired term.<sup>356</sup>

The Citywide Council on Special Education has advisory power regarding any educational or policy matters involving the provision of services to students with disabilities.<sup>357</sup> It “advise[s] and comment[s] on the process of establishing committees and/or subcommittees on special education in community school districts.”<sup>358</sup> Furthermore, the council issues an annual report on the effectiveness of the city district, providing recommendations on how to improve the efficiency and delivery of services to students with disabilities.<sup>359</sup> The council must hold at least one meeting per month and open such meeting to the

public to have a discussion on the issues relevant to students with disabilities.<sup>360</sup>

#### CITYWIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS

The Citywide Council on English Language Learners has 12 members: 11 voting members serving two-year terms and 1 nonvoting member, a bilingual or English as a Second Language (ESL) high school senior, serving a one-year term.<sup>361</sup> Of the 11 voting members, 9 must be parents of bilingual or ESL students, some of whom may be parents of the students who were part of the program within the past two years, all selected by parents of the students who receive such services and by a representative process developed by the chancellor.<sup>362</sup> The public advocate appoints the remaining two voting members, who must be individuals with extensive experience and knowledge of the relevant programs.<sup>363</sup> The vacancies must be filled for the unexpired term by the same procedures as initial selection.<sup>364</sup>

The Citywide Council on English Language Learners has educational and instructional policy advisory powers regarding bilingual or English as a Second Language programs.<sup>365</sup> The ELL council issues an annual report on the effectiveness of the city district, providing recommendations on how to improve the efficiency and delivery of services to students in such programs.<sup>366</sup> The ELL council

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353 N.Y. Educ. Law § 2590-b.4.a.(1)-(3) (McKinney 2022).

354 N.Y. Educ. Law § 2590-b.4.a.(1) (McKinney 2022).

355 N.Y. Educ. Law § 2590-b.4.a.(2) (McKinney 2022).

356 N.Y. Educ. Law § 2590-b.4.c. (McKinney 2022).

357 N.Y. Educ. Law § 2590-b.4.b.(1) (McKinney 2022).

358 N.Y. Educ. Law § 2590-b.4.b.(2) (McKinney 2022).

359 N.Y. Educ. Law § 2590-b.4.b.(3) (McKinney 2022).

360 N.Y. Educ. Law § 2590-b.4.b.(4) (McKinney 2022).

361 N.Y. Educ. Law § 2590-b.5.(a)(i)-(iii) (McKinney 2022).

362 N.Y. Educ. Law § 2590-b.5.(a)(i) (McKinney 2022).

363 N.Y. Educ. Law § 2590-b.5.(a)(ii) (McKinney 2022).

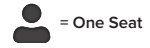
364 N.Y. Educ. Law § 2590-b.5.(c) (McKinney 2022).

365 N.Y. Educ. Law § 2590-b.5(b)(i) (McKinney 2022).

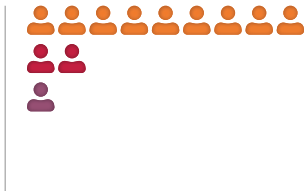
366 N.Y. Educ. Law § 2590-b.5.(b)(ii) (McKinney 2022).

# New York City Board of Education Governance: Community Education Councils

## Community Education Councils (CECs)



There is a Community Education Council (CEC) for every community school district. (There are 32 school districts) which acts as an advisory body responsible for reviewing and evaluating their district's educational programs, approving zoning lines, and holding public hearings.



### COUNCIL SEATS

- Elected by City Parents  
*Elected by parents of children in pre-K through 8th grade*
- Voted by Borough President  
*Residents and/or local business leaders appointed by the Borough President*
- Non-voting high school senior  
*Must be a member of student government or hold leadership position*

## Citywide Councils

The Citywide Education Councils advise and comment on educational policies that involve the student communities they represent.

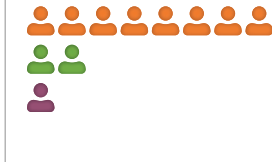
### Citywide Council on High Schools (CCHS)



### COUNCIL SEATS

- Elected by City Parents  
*Two from each borough*
- Appointed by Public Advocate
- Appointed by Citywide Council of Special Education
- Appointed by Citywide Council on English Language Learners
- Non-voting high school senior  
*Must be a member of student government or hold leadership position*

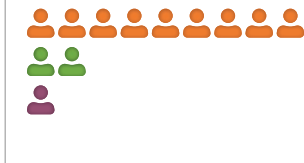
### Citywide Council on Special Education (CCSE)



### COUNCIL SEATS

- Elected by City Parents  
*Parents of students with an IEP*
- Appointed by Public Advocate
- Non-voting high school senior  
*Must have an IEP*

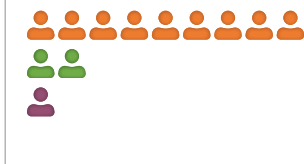
### Citywide Council on English Language Learners (CCEL)



### COUNCIL SEATS

- Elected by City Parents  
*Parents of English language learner students*
- Appointed by Public Advocate
- Non-voting high school senior  
*Must be classified as an English Language Learner*

### Citywide Council for District 75 (CCD75)



### COUNCIL SEATS

- Elected by City Parents  
*Parents of English language learner students*
- Appointed by Public Advocate
- Non-voting high school senior  
*Must attend a D75 school or program*

must hold at least one meeting per month and open such meeting to the public to have a discussion on the issues relevant to the students in bilingual or ESL programs.<sup>367</sup>

#### CITYWIDE COUNCIL ON HIGH SCHOOLS

The Citywide Council on High Schools has 14 members: 13 voting members elected for a two-year term and 1 nonvoting high school senior member.<sup>368</sup> Of the 13 voting members, 10 must be parents of students attending high school; 1 must be a parent of a high school student with an IEP; one must be a parent with a student in a bilingual or ESL program; one must be appointed by the public advocate and “have extensive business, trade, or education experience and knowledge who will make a significant contribution to improving education in the city district.”<sup>369</sup> Vacancies must be filled for the unexpired term by the same process as the initial selection.<sup>370</sup>

The Citywide Council on High Schools has educational and instructional policy advisory powers regarding high schools.<sup>371</sup> The council issues an annual report on the effectiveness of the city district, providing recommendations on how to improve the efficiency and delivery of services to high school students.<sup>372</sup> The high schools council must hold at least one meeting per month and open such meeting to the public to have a discussion on the issues relevant to the high school students.<sup>373</sup>

#### CITYWIDE COUNCIL FOR DISTRICT 75

The Citywide Council for District 75 must have 12 members. Of those, 11 voting members serve for two-year terms and 1 nonvoting member, a high school student, serves for a one-year term.<sup>374</sup> Nine of the 11 voting members must be parents of students receiving citywide special education services in a District 75 school or program and be selected by parents of students who receive such services, selected by a representative process developed by the chancellor.<sup>375</sup> The public advocate appoints the remaining 2 voting members from the “individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with disabilities and who will make a significant contribution to improving special education in the city district.”<sup>376</sup> All vacancies must be filled by the same process as initial selection for the unexpired term.<sup>377</sup>

The Citywide Council for District 75 has educational and instructional policy advisory powers regarding special education services. It issues annual reports on the effectiveness of the city district in providing services to District 75 students and makes recommendations about how to improve the efficiency and delivery of such services.<sup>378</sup> The council must hold at least one meeting per month open to the public to discuss issues facing District 75 students.<sup>379</sup>

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367 N.Y. Educ. Law § 2590-b.5.(b)(iii) (McKinney 2022).

368 N.Y. Educ. Law § 2590-b.6(a) (McKinney 2022).

369 N.Y. Educ. Law § 2590-b.6(a)(i)-(iv) (McKinney 2022).

370 N.Y. Educ. Law § 2590-b.6(c) (McKinney 2022).

371 N.Y. Educ. Law § 2590-b.6(b)(i) (McKinney 2022).

372 N.Y. Educ. Law § 2590-b.6(b)(ii) (McKinney 2022).

373 N.Y. Educ. Law § 2590-b.6(b)(iii) (McKinney 2022).

374 N.Y. Educ. Law § 2590-b.7(a)(i)-(iii) (McKinney 2022).

375 N.Y. Educ. Law § 2590-b.7(a)(i) (McKinney 2022).

376 N.Y. Educ. Law § 2590-b.7(a)(ii) (McKinney 2022).

377 N.Y. Educ. Law § 2590-b.7(c) (McKinney 2022).

378 N.Y. Educ. Law § 2590-b.7(b)(ii) (McKinney 2022).

379 N.Y. Educ. Law § 2590-b.7(b)(iii) (McKinney 2022).

#### 4. SUMMARY

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The 2022 changes to New York City public school governance retain mayoral control, while attempting to increase representation of parents and other stakeholders on the City Board of Education/

Panel for Educational Policy (PEP).<sup>380</sup> From 2002 to 2023, the mayor obtained and retained control of the City Board/PEP through appointment of a majority of PEP members, selection of the schools chancellor, and continuation of the Department of Education operating as essentially a city agency subject to mayoral oversight and budgeting.

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380 Ethan Stark-Miller, “State Legislature Reaches Deal to Extend Mayoral Control for Two Years,” *PoliticsNY*, May 21, 2022, <https://perma.cc/33VJ-6Z75>.

# Public Education and Governance: Purposes, Goals, Models

CONTENTS

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A. Purposes of Public Education	50	This section summarizes scholarly articles, policy reports, and other literature discussing the purposes of public education, the goals of public education governance, and the models of public education governance adopted in the United States, including various forms of mayoral control as well as the theories underlying these purposes, goals, and models.
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# A. Purposes of Public Education

As the following section details, literature addressing New York City public-school governance (and governance more generally) often explicitly or implicitly reflects underlying theories regarding the purposes and goals of public education and its governance.<sup>1</sup> Naming key theories, purposes, and goals can help frame governance choices and identify relative priorities among those choices. This section will review literature that discusses governance theories as applied to public education and public schools, tensions and overlap among theories, and how those theories drive school governance policy.

Several theories animate discussion of the purposes and goals of public education and the proper role of government in education.<sup>2</sup> While there is no uniform consensus,<sup>3</sup> those purposes tend to fall into three broad categories:<sup>4</sup> education for democracy;<sup>5</sup> education with the goal of developing full human potential; and education to prepare people to engage competitively in and contribute to the economy.<sup>6</sup> The following section discusses each in turn.

## I. DEMOCRATIC EDUCATION: EDUCATION AS FOUNDATIONAL TO AN INCLUSIVE DEMOCRACY<sup>7</sup> AND AN ENGAGED, INFORMED CITIZENRY<sup>8</sup>

The idea of public education as centrally important to U.S. democratic society is embedded in public education history<sup>9</sup> and discourse in law,<sup>10</sup> education,<sup>11</sup> and political science.<sup>12</sup> As the U.S.

- 1 See, e.g., Michael A. Rebell, "Schooling for Democracy: Past, Present, and Future," in *The Oxford Handbook of U.S. Education Law*, ed. Kristine L. Bowman (Oxford University Press, 2021), 46.
- 2 See, generally, Justin R. Long, "Democratic Education and Local School Governance," *Willamette Law Review* 50, no. 4 (Summer 2014): 402–464, <https://digitalcommons.wayne.edu/lawfrp/420/>; Gert Biesta, *Good Education in an Age of Measurement: Ethics, Politics, Democracy* (Routledge, 2010) (interrogating the purposes of education and what constitutes "good" education); "Education Governance Dashboard," Education Commission of the States, last modified January 26, 2022, <https://perma.cc/E7XD-Z7GK>. ("While there are common models for education governance structures, each state has a unique system that is rooted in and has evolved based on its goals, political context, culture and history.")
- 3 See, e.g., Tim Walker, "What's the Purpose of Education? Public Doesn't Agree on the Answer," *NEA Today*, August 29, 2016, <https://perma.cc/E7UY-WWLC>.
- 4 Some scholars identify additional categories. For example, Justin Long identifies five purposes of public education: (a) to train workers and consumers, (b) to raise happy, healthy human beings, (c) to make soldiers, (d) to perpetuate social relations and power structures, and (e) to develop self-governing citizens. Long, "Democratic Education," 405–413.
- 5 See Derek Black, *Schoolhouse Burning: Public Education and the Assault on American Democracy* (Public Affairs, 2019); Kathleen Knight Abowitz and Sarah M. Stitzlein, "Public Schools, Public Goods, and Public Work," *Phi Delta Kappan* 100, no. 2 (2018): 33–37, <https://www.jstor.org/stable/26552462>; Deborah Meier and Emily Gasoi, *These Schools Belong to You and Me: Why We Can't Afford to Abandon Our Public Schools* (Boston, MA: Beacon Press, 2017); Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton University Press, 1987); John Dewey, *Democracy and Education: An Introduction to the Philosophy of Education* (New York: Macmillan, 1916); Joshua E. Weishart, "Democratizing Education Rights," *William & Mary Bill of Rights Journal* 29, no. 1 (2020): 5, <https://scholarship.law.wm.edu/wmboj/vol29/iss1/2> (noting Dewey's position that democratic education "is about more than the transmission of civic knowledge — it is about an 'associated' democratic way of 'living.'")
- 6 See *Brown v. Board of Education*, 347 U.S. 483, 493 (1954) (which includes among the purposes of public education developing democratic society, engaging children for full human development, and providing training for economic success).
- 7 Gutmann, *Democratic Education*, 14.
- 8 See, generally, *Plyler v. Doe*, 457 U.S. 202, 221 (1982) ("We have recognized the public schools as a most vital civic institution for the preservation of a democratic system of government" (quoting *Abington School Dist. v. Schempp*, 374 U.S. 203, 230 [1963])).
- 9 Nancy Kober and Diane Stark Retner, *History and Evolution of Public Education in the US* (Washington, DC: Center on Education Policy, 2020), <https://perma.cc/3GZA-RCQ7>; Johann N. Neem, *Democracy's Schools: The Rise of Public Education in America* (Baltimore, MD: Johns Hopkins University Press, 2017), 177.
- 10 Michael A. Rebell, *Flunking Democracy: Schools, Courts and Civic Participation* (Chicago, IL: University of Chicago Press, 2018), 46–47 (discussing how the Supreme Court has "repeatedly referred to the schools' critical role in educating for citizenship").
- 11 Nancy Kober, Diane Stark Retner, and Maria Ferguson, *For the Common Good: Recommitting to Public Education in a Time of Crisis* (Washington, DC: Center on Education Policy, 2020), <https://perma.cc/24JM-H6MJ>.
- 12 Vladimir Kogan, Stéphane Lavertu, and Zachary Peskowitz, "The Democratic Deficit in U.S. Education Governance," *EdWorkingPapers* (2021), <https://doi.org/10.26300/2dqg-w009>.



Supreme Court said in *Brown v. Board of Education*:

*Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship.*<sup>13</sup>

Scholars also have noted “the relationship between education, oppression, democracy, and subordination, drawing on the ‘violent history of depriving education as a means of racial subordination.’”<sup>14</sup>

As one education scholar notes, the “purpose of universal education in America is to provide all children with the skills and knowledge that will serve them well in a democratic society and, likewise, serve democracy with well-prepared citizens.”<sup>15</sup> This aligns with notions of public education as a “public good” and/or “common good”<sup>16</sup> because it affects not just individual parents and students, but an entire community of engaged citizens.

Proponents of a democratic theory of public education note the substantive value of democratic education in teaching and learning,<sup>17</sup> as well as the procedural value of education governance focused on democratic values of participation, transparency, fairness, and inclusion.<sup>18</sup> As Amy Gutmann notes:

*The primary aim of a democratic theory of education is not to offer solutions to all the problems plaguing our educational institutions, but to consider ways of resolving those problems that are compatible with a commitment to democratic values. A democratic theory of education provides principles that, in the face of our social disagreements, help us judge (a) who should have authority to make decisions about education and (b) what the moral boundaries of that authority are.*<sup>19</sup>

Gutmann also stresses the importance of ensuring that principles of non-repression and non-discrimination constrain democratic education.<sup>20</sup>

Some scholars note, however, that the “education–democracy nexus,” as articulated in early 20th-century Supreme Court cases like *Brown* and *Tinker*, has proven shallow over time.<sup>21</sup> In what some scholars describe as the “education–democracy anticanon,” the Supreme Court has largely abandoned its “purported

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13 *Brown*, 347 U.S. at 493. The Court again named public education as the “most vital civic institution for the preservation of a democratic system of government” in *Plyler v. Doe*, emphasizing the importance of universal access to public education to a functioning democracy. *Plyler*, 457 U.S. 202 (1982) (holding that under the federal Equal Protection Clause, a state may not prevent children of undocumented immigrants from attending public school unless a substantial state interest is involved).

14 Caitlin Millat, “The Education–Democracy Nexus and Educational Subordination,” *Georgetown Law Journal* 111, no. 529 (2023): 541, <https://perma.cc/38H5-FGG9>. (For example, Millat notes Wendy Brown–Scott’s observation that quality education and academic proficiency are required to access full citizenship and end racial subordination. Millat further notes that Osamudia James has documented the ways in which “deprivation of meaningful public education options and an emphasis on school choice undermines equality in the democratic project while increasing racial subordination.” (citing Osamudia R. James, *Opt–Out Education: School Choice as Racial Subordination*, 99 Iowa L.Rev. 1083, 1102–28 (2014)). Such observations highlight that public schooling implicates both student subjects and a “nation creation project” of education.)

15 Ann Allen, “Changing Governance, Changing Voice? Democratic Representation,” in *Public School Governance in Public Education, Democracy, and the Common Good*, ed. D. Walling (Phi Delta Kappa Educational Foundation, 2004), 109.

16 Rita Locatelli, “Education as a Public and Common Good: Reframing the Governance of Education in a Changing Context,” United Nations Educational, Scientific, and Cultural Organization, 2018, <https://perma.cc/64PX-ZZ5V>.

17 Ronald J. Newell and Irving H. Buchen, *Democratic Learning and Leading: Creating Collaborative School Governance* (Scarecrow Education, 2004).

18 Amy Gutmann, “Afterword: Democratic Disagreement and Civic Engagement,” in *The Public Schools*, ed. Susan Furhman and Marvin Lazerson (Oxford University Press, 2005), 352–353 (noting the need for proceduralism to deal with disagreement and to develop skills and virtues that permit one to discern fairness and legitimacy principles closely tied to constitutionalism and deliberation).

19 Gutmann, *Democratic Education*, 11.

20 Gutmann, *Democratic Education*, 14.

21 Millat, “The Education–Democracy Nexus,” 550.

commitment to public education”<sup>22</sup> and rejected “the principle that public education is fundamental to democracy — or, perhaps, fundamental at all.”<sup>23</sup>

Still, many scholars and observers note a continuing commitment to the education–democracy nexus, urging greater attention to organizing social movements to catalyze legislative, governance, curricular, and other systemic supports for civics and democratic education as a common, public good.<sup>24</sup>

To be sure, not everyone supports the idea of democratic public education as a public good.<sup>25</sup> Indeed, some proponents of recent school reform efforts aligned with early 21st-century trends toward mayoral control of urban public schools question the benefits of a universal, cohesive public education system, arguing instead in favor of market models that prioritize choice, competition, and privatization.<sup>26</sup> These reform proponents do not envision education as a public good,<sup>27</sup> while others claim that such reform models more effectively serve the goals of education as a public good.<sup>28</sup>

## 2. EDUCATION FOR FULL HUMAN DEVELOPMENT AND AS A HUMAN RIGHT NECESSARY TO EQUITY AND JUSTICE

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For some, the purpose of public education is understood more broadly than as simply producing an effective and engaged democratic citizenry. The Supreme Court’s *Brown* decision signals this broader purpose in calling education “a principal instrument in awakening the child to cultural values,” professional preparation, and broader environmental adjustment, such that “it is doubtful that any child may reasonably be expected to succeed in life if [] denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”<sup>29</sup>

Other scholars and advocates propose a more robust conception of public education as a human right<sup>30</sup> that supports full human development, equity, and justice.<sup>31</sup> This view has roots in international law

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22 Millat, “The Education–Democracy Nexus,” 551.

23 Millat, “The Education–Democracy Nexus,” 551. This education–democracy anti-canon includes cases such as *San Antonio v. Rodriguez* (refusing to recognize a federal education right) and *Parents Involved* (disallowing voluntary desegregation efforts). The Court has prioritized values like religious liberty, parental rights, and local control and has stymied efforts to equalize education access in ways that cut against a democratic vision of education. Millat, “The Education–Democracy Nexus,” 551, 558.

24 See Millat, “The Education–Democracy Nexus,” 599–600, citing Sara Zier, “A Movement Lawyering Approach to Education Inequities in the Wake of COVID,” TeamChild, April 26, 2022, <https://perma.cc/3S88-QDZX>; Manisha Aggarwal-Schiffelitte, “Redrawing the Civics Education Roadmap,” *Harvard Gazette*, March 1, 2021, <https://perma.cc/VHE3-4FG6>. For a discussion of literature on improved models for modern civics education, see, generally, Linda C. McClain, “Bigotry, Civility, and Reinvigorating Civic Education: Government’s Formative Task amid Polarization,” in *The Impact of the Law: On Character Formation, Ethical Education, and the Communication of Values in Late Modern Pluralistic Societies*, ed. John Witte and Michael Welker (Evangelische Verlagsanstalt, 2021), 109.

25 See, e.g., Corey A. DeAngelis, “Is Public Schooling a Public Good? An Analysis of Schooling Externalities,” Cato Institute, May 9, 2018, <https://perma.cc/2XB4-WG5N>.

26 See, e.g., John E. Chubb and Terry M. Moe, *Politics, Markets, and America’s Schools* (Washington, DC: Brookings Institution Press, 1990).

27 See Ed Kilgore, “Is Education a Public Good or a Private Benefit?,” *New York Magazine*, November 5, 2021, <https://perma.cc/723Q-JKRS>; Corey A. DeAngelis, “Schooling Is Not a Public Good,” *Fee Stories*, January 26, 2017, <https://perma.cc/XNJ8-5295>.

28 DeAngelis, “Is Public Schooling a Public Good?”

29 *Brown*, 347 U.S. at 493.

30 Jootaek Lee, “The Human Right to Education: Definition, Research and Annotated Bibliography,” *Emory International Law Review* 34, no. 3 (2020): 757, 761, <https://scholarlycommons.law.emory.edu/eilr/vol34/iss3/2>.

31 Jacqueline Mowbray, “Is There a Human Right to Public Education? An Analysis of States’ Obligations in Light of the Increasing Involvement of Private Actors,” *Harvard Human Rights Journal* 33, p. 121 (2020): 123, <https://perma.cc/3VQ6-RGCX>; United Nations Children’s Fund, *A Human Rights Based Approach to Education for All* (United Nations Educational, Scientific, and Cultural Organization, February 2007), <https://unesdoc.unesco.org/ark:/48223/pf0000154861>; Pedro Noguera, *City Schools and the American Dream: Reclaiming the Promise of Public Education* (New York: Teachers College Press, 2003).

and agreements, but some scholars argue that it is also rooted in United States history.<sup>32</sup>

A right to education was first recognized in 1948 in the Universal Declaration of Human Rights (UDHR).<sup>33</sup> Later international agreements support a robust conception of public education's purposes. For example, Articles 28 and 29 of the 1989 Convention on the Rights of the Child (CRC) provide for the child's right to education, including compulsory primary education that is available for free to all.<sup>34</sup> Such education should include the development of the child's personality, talents, and mental/physical abilities to their fullest potential, respect for human rights and fundamental freedoms, and respect for all peoples and for the environment.<sup>35</sup> These international agreements require states to ensure free and high-quality education.<sup>36</sup>

Other scholars state more directly that the “purpose of public education is to provide students an opportunity to develop their capabilities and grow as individuals” and that education in the United States should properly be considered a fundamental right

essential to liberty and human dignity.<sup>37</sup> This capacious notion of education as a basic human need required for liberty, dignity, and full human development<sup>38</sup> envisions high-quality education as a fundamental right rooted in history, philosophy, and experience.

This view of public education's purpose demands attention to providing a fulsome, inclusive, and equitable education responsive to a full range of human needs.

### 3. EDUCATION FOR ECONOMIC PROSPERITY, GLOBAL COMPETITIVENESS

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Another stated purpose of public education is students' preparation to contribute to economic prosperity and competitiveness at home and abroad. This goal is included as part of the U.S. Department of Education's official mission “to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.”<sup>39</sup> Those who center this purpose of public education tend to respond to a

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32 See, e.g., Joshua E. Weishart, “Reconstituting the Right to Education,” *Alabama Law Review* 67, no. 4 (2016): 915, 920, <https://perma.cc/TGH8-GDK5> (proposing that “two strands of the right to education once thought to be diametrically opposed — equality of educational opportunity and educational adequacy — are interlocked through the right's forms and functions”).

33 G.A. Res. 217 (III) A, Universal Declaration of Human Rights (December 10, 1948), art. 26 (hereinafter UDHR).

34 For example, Article 26 of the UDHR provides that: 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. 3. Parents have a prior right to choose the kind of education that shall be given to their children.

35 Mowbray, “Is There a Human Right to Public Education?,” 126–127 (citing Convention on the Rights of the Child, opened for signature November 20, 1989, art. 28, 1577 U.N.T.S. 3 (entered into force September 2, 1990) [hereinafter CRC]). Article 29 of the CRC further provides for education that gives attention to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment.”

36 Mowbray, “Is There a Human Right to Public Education?,” 168.

37 Areto A. Imoukuede, “The Right to Public Education and the School to Prison Pipeline,” *Albany Government Law Review* 12 (2018): 52, 53, <https://commons.law.famu.edu/faculty-research/324/>.

38 Areto A. Imoukuede, “Education Rights and the New Due Process,” *Indiana Law Review* 47 (2014): 467, <https://commons.law.famu.edu/faculty-research/327/>.

39 “The Federal Role in Education,” U.S. Department of Education, accessed December 28, 2023, <https://www2.ed.gov/about/overview/fed/role.html>. See also “Spotlight on U.S. Educational Attainment,” U.S. Department of Commerce, last modified June 15, 2021, <https://perma.cc/E9X8-DD48> (emphasizing education for economic prosperity).

narrative expressed in the 1983 *Nation at Risk* report.<sup>40</sup> The report claimed that

*[o]ur Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world. ... [T]he educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people.*<sup>41</sup>

The report found that U.S. student fell short when compared to other industrialized nations.<sup>42</sup>

The *Nation at Risk* report is often credited with catalyzing an education reform trend focused on economic competitiveness and the use of metrics, nationwide and international comparisons, and the implementation of rigorous standards to improve education.<sup>43</sup> Some observers applaud the report for elevating education as a national priority and laying the groundwork for raising standards and expectations,

ushering in decades of education reform.<sup>44</sup> Others note that the report ignored evidence of improvements in U.S. schools and has been misused to launch “what turned into a ‘shock and awe’ campaign that promoted a consistent narrative of school failure”<sup>45</sup> and an overemphasis on education for economic competitiveness based on ever-narrowing test-based standards and metrics.<sup>46</sup>

Some maintain that the report’s emphasis on the economic purposes of schooling and individualized benefits of education<sup>47</sup> framed education as a commodity and thus catalyzed a “school choice” movement that became prominent in the 1990s.<sup>48</sup> Current school choice proposals are said to spring from a body of research developed by John Chubb and Terry Moe, “based on a cool social science analysis of political and economic behavior of capitalist America” and the assumption that free market schooling and deregulation aligned with technological, consumer, and market developments of the time.<sup>49</sup> Three versions of school choice emerged in the 1990s: voucher

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40 National Center on Education and the Economy, *Tough Choices for Tough Times: The Report of the “New” Commission on the Skills of the American Workforce* (Washington, DC: National Center on Education and the Economy, 2007): XIX (“If we continue on our current course, and the number of nations outpacing us in the education race continues to grow ... the American standard of living will steadily fall relative to those nations, rich and poor, that are doing a better job”); David P. Gardner et al., *A Nation at Risk: The Imperative for Educational Reform* (Washington, DC: U.S. National Commission on Excellence in Education, 1983).

41 Gardner et al., *A Nation at Risk*, 5.

42 For example, of 19 tests, American students were never in first or second place. The report also examined student expectations as expressed by grades, high school and college graduation requirements, rigorous examination, college admission requirements, and subject matter difficulty in texts and assigned readings. It found that expectations were uneven and generally lower than those expressed in other industrialized nations. The report found U.S. students spent insufficient time on homework, and declines in rigorous science, math, foreign language, and examination requirements. It found that U.S. students spent comparatively less time with effective, rigorous classroom instruction, that there was a shortage of qualified U.S. teachers, and that teachers had less subject-matter-specific expertise, were underpaid, and were provided insufficient support. Gardner et al., *A Nation at Risk*, 8–9.

43 See, e.g., Anya Kamenetz, “What ‘A Nation at Risk’ Got Wrong, and Right, about U.S. Schools,” NPR, April 29, 2018, <https://perma.cc/Z8WP-RUEK>; U.S. Department of Education, *A Nation Accountable — Twenty-five Years after “A Nation at Risk”* (Washington, DC: U.S. Department of Education, 2008), 3, <https://perma.cc/HT69-VVR4>.

44 See, e.g., George Bohrnstedt, “Three Decades of Education Reform: Are We Still ‘A Nation at Risk?’,” American Institutes for Research, October 30, 2013, <https://perma.cc/W74U-RR74>.

45 Valerie Strauss, James Harvey, and David Berliner, “‘A Nation at Risk’ Demanded Education Reform 35 Years Ago. Here’s How It’s Been Bungled Ever Since,” *Washington Post*, April 26, 2018, <https://perma.cc/ASS4-65R7>.

46 Diane Ravitch, *The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education* (New York: Basic Books, 2010), 166.

47 Jal Mehta, “Escaping the Shadow: ‘A Nation at Risk’ and Its Far-Reaching Influence,” *American Educator* 39, no. 2 (Summer 2015), 20, 23.

48 Ravitch, *Death and Life*, 118.

49 John Hardin Best, “Perspectives on Deregulation of Schooling in America,” *British Journal of Education Studies* 41, no. 2 (June 1993): 123, <https://doi.org/10.2307/3121617> (noting the influence of John Chubb and Terry Moe’s report, *Politics, Markets, and America’s Schools*, on current school deregulation and privatization efforts).

schools, privately managed schools, and charter schools, all publicly funded but privately run.<sup>50</sup>

Literature focused on global economic and innovative competitiveness and the development of human capital tends to emphasize the economic purposes of public education<sup>51</sup> and support corporate models of education reform.<sup>52</sup> Some note that this shift in focus during the 1990s occurred not only in the United States but internationally, with the emergence of an “alternative policy discourse” that replaced notions of “learning to be” into “learning, to be productive and employable.”<sup>53</sup>

Some supporters of school privatization grounded in “education for the economy” theories acknowledge broader objectives, including limited government and deregulation.<sup>54</sup> Others note the need to consider the risks and limitations of a completely privatized school choice regime, including the elimination of “one of the foundational institutions upon which American society rests.”<sup>55</sup>

Critics of “education for the economy” theories tend to raise concerns about the narrowing of educational aspirations and commodification of what they conceive as a precious and essential public

good.<sup>56</sup> Some draw a straight line between a focus on education’s economic purpose and an agenda focused on metrics and privatization that undermines broader and more robust quality education goals.<sup>57</sup>

## B. Public Education Governance Goals: the 4 “E’s”

**R**elated to, but distinct from, the purposes of public education are the goals of public education governance. Governance generally has been defined as “the process of decision-making and the process by which decisions are implemented (or not implemented).”<sup>58</sup> In the education context, good governance facilitates managing schools to improve development, accountability, and legitimacy.<sup>59</sup> It sets forth institutional policies, procedures, and practices to provide strategic direction to achieve goals and support responsible, accountable, and transparent use of resources. According to one account, “[g]ood governance in education systems promotes

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50 Ravitch, *Death and Life*, 121 (Ravitch details the development of the school choice movement based on market models emphasizing choice and deregulation, their rapid advance, and their impacts on public schools).

51 Gardner et al., *A Nation at Risk*, 14.

52 See Valerie Strauss, “A Primer on Corporate School Reform,” *Washington Post*, October 27, 2011, <https://perma.cc/6HR4-75UL> (describing corporate school reform as a set of policies that facilitate the replacement of public education by a market-based system). See, generally, Paul T. Hill, Lawrence C. Pierce, and James W. Guthrie, *Reinventing Public Education: How Contracting Can Transform America’s Schools* (Chicago, IL: University of Chicago Press, 1997).

53 Gert Biesta, “Reclaiming a Future That Has Not Yet Been: The Faure Report, UNESCO’s Humanism and the Need for the Emancipation of Education,” *International Review of Education* 68 (2022): 660–662, <https://doi.org/10.1007/s11159-021-09921-x>.

54 See, e.g., Mike McShane, “Democratizing School Choice,” *Forbes*, May 24, 2023, <https://perma.cc/D3DQ-Z7HM>.

55 Daniel Buck, “School Choice Proponents Must Wrestle with Its Shortcomings,” Thomas B. Fordham Institute, June 1, 2023, <https://perma.cc/5UR5-6VSM>.

56 See, generally, Henry Giroux, “Business Culture and the Death of Public Education,” in *Education and the Crisis of Public Values* (New York: Peter Lang, 2012): 557–558.

57 Ravitch, *Death and Life*, 224–225; Natalie Gomez-Velez, “Urban Public Education Reform: Governance, Accountability, Outsourcing,” *Urban Lawyer* 45, no. 1 (Winter 2013): 51, <https://www.jstor.org/stable/24392340>; Michael Fabricant and Michelle Fine, *Charter Schools and the Corporate Makeover of Public Education: What’s at Stake?* (New York: Teachers College Press, 2012), 37, 78.

58 Peter J. Hammer, “Governance: Structuring Our Future,” *Journal of Law in Society* 13 (2011): 3–4, <https://digitalcommons.wayne.edu/lawfrp/270/>.

59 Didi Supriadi et al., “Good School Governance: An Approach to Principal’s Decision-Making Quality in Indonesian Vocational School,” *Research in Educational Administration & Leadership* 6, no. 4 (December 2021): 798, <https://doi.org/10.30828/real/2021.4>.

effective delivery of education services. Critical are appropriate standards, incentives, information, and accountability, which induce high performance.”<sup>60</sup> Governance is generally considered to be distinct from “management,” though the two concepts are at times conflated in literature and public discourse.

When considering public-school governance and mayoral control, some ask whether governance matters for purposes of educational improvement.<sup>61</sup> Literature about school governance indicates that scholars and observers believe that it does.<sup>62</sup> However, some argue that governance does not significantly affect public education outcomes and/or that there is a lack of empirical evidence on the relationship between school board governance and educational quality.<sup>63</sup> Yet governance choices can establish greater or lesser opportunities for public involvement and substantive success in school improvement.<sup>64</sup> At the same time, governance is not a

panacea — no “ideal” governance arrangement exists that will “automatically propel American schools and students to higher levels of performance.”<sup>65</sup>

Governance structures may prioritize a minimalist vision that centers most or all decision-making with a few powerful government officials, elites, and technocrats.<sup>66</sup> Alternatively, they may emphasize a more inclusive vision that values, encourages, and fosters broader, ongoing public involvement as part of public education’s mission to prepare citizens for robust and effective democratic participation.<sup>67</sup> Or they may include features of both visions.<sup>68</sup>

Public education governance models and proposals usually identify goals aimed at improving one or more of what are called the four “E’s”: educational outcomes, equity, efficacy, and engagement.

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60 Maureen Lewis and Gunilla Gelandar Pettersson, “Governance in Education: Raising Performance” (working paper draft, World Bank Human Development Network, 2009), 3, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1992404](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1992404). A broader description of “good governance” beyond the education context from international development literature provides that “[g]ood governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making.” Hammer, “Governance: Structuring Our Future,” 3, 4.

61 Questions about the impacts of school governance on school improvement and whether school governance matters are perennial not only in the United States but around the world. See, e.g., Jeffrey Henig, “Mayoral Control: What We Can and Cannot Learn from Other Cities,” in *When Mayors Take Charge: School Governance in the City*, ed. Joseph P. Viteritti (Washington, DC: Brookings Institution Press, 2009), 32. See, generally, Jaqueline Baxter, *School Governance: Policy Politics and Practices* (Bristol University Press; Policy Press, 2016) (discussing school governance in the UK and internationally); Stewart Ranson et al., “Does Governance Matter for School Improvement?,” *School Effectiveness and School Improvement* 16, no. 3 (September 2005): 305–325, <https://doi.org/10.1080/09243450500114108> (reporting on a national study of governance and school improvement in Wales and presenting data showing association between good governance — especially scrutiny — and school performance); Nigel Gann, *Improving School Governance: How Better Governors Make Better Schools* (Routledge, 2016) (discussing school governance in the UK).

62 See, generally, Andrew Sunil Rajkumar and Vinaya Swaroop, “Public Spending and Outcomes: Does Governance Matter?,” *Journal of Development Economics* 86, no. 1, (2008): 96–111, <https://doi.org/10.1016/j.jdeveco.2007.08.003>.

63 See, e.g., Henig, “Other Cities,” 9; Marlies Honingha, Merel Ruiterband, and Sandra van Thie, “Are School Boards and Educational Quality Related? Results of an International Literature Review,” *Educational Review* 72, no. 2 (2018): 168, <https://doi.org/10.1080/00131911.2018.1487387>.

64 Kavitha Mediratta and Norman Fruchter, “From Governance to Accountability: Building Relationships That Make Schools Work,” Drum Major Institute for Public Policy, January 2003, 9, <https://perma.cc/9A9Y-CXF9> (arguing that governance alone does not achieve better school outcomes).

65 Patrick McGuinn and Paul Manna, eds., “Education Governance in America: Who Leads When Everyone Is in Charge?,” in *Education Governance for the Twenty-First Century* (Washington, DC: Brookings Institution Press, 2013), 3. See also Vladimir Kogan, Stéphane Lavertu, and Zachary Peskowitz, “Who Governs Our Public Schools?,” Brookings, February 17, 2021, <https://perma.cc/S3MA-HVKA>.

66 Natalie Gomez-Velez, “Public School Governance and Democracy: Does Public Participation Matter?,” *Villanova Law Review* 53 (2008): 334–336.

67 See, generally, Archon Fung, “Putting the Public Back into Governance: The Challenges of Citizen Participation and Its Future,” *Public Administration Review* 75, no. 4 (2015), <https://doi.org/10.1111/puar.12361>.

68 Gomez-Velez, “Public School Governance and Democracy,” 337.

Most public education governance discussions identify the improvement of educational outcomes as a central goal.<sup>69</sup> The notion that changing formal governance structures can lead to school improvements is embedded in U.S. educational and political history.<sup>70</sup> In recent decades, governance changes to improve educational outcomes have often been couched in terms of improving “accountability.”<sup>71</sup> Accountability goals framed in this way often focus on student test scores, graduation rates, and similar measures. Yet even proponents of mayoral governance acknowledge that oversight is necessary, and that the challenges of poverty and structural inequality impact educational outcomes.<sup>72</sup> For example, Kenneth Wong describes an early empirical analysis of “the effects of mayoral control on student outcomes.”<sup>73</sup> That study suggested

*that mayoral governance matters. More specifically, majority appointment power of school board members is an effective strategy for raising achievement. At the same time, a lack of oversight of the mayor’s choices may actually work against this progress. Furthermore,*

*mayoral control, like the traditional regime, still faces the challenge of poverty and other structural problems that hinder student achievement.*<sup>74</sup>

Some observers express concern that a focus on high-stakes, test-based, top-down accountability to drive education governance and policy is either too narrow or entirely misguided.<sup>75</sup> For example, in lieu of hierarchical “carrot-and-stick” strategies, some argue for “a more generative systems-oriented approach to improvement” grounded in the notion that those closest to any given process (like parents, students, and teachers in schools) are most knowledgeable about its problems and solutions.<sup>76</sup> Others note that social factors outside the school affect children’s learning opportunities and outcomes.<sup>77</sup> They argue that education law and policy require structural awareness of students’ and families’ social context.<sup>78</sup>

The relationship between governance and educational outcomes is far from clear. While some research claims improvements in outcomes related to governance change,<sup>79</sup> several researchers take pains to note that no governance structure is a panacea for improving education.<sup>80</sup> Still, governance is broadly

69 Joseph P. Viteritti, “Why Governance Matters,” in *When Mayors Take Charge: School Governance in the City*, ed. Joseph P. Viteritti (Washington, DC: Brookings Institution Press eBooks, 2009), 9.

70 Robert A. Garda Jr. and David S. Doty, “The Legal Impact of Emerging Governance Models on Public Education and Its Office Holders,” *Urban Lawyer* 45, no.1 (2013): 21, <https://www.jstor.org/stable/24392339>.

71 Indeed, New York City’s Mayor Adams has made a point of using the term “mayoral accountability” in lieu of “mayoral control.” See Rema Amin and Josefa Velasquez, “Adams Makes His Case for Mayoral Control of NYC Schools to Albany — from City Hall,” *Chalkbeat New York*, May 9, 2022, <https://perma.cc/W9YU-PKR3>.

72 Kenneth K. Wong, “Does Mayoral Control Improve Performance in Urban Districts?,” in *When Mayors Take Charge: School Governance in the City*, ed. Joseph P. Viteritti (Washington, DC: Brookings Institution Press eBooks, 2009), 79.

73 Wong, “Does Mayoral Control Improve Performance,” 65.

74 Wong, “Does Mayoral Control Improve Performance,” 69.

75 See, e.g., Daniel Koretz, *The Testing Charade: Pretending to Make Schools Better* (Chicago, IL: University of Chicago Press, 2017), 26 (critiquing “measurement-driven instruction” as a misuse of tests that results in the “tail wagging the dog.”)

76 Andrea Gabor, *After the Education Wars: How Smart Schools Upend the Business of Reform* (New York: New Press, 2018), 7.

77 Kevin Welner and Sarah Lacour, “Education in Context — Schools and Their Connections to Societal Inequalities,” in *The Oxford Handbook of Education Law*, ed. Kristine L. Bowman (Oxford University Press, 2021), 21–22.

78 Welner and Lacour, “Education in Context,” 42–43.

79 See, e.g., Kenneth Wong et al., *The Education Mayor: Improving America’s Schools* (Washington, DC: Georgetown University Press, 2007); see also Kenneth K. Wong and Stacey A. Rutledge, eds., *Systemwide Efforts to Improve Student Achievement* (Charlotte, NC: Information Age Publishing, 2006).

80 Henig, “Other Cities,” 41–43; Jeffrey Henig, *The End of Exceptionalism in American Education* (Boston, MA: Harvard Education Press, 2013), 146–151; Frederick M. Hess, “Assessing the Case for Mayoral Control of Urban School System,” *Education Outlook* no. 4 (August 2008), <https://perma.cc/992H-GLUP>.

recognized as critically important in establishing structures and lines of authority that create the conditions for educational success or failure.<sup>81</sup>

## 2. GOVERNANCE AND EQUITY

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Inequity, particularly related to race and class, is one of the greatest challenges in United States public education.<sup>82</sup> Several factors contribute to inequity in educational attainment, including segregation, racial and socioeconomic gaps, and unequal resource distribution.<sup>83</sup> The correlation is highest when these factors are combined.<sup>84</sup> Such inequities affect student housing stability, health care, and food security, and can result in accumulated disadvantages.<sup>85</sup> Immigration status also plays a role.<sup>86</sup> Even when funding is equalized, gaps may nevertheless persist because students from low-income families may have greater

needs, such that equal resource allocation fails to meet student needs, affecting the school experience.<sup>87</sup> Additional factors such as fewer experienced teachers, more limited access to curricular offerings, bias, and stereotype threat may also contribute.<sup>88</sup>

This may help explain why, by some measures, the United States is the highest-ranked nation in the world for educational attainment,<sup>89</sup> but nevertheless lags behind other countries in terms of certain student outcomes.<sup>90</sup> School quality and levels of student achievement persistently run along lines of race, ethnicity, and class.<sup>91</sup> Studies of school segregation by race and class regularly find that Black and Latino children and those living in poverty lag behind white, affluent students in educational progress as measured by achievement levels, graduation rates, and other metrics.<sup>92</sup> Several scholars and advocates view

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81 See, e.g., Patrick McGuinn and Paul Manna, “The Tall Task of Education Governance Reform,” *Journal of School Choice* 7, no. 4 (2013): 606–611, <https://doi.org/10.1080/15582159.2013.837784>.

82 *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 334, 143 S. Ct. 2141, 2234–35, 216 L. Ed. 2d 857 (2023) (Sotomayor, J. dissenting): After more than a century of government policies enforcing racial segregation by law, society remains highly segregated. About half of all Latino and Black students attend a racially homogeneous school with at least 75% minority student enrollment. The share of intensely segregated minority schools (i.e., schools that enroll 90% to 100% racial minorities) has sharply increased. To this day, the U. S. Department of Justice continues to enter into desegregation decrees with schools that have failed to “eliminat[e] the vestiges of *de jure* segregation.” Moreover, underrepresented minority students are more likely to live in poverty and attend schools with a high concentration of poverty. When combined with residential segregation and school funding systems that rely heavily on local property taxes, this leads to racial minority students attending schools with fewer resources.

83 “Racial and Ethnic Achievement Gaps,” Stanford Center for Education Policy Analysis, accessed December 29, 2023, <https://perma.cc/4KW6-KS9N>. As with Black/White achievement gaps, persistent gaps in Latino student achievement have been linked to poverty and school segregation, lack of bilingual programs, lack of parental involvement, and underrepresentation of Latino school personnel. Melissa Marschall, “Parent Involvement and Educational Outcomes for Latino Students,” *Review of Policy Research* 23, no. 5 (2006), <https://doi.org/10.1111/j.1541-1338.2006.00249.x>.

84 “Racial and Ethnic Achievement Gaps.”

85 Welner and Lacour, “Education in Context,” 24–27; Richard Rothstein, *Class and Schools: Using Social, Economic, and Educational Reform to Close the Black-White Achievement Gap* (New York: Teachers College Press, 2004), 13.

86 Welner and Lacour, “Education in Context,” 24–27.

87 Solangel Maldonado, “Parental Social Capital and Educational Inequality,” *Fordham Law Review* 90, no. 5 (2022):1053–1071, <https://doi.org/10.1111/j.1541-1338.2006.00249.x>.

88 Maldonado, “Parental Social Capital,” 2610–2611.

89 “Education Rankings by Country 2023,” World Population Review, accessed December 29, 2023, <https://perma.cc/YVT2-FCKW>.

90 “Education Rankings by Country.”

91 See, e.g., Katherine Schaeffer, “U.S. Public School Students Often Go to Schools Where at Least Half of Their Peers Are the Same Race or Ethnicity,” Pew Research Center, December 15, 2021, <https://perma.cc/N8T4-Y9QK>; “Achievement Gaps Dashboard,” Nation’s Report Card, accessed December 29, 2023, [https://www.nationsreportcard.gov/dashboards/achievement\\_gaps.aspx](https://www.nationsreportcard.gov/dashboards/achievement_gaps.aspx); Brief for the Council of the Great City Schools as Amicus Curiae, *Students for Fair Admissions, Inc. v. Harvard College*, 600 U.S. \_\_ (2023), 2022 WL 3044834 (U.S.): 11–14. (“In 2019, in fourth grade, White students in large city public schools outscored Black students by 31 points in math and 32 points in reading, while in eighth grade, White students outscored Black students by 38 points in math and 33 points in reading. In 2019, White fourth grade students outscored their Hispanic peers by 22 points in math and 26 points in reading. In 2019, White eighth grade students outscored their Hispanic peers by 30 points in math and 25 points in reading.”)

92 E.g., “Racial and Ethnic Achievement Gaps” (noting that race and ethnicity-based achievement gaps persist yet are declining).



persistent inequity as the most significant challenge facing urban public education in the United States.<sup>93</sup>

Equity goals figure prominently in much of the literature about public education's purposes and governance structures.<sup>94</sup> Education literature notes that struggles for equitable education access have been central to the United States' history and establishment of public education since Reconstruction and persist to this day.<sup>95</sup>

Yet educational inequity is not just a concern in formerly segregated southern U.S. states. It is an indelible feature in urban public education throughout the country, where significant disparities in educational access, opportunity, and achievement exist based on race, ethnicity, and class.<sup>96</sup> For example, school segregation and educational inequity are perennial

problems in New York City and other urban school districts. Studies have concluded that New York City public schools are among the most segregated in the nation.<sup>97</sup> Despite some recent reductions in public-school funding inequity,<sup>98</sup> educational inequities, particularly along lines of race/ethnicity and class, persist with respect to achievement/opportunity gaps.<sup>99</sup> Such gaps often relate not only to funding needs and resource allocation but also to school and teacher quality and access to a range of needed services and supports.<sup>100</sup> Researchers have found that long-standing educational inequities were significantly exacerbated by the COVID-19 pandemic.<sup>101</sup>

Much governance discourse claims the need to prioritize educational equity as a central education governance goal,<sup>102</sup> while offering varied and conflicting approaches to doing so.<sup>103</sup> For example,

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- 93 See, e.g., Jeffrey R. Henig et al., *The Color of School Reform: Race, Politics, and the Challenge of Urban Education* (Princeton, NJ: Princeton University Press, 1999); Noliwe Rooks, *Cutting School: The Segrenomics of American Education* (New York: New Press, 2020) (documenting the long U.S. history of failing to safely educate Black and Brown children); Jonathan Kozol, *Savage Inequalities: Children in America's Schools* (New York: Harper Perennial, 1991).
- 94 E.g., Angelina E. Castagno and Charles Hausmann, "The Tensions between Shared Governance and Advancing Educational Equity," *Urban Review Issues and Ideas in Education* 49, no.1 (2017): 96–111; Paul Manna, "Centralized Governance and Student Outcomes: Excellence, Equity, and Academic Achievement in the U.S. States," *Policy Studies Journal* 41, no. 4 (2013): 682, 698, <https://doi.org/10.1111/psj.12037> (finding "governing arrangements are not consistently related to the advancement of excellence and equity"); Benjamin M. Superfine, Alexios Rosario-Moore, and Marc DeWit, "Governance, Autonomy, and Accountability in Modern Education Reform: Implications for Educational Equity," *University of Memphis Law Review* 50, no. 4 (Summer 2020): 1195–1234, <https://perma.cc/YR44-EMYC>.
- 95 See Adam Harris, "How Reconstruction Created American Public Education," *Atlantic*, November 13, 2023, <https://perma.cc/WV44-TXNJ>; Danielle Cohen, *NYC School Segregation: A Report Card from the UCLA Civil Rights Project* (Civil Rights Project, June 2021), 26–27, <https://perma.cc/QMQ5-N6AL>.
- 96 Norm Fruchter et al., *Is Demography Still Destiny?* (Providence, RI: Annenberg Institute for School Reform, 2010), 3–8, <https://perma.cc/SG28-LEAM>.
- 97 Danielle Cohen, *NYC School Segregation*, 50.
- 98 See Adam Tyner, "Think Again: Is Education Funding in America Still Unequal?," Thomas B. Fordham Institute, July 11, 2023, <https://perma.cc/MUC3-V27A>. See also "School Funding: Do Poor Kids Get Their Fair Share?," Urban Institute, May 2017, <https://perma.cc/32D5-5ETY>.
- 99 Thomas Liam Lynch and Nicole Mader, *Equity Means All, Not Some: Lessons from the Past 20 Years of Education Reform in New York City, and What Should Come Next*, Center for New York City Affairs, April 2021, 9, <https://www.centernyc.org/reports-briefs/2021/4/21/equity-means-all-not-some-lessons-from-the-past-20-years-of-education-reform-in-new-york-city-and-what-should-come-next>.
- 100 Maldonado, "Parental Social Capital," 2610–2611. See, generally, Louis F. Mirón and Edward P. St. John, *Reinterpreting Urban School Reform: Have Urban Schools Failed, or Has the Reform Movement Failed Urban Schools?* (Albany, NY: State University of New York Press, 2003).
- 101 Emma Garcia and Elaine Weiss, "COVID-19 and Student Performance, Equity, and U.S. Education Policy," Economic Policy Institute, September 10, 2020, <https://perma.cc/M8ML-7W56>; Faith Mitchell, "COVID-19's Disproportionate Effects on Children of Color Will Challenge the Next Generation," Urban Institute, August 17, 2020, <https://perma.cc/KEP5-WJXX>; Heather J. Hough, "COVID-19, the Educational Equity Crisis and the Opportunity Ahead," Brookings, April 29, 2021, <https://perma.cc/25PX-SVNU>.
- 102 Natalie Gomez-Velez, "Reimagining Public Education Equity after Covid-19: Will Public Voices from New York's Epicenter Be Heard over the Siren Song of Billionaires?," *Fordham Urban Law Journal* 48, no. 2 (2021): 313, 353, <https://ir.lawnet.fordham.edu/ulj/vol48/iss2/1>; Superfine, Rosario-Moore, and DeWit, "Governance, Autonomy, and Accountability," 1195–1234; Amanda R. Broun and Wendy D. Puriefoy, "Public Engagement in School Reform: Building Public Responsibility for Public Education," *Stanford Journal of Civil Rights and Civil Liberties* 4, no.2 (2008): 217, 239.
- 103 E.g., Castagno and Hausmann, "The Tensions between Shared Governance and Advancing Educational Equity"; Henig et al., *The Color of School Reform*.

“Inequity, particularly related to race and class, is one of the greatest challenges in US public education.”

some observers argue that greater local control and community involvement will foster equity, while others take the position that centralized governance better promotes equity goals.<sup>104</sup>

Those who propose that community involvement at the local level improves educational equity emphasize that giving voice and policymaking authority to parents, students, and community members — the stakeholders most affected by policy choices and most attuned to local conditions — can improve equity in educational services.<sup>105</sup>

Some proponents of more centralized educational governance note that community control, while theoretically designed to improve equity, in practice has tended to exacerbate educational inequities.<sup>106</sup> This is because under-resourced parents and community members of color may have relatively less capacity and opportunities to engage with local school boards than

their more affluent white counterparts do, thereby entrenching inequity.<sup>107</sup>

### 3. GOVERNANCE AND EFFICACY

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Improving efficacy in delivering public education services is a prominent and important education governance goal. This includes the effective use and allocation of resources, particularly given the vast public expenditures devoted to public education.<sup>108</sup>

The governance literature tends to discuss the effective operation of public-school systems in terms of accountability and transparency as well as the more efficient use of resources. For example, one critic describes New York’s decentralized governance structure as “infamously fragmented,” resulting in key players often “checkmat[ing]” one another and thwarting actions that would improve student learning while wasting educational resources through delay, duplication, and mismanagement.<sup>109</sup> They argue that governance structures may help or hinder the effective use and deployment of educational resources. For example, proponents of centralized governance structures point to the benefits of a central point of authority and accountability that can streamline the use of resources and more efficiently access other public and private resources.<sup>110</sup>

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104 Compare Coalition to Finally End Mayoral Control, “Resolution on New York City School Governance,” <https://www.nycmayoralcontrolnot.org/resolution> with Derek W. Black, “Localism, Pretext, and the Color of School Dollars,” *Minnesota Law Review* 107 (2023): 1493, <https://perma.cc/QT97-ALZL> (arguing that “the local district itself — with its sacrosanct borders and funds — creates barriers and entrenches inequality”).

105 See, e.g., Coalition to Finally End Mayoral Control, “Executive Summary of a New Bill to End Mayoral Control and Bring about a Human Rights Based System of Public Education for NYC,” 2022, 4–5, 7, <https://www.nycmayoralcontrolnot.org/>; Education Council Consortium, “Resolution for a More Democratic School Governance,” January 21, 2022, <https://perma.cc/LYL6-NUY9> (calling for a governance model that is more inclusive of parents, educators, and community members).

106 See, e.g., Black, “Localism, Pretext, and the Color of School Dollars,” 1417–1419.

107 See, e.g., Andrew R. King, “Opening the Halls of Power: Implementing a Community Organizing Approach to Parent Engagement in New York City’s Community Schools” (PhD diss., University of Massachusetts Boston, December 31, 2022, 9–11, [https://scholarworks.umb.edu/cgi/viewcontent.cgi?article=1787&context=doctoral\\_dissertations](https://scholarworks.umb.edu/cgi/viewcontent.cgi?article=1787&context=doctoral_dissertations)).

108 “Public School Spending per Pupil Experiences Largest Year-to-Year Increase in More Than a Decade,” U.S. Census Bureau, May 18, 2023, <https://perma.cc/GWS4-KNCQ> (fiscal year 2021 per-pupil elementary and secondary school expenditures were \$14,347 across the United States and District of Columbia, with total revenues from all sources at \$810 billion; New York State spent \$26,571 per pupil in fiscal year 2021, the highest rate nationally).

109 David Rogers, *Mayoral Control of the New York City Schools* (Springer, 2009), 10.

110 Rogers, *Mayoral Control*, 10–12.

Efficacy-focused governance structures also aim to combat waste, corruption, and cronyism. Indeed, historically, changes in school governance structures over time have centered largely on combating corruption and cronyism.<sup>111</sup> For example, part of the rationale for establishing local school districts was to help ensure decision-making based on local educational needs, insulated from broader political forces.<sup>112</sup> The school district structure also reflected a progressive-era principle that schools, given their unique character, should be insulated from the rough and tumble of politics.<sup>113</sup>

#### 4. GOVERNANCE AND DEMOCRATIC STAKEHOLDER ENGAGEMENT

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Another goal of education governance is engagement by key stakeholders — parents, teachers, school leaders, community members, and business and elected leaders — and the public. The widely recognized democratic purpose of public education supports the idea that the public has an interest in determining the course of public education and should be engaged actively in key decisions affecting educational outcomes, equity, and efficacy.<sup>114</sup>

School governance offers a useful example of democracy and democratic participation at work. The tradition of local school governance envisions

regular parent, educator, and community engagement in school policy decisions. In this context parents “occupy an overlapping, dual space in education reform, as guardian and as citizen.”<sup>115</sup> Yet current multilayered education systems make robust and effective engagement more complex and difficult to achieve, and parents often experience an “inability to participate in education reform to the same extent as other constituencies, such as teachers and professional reformers.”<sup>116</sup>

The appropriate forms and levels of stakeholder and public engagement in education governance are contested.<sup>117</sup> For example, should the public play a robust role in educational policymaking, or should public participation be limited to the very local level, such as parent associations, school leadership teams, and local school boards?

At the same time, there are differing views not only of the nature of parents’ role in public education (“guardian” or “citizen”) but also of the appropriate degree of parent and public engagement based on broader democratic theory. Some theorists envision democratic participation in public education as requiring active, ongoing inclusion of the public in the process of collectively exercising power.<sup>118</sup> In this vein, some scholars argue that “public engagement is necessary to produce educational reforms that will have broad support and be effective.”<sup>119</sup>

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111 See, e.g., Diane Ravitch, *The Great School Wars* (Baltimore, MD: Johns Hopkins University Press, 2000), XXII–XXIII (explaining how historically concerns about corruption, nepotism, mismanagement, and bureaucratic micromanagement played a prominent role in school governance changes in New York City).

112 Ravitch, *The Great School Wars*, XXVII–XXIX.

113 Aaron Jay Saiger, “The Last Wave: The Rise of the Contingent School District,” *North Carolina Law Review* 84, no. 3 (2006): 885, <https://scholarship.law.unc.edu/nclr/vol84/iss3/3>.

114 E.g., Gutmann, *Democratic Education*, 11–14.

115 Tiffani N. Darden, “Parental Exclusion from the Education Governance Kaleidoscope: Providing a Political Voice for Marginalized Students in Our Time of Disruption,” *William and Mary Bill of Rights Journal* 22, no. 5 (2014): 1094, <https://scholarship.law.wm.edu/wmbrj/vol22/iss4/3/>.

116 Darden, “Parental Exclusion,” 1098.

117 Gomez-Velez, “Public School Governance and Democracy,” 297–301.

118 For example, Seyla Benhabib defines democracy as “a model for organizing the collective and public exercise of power in major institutions of a society on the basis of the principle that decisions affecting the well-being of a collectivity can be viewed as the outcome of a procedure of free and reasoned deliberation among individuals considered as moral and political equals.” Seyla Benhabib, “Toward a Deliberative Model of Democratic Legitimacy,” in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton, NJ: Princeton University Press, 1996), 69.

119 Broun and Puriefoy, “Building Public Responsibility,” 237.

Others believe the legitimizing power of democracy stems from the act of selecting a qualified leader or leaders who are given the authority and legitimacy to make decisions on behalf of the broader public.<sup>120</sup> For example, a critique of public engagement in decisions about educational policy is offered by “those who advocate for expert-driven reforms, whether they are standards-based reform and accountability, or restructuring of school finance.”<sup>121</sup> On this view, the function of public participation in school governance is and should be limited to an advisory or informational role and decisions left to experts. Such experts, it is argued, can drive school reform more effectively without public input when technical innovations in student testing, data disaggregation and analysis, and teacher professional development are sufficient.<sup>122</sup>

This contrasts with the notion that meaningful public participation requires some form of decision-making authority, whether requiring approval before a policy may be adopted, or the ability to vote for a particular course of action. An even more robust view envisions engagement in public education as intended to foster community-based strategies for school improvement, to focus attention on issues facing community schools, and to advocate for solutions to those problems.<sup>123</sup>

In addition, governance structures can create and exacerbate barriers to stakeholder engagement. Public education, like all democratic structures, operates within an economic class system that often dictates the degree of participation by certain individuals and groups.<sup>124</sup> Divisions along the lines of race, ethnicity, and gender also impact the degree and effectiveness of democratic participation. These issues are relevant to determining how governance leaders are selected and who is qualified to participate in the electoral and deliberative processes.

Democratic participation historically has been limited to those members of society deemed eligible and “qualified” to participate.<sup>125</sup> The determination of who is qualified to govern and who is qualified to participate in selecting governing representatives is a persistent question that arises in various contexts concerning democratic governance.<sup>126</sup> Thus, several scholars note the need to include historically silenced or marginalized individuals and groups and to ensure to represent differences in democratic discourse and decision-making.<sup>127</sup> They argue that effective participation depends upon social equality more than political or governance structures, or constitutional design, on either the centralized or local level.

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120 See Roger Soder, “Democracy, Do We Really Want It?,” in *The Public Purpose of Public Education and Schooling*, ed. John I. Goodlad and Timothy J. McMannon (San Francisco: Jossey-Bass, 1997): 184–189 (discussing view of democracy, including of those who do not have much faith in the notion that the people shall judge); Plato, *The Republic*, bk. 6, trans. Paul Shorey (Cambridge, MA: Harvard University Press, 1970): 484a–d (noting “whichever [of the philosophers and non-philosophers] appear competent to guard the laws and pursuits of society, these we should establish as guardians”).

121 Broun and Puriefoy, “Building Public Responsibility,” 227.

122 Broun and Puriefoy, “Building Public Responsibility,” 242.

123 Broun and Puriefoy, “Building Public Responsibility,” 221.

124 For a discussion of “economic inequality” and the role of relative wealth in allowing or impeding meaningful democratic participation, see James Bohman, *Public Deliberation: Pluralism, Complexity, and Democracy* (Cambridge, MA: MIT Press, 1996), 124–126.

125 Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989), 89–90. As Robert Dahl starkly puts it: “in all democracies and republics throughout twenty-five centuries the rights to engage fully in political life were restricted to a minority of adults. ‘Democratic’ government was governed by males only — and not all of them. It was not until the twentieth century that in both theory and practice democracy came to require that the rights to engage fully in political life must be extended, with very few if any exceptions, to the entire population of adults permanently residing in a country.”

126 See Dahl, *Democracy and Its Critics*, 119–131 (setting forth examples of problems encountered in applying the requirement that all those governed be authorized to participate in democratic process, as well as problems associated with determining who is or is not qualified to participate).

127 See, e.g., Carol Gould, “Diversity and Democracy: Representing Differences,” in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton, NJ: Princeton University Press, 1996), 171–185 (arguing for greater participation in the decision-making process); Iris Marion Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990), 165–168.

The history of public education has long involved tensions between the tradition of local control of schools, which involved greater participation by local lay people, versus a more centralized apparatus governed by powerful elites or technocrats.

Throughout, questions regarding who should be involved in and control decisions ranging from curriculum to standards to procedures for policymaking repeatedly arise.

## C. Public-School Governance Structures

Some experts classify public-school governance models in various ways, including single purpose or general purpose, and centralized, de-centralized or mixed. Other scholars and observers consider school governance models in terms of changing relationships between the government and the private sector. Because public-school governance in New York State and New York City reflects a complex mix of systems, layers, and approaches, this section briefly explores the most discussed governance models and the rationales supporting them.

### I. SINGLE-PURPOSE VERSUS GENERAL-PURPOSE GOVERNANCE

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One way of thinking about education governance models is as single-purpose or special-purpose structures designed with an exclusive focus on education, as compared to general-purpose structures that include education as one among several public services.

Public education governance has long been treated differently than governance of other public goods and institutions. Unlike decisions about other governmental services, public-school decisions “historically have been highly localized, within special, single-purpose governance structures dominated by a smaller array of highly focused interest groups.”<sup>128</sup> From this perspective, recent reforms granting mayors greater control can be categorized broadly as moving from special-purpose to general-purpose governance. Such general-purpose governance facilitates the treatment of public education as part of a broad array of public services. The shift may permit greater coordination of services among government entities that can be supportive of public schools, their students, parents, and communities. On the other hand, the movement to general-purpose governance may ease the way toward introducing an array of “innovations” and reforms, including charter schools, vouchers, privatization, and leadership academies, that might be more difficult to establish under single-purpose educational governance.

A concern about recent shifts away from single-purpose education governance is that public education will be forced to compete among the many priorities considered part of general-purpose governance. For example, under mayoral-control general-purpose governance, education is considered as one among a broad range of city services under the executive’s purview, rather than a specially governed function. Such a move away from exceptionalism in education toward the inclusion of educational decision-making in multilevel, general-purpose government and politics treats education more like other domestic policy areas, with implications for how it is shaped and influenced.<sup>129</sup>

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128 Henig, *End of Exceptionalism*, 3.

129 Henig, *End of Exceptionalism*, 3–4. See also Nadav Shoked, “An American Oddity: The Law, History, and Toll of the School District,” *Northwestern University Law Review* 111, no. 4 (2017): 945, <https://scholarlycommons.law.northwestern.edu/nulr/vol111/iss4/2> (arguing “that state lawmakers should consider abolishing the school district and bestowing control over schools on general governments”).

Another aspect of public-school governance concerns whether its organization is centralized or decentralized.<sup>130</sup> Historically, public education governance in the United States has been largely decentralized with limits on federal involvement,<sup>131</sup> and on state-based school policy-setting,<sup>132</sup> with schools governed locally.<sup>133</sup> Instances of centralized control, such as state takeovers, mayoral control of cities, and imposition of federal oversight, generally are viewed as a departure from the local school board structures that traditionally govern public education in the United States.<sup>134</sup> Often such takeovers, reorganizations, and oversight occur in response to a local educational and/or fiscal crisis.<sup>135</sup> While U.S. public-school governance generally operates under local control, in some large cities like New York, school governance is described as having shifted from centralized to local control and back.<sup>136</sup> Thus, there may be a tendency to think of governance structures as either centrally or locally focused. Some forms of governance, however, have developed that

include elements of centralized control along with mechanisms for local involvement and innovation.<sup>137</sup>

Significant literature on public-school governance attends to the ebb and flow of centralized and decentralized school governance and related benefits and drawbacks.<sup>138</sup> Local elected school boards are often viewed as a vehicle for exercising democratic control over schools. In small districts, such elections have been described as more likely to be nonpartisan and apolitical.<sup>139</sup> By comparison, elections in larger districts more often tend to draw active interest groups and organized, competitive campaigns.<sup>140</sup> Yet recent trends have shown that even smaller local school districts can be subject to organized, targeted political campaigns.<sup>141</sup>

Scholars observe that despite the intended democratic design of local elected school districts, in practice they fail to realize key democratic and educational goals. Some cite low-salience elections, the ability of relatively well-resourced parents and other constituencies to dominate school boards, and the risk of “capture” by outside influences as diminishing the theorized democratic benefits of local school

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130 Robert J. Franciosi, *The Rise and Fall of American Public Schools* (Praeger, 2004), 133–134.

131 Thomas Corcoran and Margaret Goertz, “The Governance of Public Education in the Public Schools,” in *The Public Schools*, ed. Susan Fuhrman and Marvin Lazerson (Oxford University Press, 2005), 25.

132 Corcoran and Goertz, “The Governance of Public Education,” 36–37.

133 Corcoran and Goertz, “The Governance of Public Education,” 32. (Even as the federal and state governments increase their roles in education policy, local control continues to predominate in the United States. Local school districts retain primary responsibility.)

134 Franciosi, *The Rise and Fall of American Public Schools*, 142–143.

135 Franciosi, *The Rise and Fall of American Public Schools*, 142–143.

136 See, e.g., Diane Ravitch, “A History of Public School Governance in New York City,” in *When Mayors Take Charge: School Governance in the City*, ed. Joseph P. Viteritti (Washington, DC: Brookings Institution Press, 2009), 171, 181.

137 Archon Fung, “Deliberative Democracy, Chicago Style: Grass-roots Governance in Policing and Public Education,” in *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*, ed. Archon Fung and Erik Olin Wright, Real Utopias Project (Verso, 2003): 111, 119–120.

138 See, generally, Ravitch, *The Great School Wars*.

139 Corcoran and Goertz, “The Governance of Public Education,” 32.

140 Corcoran and Goertz, “The Governance of Public Education,” 32.

141 Alan Feuer, “I Don’t Want to Die for It’: School Board Members Face Rising Threats,” *New York Times*, November 5, 2021, <https://www.nytimes.com/2021/11/05/us/politics/school-board-threats.html>; Steven Sawchuck, “Why School Boards Are Now Hot Spots for Nasty Politics,” *Education Week*, July 29, 2021, <https://www.edweek.org/leadership/why-school-boards-are-now-hot-spots-for-nasty-politics/2021/07>.

districts.<sup>142</sup> Others argue that local school districts have been primary drivers of educational inequality.<sup>143</sup>

This concern has prompted calls for abandoning local school districts in favor of other forms of governance. Those models range from centralization, to expanding parental choice, to mixed models that recentralize local control, such as mayoral control models, some of which delegate authority to the district or school level.<sup>144</sup>

“Centralization” not only refers to local urban centralization, as in mayoral control models, but also may refer to state takeovers of schools and federal programs designed to support uniform standards. For example, Justin Long argues that “state-wide school districts, not local boards, would better promote citizens’ political cooperation and civic empathy.”<sup>145</sup> Statewide districts would also “harness the political capacity of the most powerful schooling advocates for the benefit of all schoolchildren, including those from the least-advantaged communities. Political responsibility would match political accountability, and public school parents would come to understand better the importance of developing citizens regardless of geographic borders.”<sup>146</sup>

There is a developing law review literature advocating for federal or state<sup>147</sup> centralization of education in the United States as a means of improving standards, outcomes, and equity.<sup>148</sup> Several scholars, concerned about inequities and uneven standards both within and across states and localities, call for federalized governance. This may include recognition of a federal constitutional right to education or other mechanisms for strengthening the federal role in education to improve equity and support more stringent and consistent standards.<sup>149</sup>

Proponents of that approach to centralization argue that it supports both equity and efficacy to a greater degree than decentralized or local control by supporting greater uniformity in expertise, more focused accountability, and a more effective and equitable use of resources.<sup>150</sup> While proponents frame centralization largely as a management tool rather than a form of governance, others see its implications extending more broadly. For example, Henig and others suggest that a major rationale for and effect of centralization of governance is to reconfigure “the constellation of interest groups and political actors that has traditionally set the agenda for local education.”<sup>151</sup>

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142 See Jennifer L. Hochschild, “What School Boards Can and Cannot (or Will Not) Accomplish,” in *Besieged: School Boards and the Future of Education Politics*, ed. William Howell (Washington, DC: Brookings Institution Press, January 2005).

143 See Black, “Localism, Pretext, and the Color of School Dollars,” 1493 (arguing that “the local district itself — with its sacrosanct borders and funds — creates barriers and entrenches inequality”).

144 Corcoran and Goertz, “The Governance of Public Education,” 43–48.

145 Long, “Democratic Education,” 464.

146 Long, “Democratic Education,” 464.

147 Black, “Localism, Pretext, and the Color of School Reform,” 1492–1493.

148 See, e.g., Helen Hershkoff and Nathan Yaffe, “Unequal Liberty and a Right to Education,” *North Carolina Central Law Review* 43, no. 1 (2020): 3, <https://archives.law.nccu.edu/ncclr/vol43/iss1/2>; Alexis M. Piazza, “The Right to Education after *Obergefell*,” *New York University Review of Law & Social Change* 43 (2019): 78, <https://perma.cc/MK8B-G7BT>; Barry Friedman and Sara Solow, “The Federal Right to an Adequate Education,” *George Washington Law Review* 81 (2013): 94, <https://perma.cc/6AYM-LLUM>.

149 See, e.g., Hershkoff and Yaffe, “Unequal Liberty,” 3 (discussing a “constitutional project of establishing a federal constitutional right to education”); Piazza, “The Right to Education after *Obergefell*,” 78 (considering whether *Obergefell*’s recognition of a positive right might extend to a positive right to education); Friedman and Solow, “The Federal Right to an Adequate Education,” 94 (asking, “What if there is a federal right to an adequate education?”).

150 Kimberly Jenkins Robinson, “The Case for a Collaborative Enforcement Model for a Federal Right to Education,” *University of California Davis Law Review* 40 (2007): 1685–1689.

151 Henig, *End of Exceptionalism*, 162–163.

Another public education governance trend involves privatization. Privatization of public education is not new.<sup>152</sup> Privatization initiatives have developed in several states through legislation, programmatic initiatives, governance changes, and public-private partnerships.<sup>153</sup>

Some observers categorize privatization as an education policy, while others categorize privatization trends as evolving into an alternative form of education governance. For example, discussions of education “corporatization” may include privatization of public schools and/or the management transformation of public schools on the model of the corporation.<sup>154</sup>

Scholars have described education privatization such as vouchers, charter schools, and charter management organizations as shifting core educational responsibilities into private hands.<sup>155</sup> These forms of privatization implicate governance more directly.

Indeed, several observers posit that in some quarters, proponents of governance changes such as mayoral control seek to transform public education more fundamentally to resemble a market model, arguing that introducing choice and competition into education will improve urban schools.<sup>156</sup> Choice and privatization proponents also argue that such

market-based approaches stand to improve equity and access to better-quality education.<sup>157</sup>

Critics of this approach argue that market-based education reforms reinforce segregation and inequity and undermine the notion of public education as a common good designed to educate all equitably and inclusively.<sup>158</sup> Some also see corporate-style market-based approaches as essentially extractive and destructive, involving business models and profit-seeking goals that are anathema to public education and treat children like customers or products.<sup>159</sup>

Whether privatization of public schools is viewed as a form of governance or policy choice enabled by particular governance structures, it is a growing development in the current public education landscape and should be considered in the governance context.

## D. Models of Public-School Governance

Despite voluminous literature about educational governance, few clear answers emerge for how best to structure public-school governance in a particular city at a particular time.<sup>160</sup> The term “mayoral control” encompasses a range of governance structures that can be thought of on a continuum from stronger to weaker control

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152 Richard Hunter, “The Privatization of Public Education,” *School Business Affairs*, October 2010, <https://files.eric.ed.gov/fulltext/EJ914667.pdf>.

153 Erika K. Wilson, “Blurred Lines: Public School Reforms and the Privatization of Public Education,” *Washington University Journal of Law and Policy* 51, no. 1 (2016): 191, [https://openscholarship.wustl.edu/law\\_journal\\_law\\_policy/vol51/iss1/13/](https://openscholarship.wustl.edu/law_journal_law_policy/vol51/iss1/13/).

154 Kenneth J. Saltman, “Putting the Public Back in Public Schooling: Public Schools beyond the Corporate Model,” *DePaul Journal for Social Justice* 3, no. 1 (2009): 9, <https://via.library.depaul.edu/cgi/viewcontent.cgi?article=1051&context=jsj>.

155 Gillian E. Metzger, “Privatization as Delegation,” *Columbia Law Review* 103 (2003): 1388–1392, [https://scholarship.law.columbia.edu/faculty\\_scholarship/144/](https://scholarship.law.columbia.edu/faculty_scholarship/144/).

156 Rogers, *Mayoral Control*, 10–12.

157 Wilson, “Blurred Lines,” 210 (and sources cited therein).

158 Diane Ravitch, *Reign of Error: The Hoax of the Privatization Movement and the Danger to America’s Public Schools* (New York: Vintage, 2014).

159 Diane Ravitch, *Slaying Goliath: The Passionate Resistance to Privatization and the Fight to Save America’s Public Schools* (New York: Knopf, 2020), ch. 1.

160 See Ravitch, *The Great School Wars*, 401 (suggesting centralization and local control each have advantages, but neither is the perfect solution to public-school woes).



on the part of mayors as compared to the roles of other stakeholders and participants in governance. Mayoral control exists amid a range of public-school governance structures and models.

## I. OVERVIEW

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Public schools generally are governed by state and local school boards that are elected, appointed, or a combination thereof.<sup>161</sup> At the local level, the vast majority U.S. public schools are governed by approximately 13,000 school-district boards<sup>162</sup> primarily elected by local voters.<sup>163</sup> According to the National School Boards Association, local governance of public schools is important for several reasons, including: local boards' singular focus on education and school budgeting; because they provide citizen governance and community voice; and because they are accessible, accountable, and can serve as the communities' education watchdog.<sup>164</sup> Some observers, however, have noted how locally elected school boards can go wrong, citing examples of skewed representation disadvantaging students and communities of color, disparities in political power, and capture of school boards by private or special interests, among other concerns.<sup>165</sup>

In addition to governance structures, observers emphasize the importance of school district governance practices. Best practices for local school district governance regardless of governance structure include practices such as: a commitment to a vision and goals focused on student achievement and quality instruction; strong shared values about students' ability to learn and the system's ability to teach all children at high levels; accountability focused on improving student achievement; collaboration and communication to engage internal and external stakeholders to set and achieve district goals; effective use and monitoring of data to support improvement; aligning and sustaining resources to support goals; leading as a united team with strong collaboration and mutual trust consistent with respective roles and with leadership; development and training to build shared knowledge, values, and commitments to improvement.<sup>166</sup> Similarly, a report from the National School Boards Association, Center for Public Education finds that stability of leadership, including long tenure of board members and superintendent, is a feature of high achieving school districts.<sup>167</sup> Another study highlights the centrality of effective stakeholder engagement in high achieving school districts.<sup>168</sup>

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161 See, e.g., Education Commission of the States, Educational Governance Dashboard, <https://perma.cc/Q549-RJ27> The Educational Commission of the States identifies state-level structures for Early Education, K-12 Education across the U.S. according to a handful of categories and models These include early education structures that are state created, state consolidated, or state coordinated; and K-12 structures that are structured according to the following four models (or a combination thereof): Model I/Appointed Board, Appointed Chief: Voters elect the governor, who then appoints both the members of the state board of education and the chief state school officer. Model II/Governor Appoints Board, Board Appoints Chief: Voters elect the governor, who then appoints either all or most of the members of the state board of education. The state board, in turn, appoints the chief state school officer. Model III/Appointed Board, Elected Chief: Voters elect both the governor and the chief state school officer. The governor then appoints the state board of education. Model IV/Elected Board, Board Appoints Chief: Voters elect both the governor and the state board of education. The state board then appoints the chief state school officer. Other: These states function using various components of the other models.

162 National Center for Education Statistics, <https://perma.cc/ZK78-R6JX> (As of 2021–22 there were 13,318 school districts in the U.S.)

163 National School Boards Association, *Today's School Boards & Their Priorities for Tomorrow*, 2018 at 11, <https://perma.cc/2L6E-JVJ5>, see also Vladimir Kogan, Stéphane Lavertu, and Zachary Peskowitz, *Who governs our public schools?* Brookings, February 17, 2021, <https://www.brookings.edu/articles/who-governs-our-public-schools/>

164 Chuck Dervarics and Eileen O'Brien, *Eight Characteristics of Effective School Boards* National School Boards Association, Center for Public Education, 2019, <https://perma.cc/UBG7-7JVJ>.

165 Kogan, et al, *Who Governs Our Public Schools?*

166 Chuck Dervarics and Eileen O'Brien, *Eight Characteristics of Effective School Boards* National School Boards Association, Center for Public Education, 2019: 226–27, <https://perma.cc/UBG7-7JVJ>, see also, *The Diligent Team*, *School board governance models and best practices*, September 7, 2023, <https://perma.cc/Z5H5-NHWG> (noting similar best practices);

167 Dervarics and O'Brien, *Eight Characteristics*: 227

168 Katie Clarke, "Engaging the Public in Public Education; a Multi-Case Study of School Governance and Stakeholder Engagement in

Much of the literature discusses such school governance best practices in the context of local school districts. Such practices also may apply to mayoral control governance models.

## 2. FORMS OF MAYORAL CONTROL

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“Mayoral control” generally refers to a governance structure marked by increased authority given to a mayor to govern a city’s public-school district. Among the cities that have adopted mayoral control, a variety of approaches and formats have emerged. The approaches include structures in which

- the mayor appoints all school board members;
- the mayor selects school board candidates from a list generated from a nominating committee;
- the mayor appoints officials, whether the chancellor, a superintendent, or the governing board members, subject to approval by another entity such as the city council; and
- the mayor exercises informal power to bring stakeholders together for school reform.<sup>169</sup>

For example, as detailed in Section III, Boston, Philadelphia, and the District of Columbia all incorporate some form of nominating committee. In Boston, a 13-member panel that includes representatives from designated stakeholder groups is responsible for submitting nominations to its board of education, called the School Committee.<sup>170</sup>

Philadelphia similarly incorporates a 13-member nominating panel comprising representatives of designated constituencies.<sup>171</sup> In the District of Columbia, the mayor establishes a review panel of representative groups to assist in the selection of the chancellor.<sup>172</sup>

Other approaches require certain mayoral appointments to be approved by the city council. For example, in Philadelphia, the mayor appoints all nine members of the board of education from a list of names submitted by the nominating panel, subject to the advice and consent of a majority of all members of the city council after public hearing.<sup>173</sup> In the District of Columbia, the mayor’s appointment of the chancellor is subject to city council approval.<sup>174</sup>

The question for many cities is not whether a mayor should be active in education but how and to what extent a mayor should have governing power. Ultimately, it is up to the city and state to determine what model best meets their needs given factors such as the city’s political culture, interest groups, state-local relations, the legal foundation of city government, the historical school governance structure, and the personality and ambitions of the mayor.<sup>175</sup>

School boards and superintendents historically have played a central role in school governance. Critical governance choices include whether the school board is elected or appointed.<sup>176</sup> A common feature of cities with strong mayoral control is that

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High-Achieving School Districts,” *Regent University ProQuest Dissertations Publishing*, (2020), <https://central.ezproxy.cuny.edu/login?url=https://www.proquest.com/dissertations-theses/engaging-public-education-multi-case-study-school/docview/2389671776/se-2?accountid=26979> (setting out best practices).

169 Juliana Herman, “Top 5 Things to Know about Mayoral Control of Schools,” Center for American Progress, March 22, 2013, <https://perma.cc/KMD4-P4KP>; see also Michael W. Kirst and Fritz Edelstein, “The Maturing Mayoral Role in Education,” *Harvard Educational Review* 76, no. 2 (July 2006): 157–159, <https://eric.ed.gov/?id=EJ771804>.

170 Mass. Gen. Laws ch. 71, §37 (2010).

171 Philadelphia Home Rule Charter § 12–206.

172 D.C. Code § 38–174 (2021).

173 Philadelphia Home Rule Charter § 12–201.

174 D.C. Code § 38–174 (2021) (referencing D.C. Code § 1–523.01[a], which requires city council approval of mayoral appointees).

175 Herman, “Top 5 Things to Know about Mayoral Control.”

176 Ruth Moscovitch et al., *Governance and Urban School Improvement: Lessons for New Jersey from Nine Cities* (Newark, NJ: Institute on Education and Law Policy, Rutgers, August 2010), 3, <https://perma.cc/JVC8-ABM3>.

the mayor appoints either the entire school board or the majority of its members.<sup>177</sup>

Some researchers have placed mayoral control into three categories: **total control (strong)**, **partial control (moderate)**, or **low involvement (weak)**, depending on the degree of power the mayor exerts over key education decisions.<sup>178</sup>

The following chart describing these models is not definitive but helps to identify the varying degrees of a mayor's influence over school governance across an urban city. Within these models, the level of control varies by category and by city. While some public education trends may be partially attributed to mayoral intervention, there does not seem to be any consistent correlation between the level of mayoral influence (low, moderate, or high) and its impact on schools.<sup>179</sup>

Strong mayoral control can take a variety of forms but is characterized by the mayor's significant control over school system leadership. Some mayors have extensive control over the appointment of the entire school board and/or the superintendent, while others have only the power to appoint the superintendent and a few board members. In a common scenario, the mayor has the authority to appoint most of the school board members, while the board then has the power to appoint the superintendent.<sup>180</sup>

Under moderate versions of mayoral control, the mayor has the power to choose either a part of or the entire school board, which selects the superintendent, sometimes with the cooperation of the mayor or with the approval of the city council.<sup>181</sup> In other variations, the mayor can appoint the majority of or the entire school board but then does not have authority over educational policies.<sup>182</sup> In many cases, the mayor chooses the school board based on candidates recruited and reviewed by a nominating committee.<sup>183</sup>

A nominating committee can provide oversight and checks and balances on the mayor's reach. It typically provides a slate of candidates from which the mayor chooses school board members.<sup>184</sup> Some nominating committees are required to include representatives of legislatively specified interest groups and areas of expertise.<sup>185</sup> A nominating committee can recruit, interview, and nominate qualified candidates for board seats. Additionally, the committee can monitor the board's progress and write a "sunset provision" that would require a reevaluation of the school governance system.<sup>186</sup>

Mayoral influence in education need not be legislated. In weak mayoral control models, the mayor is not the primary decision-maker.<sup>187</sup> In this case, the mayor has an informal role exerting influence over the school system but does not have legal authority to make changes.<sup>188</sup> The mayor may

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177 See Kenneth K. Wong and Francis Shen, "Mayoral Governance and Student Achievement: How Mayor-Led Districts Are Improving School and Student Achievement," Center for American Progress, March 2013, 9.

178 Kirst and Edelstein, "Maturing Mayoral Role," 157–161 (these authors also identify "partnership relationships" as a fourth type of mayoral involvement in education); Moscovitch et al., *Governance*, 5–6.

179 Michael W. Kirst, "Mayoral Influence, New Regimes, and Public-School Governance," *CPRE Research Report Series* 102 (May 2002): 4–19, <https://perma.cc/CD98-5M9E>.

180 Kirst and Edelstein, "Maturing Mayoral Role," 157–158.

181 Kirst and Edelstein, "Maturing Mayoral Role," 158–160.

182 Moscovitch et al., *Governance*, 5–6.

183 Kenneth Wong et al., *The Education Mayor: Improving America's Schools* (Washington, DC: Georgetown University Press, 2007), 12.

184 Wong, "Does Mayoral Control Improve Performance," 69–70.

185 For example, in Boston, the nominating committee must be composed of four public-school parents, one public-school teacher, one principal or headmaster, a representative from the business community, a president from a public or private college or university, the commissioner of education, and four persons appointed by the mayor. 1991 Mass. Acts, c. 108 §6.

186 Wong et al., *The Education Mayor*, 12.

187 Kirst and Edelstein, "Maturing Mayoral Role," 160–161.

188 Moscovitch et al., *Governance*, 6.

## Degrees of Mayoral Control

Strong	Moderate	Weak
<p>The mayor has a high level of appointment power and fiscal control.</p> <ul style="list-style-type: none"> <li>• Ability to control the school systems and to decrease school board power.</li> <li>• The mayor can select all or some of the school board and superintendent and controls the budget.</li> </ul>	<p>There are checks and balances on the power of the mayor.</p> <ul style="list-style-type: none"> <li>• <i>Moderate:</i> The mayor has the power to appoint the majority or all of the board but does not necessarily have control over education policy.</li> <li>• <i>Low-moderate:</i> Mayors appoint some school board members, but not the majority.</li> </ul>	<p>The mayor is not the primary decision-maker in education.</p> <ul style="list-style-type: none"> <li>• The mayor has an informal role and may use influence around endorsing and campaigning for school board candidates.</li> <li>• The mayor does not have legal authority to enact changes but can influence and form partnerships for change.</li> </ul>

seek more involvement but may be limited by the city's governance structure, political environment, or relationship with the school system.<sup>189</sup> In this case, mayors may use their position and level of authority in a number of ways, such as influencing school board elections by supporting reform-oriented candidates and collaborating with school superintendents to address shared issues and concerns.

### 3. ARGUMENTS FOR AND AGAINST MAYORAL CONTROL

Forms of mayoral control can be thought of as falling on a continuum reflecting the extent to which a mayor is granted authority to control key decisions with respect to public-school governance. Since governance choices can be crafted to fully endorse or to check that grant of authority, this section frames the arguments in terms of what could be considered strong forms of mayoral control. Note that some of the

issues flagged present arguments both in support of and in opposition to strong mayoral control, and that some of the issues discussed overlap with one another.

#### ACCOUNTABILITY

Arguments in support of strong mayoral control maintain that, as a high-profile figure in charge of a city's education system, the mayor is subject to much public scrutiny. The public can readily identify the mayor as the person to hold accountable for the school system's successes and failures and can hold them accountable through the electoral process.<sup>190</sup>

On the other hand, appointed forms of governance may lack transparency and may give rise to corruption and waste.<sup>191</sup> In addition, because mayors are responsible for meeting multiple city objectives, public education may become a lesser priority or may be impacted by other priorities and influences, including powerful business and real estate interests.<sup>192</sup>

189 Kirst and Edelstein, "Maturing Mayoral Role," 160.

190 Pauline Lipman et al., *Should Chicago Have an Elected Representative School Board? A New Review of the Evidence* (University of Illinois at Chicago, February 2015), 9, <https://perma.cc/C4BY-WUP4>.

191 See Section II.B., above.

192 See Section II.B., above.

## TRANSPARENCY

With a top-down appointed system, it is unclear how and by whom decisions are made.<sup>193</sup> Transparency concerns also have been raised in connection with decentralized school governance involving diffuse decision points.<sup>194</sup>

## EFFICIENCY

A strong mayor at the helm of a complex educational system may be better equipped than an independent, elected board to coordinate education with other municipal services, thereby streamlining operations and minimizing bureaucratic inertia.<sup>195</sup> Urban school boards must respond to the competing needs of varied districts and may have limited ability to advance citywide collective goals individually.<sup>196</sup> Elected board meetings may be lengthy and contentious and may have difficulty reaching decisions and advancing policy agendas.<sup>197</sup>

On the other hand, board meetings conducted by appointed boards have been criticized for minimizing debate and tolerance of differing views.<sup>198</sup>

## STUDENT ACHIEVEMENT

There are no conclusive studies demonstrating that strong mayoral control leads to increased student achievement.<sup>199</sup>

## DEMOCRATIC ENGAGEMENT

School boards appointed by a mayor may reflect the preferences of a community given that mayoral elections tend to enjoy greater turnout than school board elections.<sup>200</sup> However, appointed boards often lack representation from key stakeholders and may not reflect the demographics of the communities they serve.<sup>201</sup>

On the other hand, democratically elected school boards give the community a voice and the opportunity to be heard and represented.<sup>202</sup> They allow voters to hold board members accountable, as there is a strong electoral incentive to promote policies and practices to enhance school learning.<sup>203</sup> At the same time, elected boards also may not represent or look like the communities they serve.<sup>204</sup> School board elections may be partisan and historically have had low voter turnout, allowing special interest groups or those with business agendas to gain seats.<sup>205</sup>

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193 Civic Federation, *Chicago Public Schools Board of Education Governance: A History and Review of Other Cities' Practices* (Chicago, IL: Civic Federation, 2017), 7 (noting lack of transparency in publicly available information and meeting protocols).

194 Gomez-Velez, "Public School Governance and Democracy," 312.

195 Henig, "Mayoral Control," 25; Moscovitch et al., *Governance*, 7.

196 See Wong and Shen, "Mayoral Governance," 1–2.

197 See Section II.B., above.

198 See Section II.B., above.

199 See Section II.B., above.

200 See Section II. B., above.

201 Moscovitch et al., *Governance*, 8

202 Frederick M. Hess. "Weighing the Case for School Boards: Today and Tomorrow," *Phi Delta Kappan* 91, no. 6 (March 2010): 17, <https://doi.org/10.1177/003172171009100605>; see also "About School Board and Local Governance," National School Boards Association, accessed December 28, 2023, <https://perma.cc/4FJ9-NJBR>.

203 William Howell, ed., *Besieged: School Boards and the Future of Education Politics* (Washington, DC: Brookings Institution Press eBooks, 2005), 166–167.

204 Ethan Ashley and Carrie Douglass, *Empty Seats at Powerful Tables: The State of School Boards in America* (School Board Partners, 2022), 11, <https://perma.cc/AHJ4-WZPU>.

205 Jennifer L. Hochschild, "What School Boards Can and Cannot (or Will Not) Accomplish," in *Besieged: School Boards and the Future of Education Politics*, ed. William Howell (Washington, DC: Brookings Institution Press, January 2005).

## PARENTAL & COMMUNITY ENGAGEMENT AND INPUT

Community members and parents may find it difficult to access a highly centralized board. Moreover, if a board is not elected, it may be less responsive to the concerns of key stakeholders, such as parents, teachers, and community members.<sup>206</sup>

## VOTERS OF COLOR

In cities where the issue of mayoral control has been on the ballot, it has been unpopular in communities of color.<sup>207</sup> This is particularly noteworthy because students of color comprise the majority of public-school students nationwide.<sup>208</sup>

## ACCESS TO RESOURCES

Proponents of strong mayoral control argue that a strong mayor can leverage their position to increase business and philanthropic support.<sup>209</sup> A strong mayor is well positioned to link the issue of school improvements with corporate concerns about economic development and employee retention. If a mayor facilitates the improvement of urban school systems, middle-class families may choose to stay in the city and maintain or increase the municipal tax bases.<sup>210</sup>

On the other hand, even when mayors succeed in bringing new resources to a city, questions may arise

about which communities benefit and about whether resources reach communities that need them the most.

## EXPERTISE

A strong mayor can ensure that their appointees to the board have the legal, financial, and administrative skills needed for effective administration of a large, complex school system.<sup>211</sup>

On the other hand, appointed board members may lack experience in school board operations, education management, and pedagogy.<sup>212</sup> They may not be attuned to community needs. At the same time, elected board members may also lack expertise in school board governance.<sup>213</sup>

## PRIORITIZING EDUCATION

A strong mayor can make education a key element of their administration, which can lead to innovation and improved policies and practices.<sup>214</sup>

## CHECKS AND BALANCES

With the centralized decision-making that characterizes strong mayoral control, avenues for oversight are limited.<sup>215</sup> A mayor can have too much influence and control, and without checks and balances an appointed board can be reduced to a city agency that is subservient to the mayor.<sup>216</sup>

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206 Moscovitch et al., *Governance*, 8.

207 See Moscovitch et al., *Governance*, 8.

208 See National Center for Education Statistics, “Racial/Ethnic Enrollment in Public Schools,” *Condition of Education*, May 2023, <https://perma.cc/975L-AMA8>.

209 Moscovitch et al., *Governance*, 7.

210 Moscovitch et al., *Governance*, 7; see also Kirst, “Mayoral Influence,” 3.

211 See Civic Federation, *Chicago Public Schools Board of Education Governance*, 7; see also Moscovitch et al., *Governance*, 7, 71–72.

212 See Moscovitch et al., *Governance*, 71–72.

213 Frederick M. Hess, *School Boards at the Dawn of the 21st Century: Conditions and Challenges of District Governance* (Alexandria, VA: National School Boards Association, 2002), 19.

214 See Section II.B., above.

215 Moscovitch et al., *Governance*, 8.

216 Diane Ravitch, “Advice to the New York State Legislature about Mayoral Control of the City’s Schools,” *Diane Ravitch’s Blog*, January 19, 2019, <https://perma.cc/4RDF-ZLVP>.

# Mayoral Control of Schools in Select U.S. Cities

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Beginning in the 1990s, several U.S. cities considered, and some adopted, mayoral control of public schools. This section summarizes the experience of mayoral control in the following select large U.S. cities: Boston, Chicago, Detroit, Philadelphia, Washington, DC, Los Angeles, and Yonkers.

As the section details, some of the cities' school governance structures have changed in recent years, in some cases reflecting waning support for mayoral control. For example, Boston, which was the first city to adopt mayoral control in 1992, has seen a decline in public support for mayoral control in recent years. This was most starkly reflected in a November 2022 nonbinding ballot measure in which a majority of Boston voters indicated that they preferred an elected school board system. Chicago voted in 2021 to begin the process of returning to an elected school board.

School governance structures in the District of Columbia (DC), Detroit, Philadelphia, and Yonkers have been shaped directly by fiscal challenges and external oversight. All but Detroit currently are governed under a version of mayoral control. For example, in 2007, the DC city council gave the mayor full authority over public schools. That structure remains in place today notwithstanding ongoing debate about student achievement and community engagement. Philadelphia's school system has been governed through mayoral appointments throughout its history. Fiscal challenges in the early 2000s led to a state takeover that was later declared unconstitutional, returning Philadelphia to its current governance structure involving mayoral appointments. Yonkers is also governed by an appointed school board. The mayor has increased oversight of financial and administrative matters in response to budget deficits. Detroit adopted a form of mayoral control from 1999 to 2004 that incorporated state oversight as part of the state's efforts to address the city's fiscal challenges. In 2004, Detroit voted to return to an elected board, and in 2020, the state agreed to reduce state oversight.

Los Angeles has always had an elected board despite efforts to institute mayoral control of its schools. In the early 2000s, a proposal to implement mayoral control was struck down in court as unconstitutional under the California state constitution.

The following descriptions summarize the history and current status of school governance structures in each of these cities. The examples illustrate the ways that movements to incorporate mayoral control have been informed by contextual considerations such as underlying governance structures, fiscal challenges, political shifts, and concerns about student achievement, equity, efficiency and engagement.

## A. Boston

### I. BOSTON SUMMARY

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Boston has been at the forefront of public education, having founded the United States' first public school in 1635. Since that time, the Boston public school system has faced many challenges as it has worked to address the changing needs and demands of Boston's citizens. Key to this effort is its system of governance. Throughout much of its history, Boston has been governed by school committee members elected at large. That structure changed in the 1980s to include the election of district representatives, which in turn led to more diverse school committees. Notably, that change followed a contentious battle to desegregate the schools by compulsory busing — a strategy vehemently opposed by the then-serving elected school committee. Nevertheless, believing that an elected school committee (albeit a more diverse one) was not up to the task of solving the district's myriad problems, the city sought, and the state approved, a change to mayoral control of the Boston school system.

In 1992, Boston became the first major city in the nation to have its mayor in charge of public schools. In the 30 years since its institution, the success of this endeavor has been a subject of debate. It currently operates through mayoral appointment of school committee members from nominees presented by a 13-member nominating committee. Recent public sentiment has turned against it. Complaints about lack of transparency and accountability and concern that minority voices are not being sufficiently heard have signaled that Boston's experiment with mayoral control may soon come to an end.



## 2. BOSTON BACKGROUND

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Boston is the largest city in Massachusetts with a land area of 48.34 square miles.<sup>1</sup> As of 2022, the estimated population was 650,706 and demographically 48.6% White, 22.5% Black/African American, 19.6% Hispanic/Latino, and 9.7% Asian.<sup>2</sup> In 2021–2022, Boston Public Schools (BPS) had 121 schools with 48,957 students enrolled.<sup>3</sup> The student population was 43.1% Hispanic/Latino, 32.2% Black, 14.5% White, 8.7% Asian, and 1.6% mixed race.<sup>4</sup> Approximately 30.1% of students were English language learners, 68.9% were economically disadvantaged, and 20.6 % had Individual Education Plans to address disabilities.<sup>5</sup>

## 3. BOSTON PUBLIC EDUCATION HISTORY

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Boston is the birthplace of public schools in the United States. Boston established the country's first public school in 1635, the first public school system in 1647, and the first public high school in 1821.<sup>6</sup>

Boston's governance has gone through many iterations over its long history. A school committee consisting of 21 members elected to control the

schools was first established in 1789.<sup>7</sup> In subsequent years, the number of committee members varied from 116 in 1875 to just 5 in 1952.<sup>8</sup>

During the 1970s, Boston's public school system faced court-ordered desegregation, falling enrollment, low test scores, and high dropout rates.<sup>9</sup> Boston was at the center of national debate concerning the desegregation of public schools.<sup>10</sup>

Boston was under increasing pressure to integrate its school system. In 1965, the Kiernan Report, a study commissioned by the Massachusetts State Board of Education, confirmed that “[racial] imbalance . . . exist[s]” in Boston's public schools and “its effects are harmful.”<sup>11</sup> Later that year, the state legislature passed the Racial Imbalance Act, which outlawed segregation in public schools.<sup>12</sup> Members of Boston's school committee refused to create or advance integration plans, even though 44 of Boston's schools had student populations of over 50 percent of a particular racial group.<sup>13</sup> In response, Black parents organized protests and, in conjunction with the NAACP, filed a federal lawsuit to compel the school committee to integrate the schools.<sup>14</sup> In June 1974, a federal district court found the school committee's efforts to prevent the integration of the Boston schools unconstitutional and mandated the desegregation of schools by the compulsory busing

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1 “QuickFacts Boston City, Massachusetts,” U.S. Census Bureau, U.S. Department of Commerce, Bureau of Census, 2022, <https://www.census.gov/quickfacts/fact/table/bostoncitymassachusetts>.

2 U.S. Census Bureau, “Quickfacts Boston.”

3 “Boston Public Schools at a Glance, 2021–2022,” Boston Public Schools, November 2021, <https://perma.cc/R56L-CFBS>.

4 Boston Public Schools, “Schools at Glance.”

5 Boston Public Schools, “Schools at Glance.”

6 “About BPS/Facts and Figures,” Boston Public Schools, accessed December 12, 2023, <https://perma.cc/EX9E-HVYS>.

7 Boston Municipal Research Inc., *Bureau Brief: History of the Boston School Committee Structure* (September 6, 1996), <https://perma.cc/2X57-SR4N>.

8 Boston Municipal Research, Inc., *Bureau Brief*.

9 Ruth Moscovitch et al., *Governance and Urban School Improvement: Lessons for New Jersey from Nine Cities* (Newark: The Institute on Education and Law Policy: Rutgers, August 2010): 19, <https://perma.cc/JVC8-ABM3>.

10 “The Controversy over Busing,” Bill of Rights Institute, accessed December 19, 2023, <https://perma.cc/H4JQ-ZSJJL>.

11 Massachusetts State Board of Education, *Because It Is Right – Educationally. Report of the Advisory Committee on Racial Imbalance and Education* (April 1965), viii, [https://repository.library.northeastern.edu/downloads/neu:m039wk782?datastream\\_id=content](https://repository.library.northeastern.edu/downloads/neu:m039wk782?datastream_id=content); “*Morgan v. Hennigan*,” Encyclopedia of Boston, Boston Research Center, accessed December 19, 2023, <https://perma.cc/NB56-DN4K>.

12 Mass. Gen. Laws ch. 71, §§ 37C, 37D (1965); “Desegregation Busing,” Boston Research Center, Encyclopedia of Boston, accessed December 19, 2023, <https://perma.cc/XYE2-6XG2>.

13 Encyclopedia of Boston, “Desegregation Busing.”

14 Encyclopedia of Boston, “Desegregation Busing.”

of students and the pairing of predominantly White and Black high schools.<sup>15</sup> Between 1974 and 1989, the court issued over 400 orders.<sup>16</sup> The public did not react well. Enrollment declined,<sup>17</sup> many White families left the public school system, and racially charged protests garnered national attention.<sup>18</sup>

Against this backdrop, the school committee was again reconfigured in 1981.<sup>19</sup> This new school committee now had 13 members, with 9 members elected by district and 4 at-large, all serving 2-year terms.<sup>20</sup>

The elected school committee was still problematic. Even though the committee was more diverse than it had ever been and included several Black members,<sup>21</sup> it was constantly mired in conflict over “political opportunism, policy fragmentation and fiscal irresponsibility.”<sup>22</sup> Committee members and Boston’s largely White business community, which sought to influence Boston’s schools, often disagreed.<sup>23</sup> The schools faced numerous challenges,

including “rundown facilities, recurring budget deficits, skyrocketing dropout rates, and a widening achievement gap.”<sup>24</sup> Then-Mayor Flynn believed that the school committee limited his ability to make significant changes.<sup>25</sup> By his second term, Mayor Flynn challenged the elected school committee, calling the public school system a “dark cloud” hanging over the city.<sup>26</sup>

Mayor Flynn began a campaign to secure greater control of public schools. In 1989 he commissioned a poll asking Boston voters questions about school governance — the poll revealed that 70% of voters favored a change in governance but only 35% favored mayoral control.<sup>27</sup> Later that year, Mayor Flynn placed the question of school governance on the ballot in the form of a nonbinding referendum asking whether the elected committee structure should be replaced with a board appointed by the mayor.<sup>28</sup> The referendum failed to yield conclusive results.<sup>29</sup> Black voters in three Boston districts overwhelmingly rejected the referendum, as did the two Black members of the city council.<sup>30</sup>

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15 *Morgan v. Hennigan*, 379 F. Supp. 410, 478-83 (D. Mass. 1974); Encyclopedia of Boston, “Desegregation Busing”; Moscovitch et al., *Governance*, 19.

16 Moscovitch et al., *Governance*, 19.

17 BPS enrollment steadily declined after the desegregation orders. In 1979, enrollment in the BPS was 96,696, whereas in June 1987 that number had dropped to 55,000. “Boston Mayor Urges School Changes,” *The New York Times*, September 26, 1988, <https://perma.cc/4E83-3S29>.

18 Kio Herrera, “The Lasting Legacy of Boston’s Busing Crisis,” *Prism*, January 11, 2023, <https://perma.cc/5XPZ-8C8N>.

19 Boston Municipal Research, Inc., *Bureau Brief*.

20 Boston Municipal Research, Inc., *Bureau Brief*.

21 Meg Woolhouse, “Racial Justice, the Efforts to Bring Back an Elected Boston School Committee,” *WGBH*, September 1, 2021, updated August 9, 2023, <https://perma.cc/97VN-4TXK>.

22 John Portz and Robert Schwartz, “Governing the Boston Public Schools: Lessons in Mayoral Control,” in *When Mayors Take Charge: School Governance in the City*, ed. Joseph P. Viteritti (Brookings Institution Press, 2009), 95, <http://www.jstor.org/stable/10.7864/j.ctt6wphgm.10>; John Portz, “Boston: Agenda Setting and School Reform in a Mayor-centric System,” in *Mayors in the Middle: Politics, Race, and Mayoral Control of Urban Schools*, ed. Jeffrey R. Henig and Wilbur C. Rich (Princeton University Press, 2004), 96–119, <https://doi.org/10.2307/j.ctv17db3gc.8>.

23 Woolhouse, “Racial Justice.”

24 Jesse Remedios, “Here’s Why Boston Doesn’t Have an Elected School Committee,” *Boston Globe*, February 13, 2023, <https://perma.cc/6V8K-2P4T>.

25 Remedios, “Why Boston Doesn’t Have an Elected School Committee.”

26 Moscovitch et al., *Governance*, 19–20.

27 Moscovitch et al., *Governance*, 20.

28 Moscovitch et al., *Governance*, 21.

29 Portz and Schwartz, “Governing Boston Public Schools,” 95–96. Thirty-seven percent of voters favored an appointed committee and 36 percent opposed it, with 26 percent not voting. Portz and Schwartz, “Governing Boston Public Schools,” 95–96; Moscovitch et al., *Governance*, 21.

30 Woolhouse, “Racial Justice.”

Nevertheless, the mayor, backed by the business community and residents focused on student performance and accountability, persisted. In 1991, the mayor and city council supported a home rule petition that would establish a school committee appointed by the mayor.<sup>31</sup> The two Black members of the city council voted against the petition out of concerns that it would decrease voting opportunities for Boston residents and that it would reduce access to politics, especially for “those in the minority community.”<sup>32</sup> Governor Weld struggled with the decision. He met with the Black Legislative Caucus, which argued that he should veto the bill. Weld nevertheless chose to sign the bill, aware of “the very real fact that the citizens of Boston will be disenfranchised by the legislation.”<sup>33</sup> In the end, for Weld, his views about the need for educational gains outweighed the loss of minority voting rights.<sup>34</sup> An essential part of his decision was a provision authorizing a citywide referendum on the bill in 1996, which he saw as a democratic check on executive power.<sup>35</sup> In 1991, the Massachusetts legislature approved, and Governor Weld signed, the mayor and city council’s home-rule petition that would establish a 7-member committee appointed by the mayor, selected from a list provided by a 13-member nominating committee.<sup>36</sup>

Mayor Flynn appointed seven individuals to start in January 1992.<sup>37</sup> As the appointed school committee took hold of BPS in January 1992, Boston became the first major city to put a mayor in charge of public-school operations.<sup>38</sup> A year later, Mayor Flynn left the rest of the job to his successor, Thomas Menino. In September 1995, the appointed committee chose Thomas Payzant, who would serve as superintendent for 11 years.<sup>39</sup>

Although Mayor Menino’s leadership of BPS had been viewed favorably,<sup>40</sup> his constituents did not overwhelmingly support mayoral control. When a 1996 ballot question was put to voters giving them the choice of returning to an elected board, only a thin majority of Bostonians (54%) voted to keep the appointed school committee.<sup>41</sup> Moreover, just as with the 1989 referendum on the same issue, in predominantly Black areas the appointed committee option lost.<sup>42</sup> Notwithstanding those differences, between 1995 and 2006, under Mayor Menino and Superintendent Thomas Payzant, the Boston public school system generally saw stability and cooperation in its governance.<sup>43</sup>

The initial years of mayoral control showed progress in student achievement in Boston.<sup>44</sup>

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31 Portz and Schwartz, “Governing Boston Public Schools,” 95–96.

32 Portz and Schwartz, “Governing Boston Public Schools,” 96.

33 Francis X. Shen, “Community Support for Mayoral Control of Urban School Districts: A Critical Reexamination,” *Education and Urban Society* 4, no. 3 (May 2012): 342 (quoting Lehigh, 1991), <https://doi.org/10.1177/0013124510392916>.

34 Shen, “Community Support for Mayoral Control,” 342.

35 Shen, “Community Support for Mayoral Control,” 342.

36 1991 Mass. Acts ch. 108; Boston Municipal Research, Inc., *Bureau Brief*: The nominating committee must be comprised of four public school parents, one public school teacher, one principal or headmaster, a representative from the business community, a president from a public or private college or university, the Commissioner of Education, and four persons appointed by the mayor. 1991 Mass. Acts ch.108 § 6.

37 Portz and Schwartz, “Governing the Boston Public Schools,” 96.

38 Moscovitch et al., *Governance*, 21–22.

39 Portz and Schwartz, “Governing the Boston Public Schools,” 96–97.

40 Moscovitch et al., *Governance*, 22.

41 Moscovitch et al., *Governance*, 22.

42 “[I]n predominantly black precincts, the average vote in favor of returning to an elected committee was 55 percent; in predominantly white precincts the comparable vote was 28 percent.” Portz and Schwartz, “Governing the Boston Public Schools,” 98.

43 Portz and Schwartz, “Governing the Boston Public Schools,” 97.

44 Kenneth K. Wong and Francis X. Shen, “Mayoral Governance and Student Achievement: How Mayor-Led Districts Are Improving School and Student Achievement,” *Center for American Progress* (March 2014): 3, <https://perma.cc/T7SP-Z2JV>. That study found, for example, that in 2000 only 6 percent of 4th graders were meeting state standards in ELA; by 2013, that number was five times greater.

However, a 2013 report found that in subsequent years, the effects of mayoral governance showed a “relative tapering” in performance.<sup>45</sup> A 2020 state audit identified myriad challenges facing the BPS.<sup>46</sup> It highlighted deficiencies in special education services, in support for English language learners, as well as in essential services such as school transportation.<sup>47</sup> In addition, accounts note a pattern of “inaccurate or misleading data reported by the district” — for instance, reports asserted that BPS officials “inflated the number of buses arriving on time, inaccurately reported the number of renovated school bathrooms, and possibly displayed incorrect student enrollment and withdrawal dates on its public website.”<sup>48</sup> Further, Boston ended its 2022 school year with “plummeting enrollment, persistent achievement gaps, and a nasty COVID hangover.”<sup>49</sup> Some reports recommend that the state place BPS in receivership as a way to address persistent teaching and learning, operational, financial, and enrollment challenges.<sup>50</sup>

The current mayor, Michelle Wu, began her term at a time when the tide of mayoral control was shifting. A nonbinding ballot measure in November 2022 asking

if voters preferred an elected or appointed school board revealed a majority of Boston voters preferred an elected school board system.<sup>51</sup> City councilors submitted a draft home-rule petition, laying out a timetable for phasing in an elected body and making room for a voting student member.<sup>52</sup> However, when it reached her desk, Mayor Wu vetoed the measure, explaining in her veto letter that she “believe[d] that a dramatic overhaul of our selection process for the Boston School Committee would detract from the essential work ahead.”<sup>53</sup> With her reluctance to reconstruct the governance structure of a school system already facing many challenges, including a possible state takeover,<sup>54</sup> the issue of mayoral control may be “approaching a political impasse.”<sup>55</sup>

#### 4. BOSTON’S CURRENT SCHOOL GOVERNANCE STRUCTURE

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**Mayor of Boston:** The mayor appoints the 7 members of the School Committee from candidates presented by the 13-member Nominating Panel.<sup>56</sup>

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Additionally, over a 10-year period, the percentage of 4th graders proficient in math doubled. It found significant gains in 8th grade (the percentage of students proficient in ELA jumped from 36 percent to 58 percent, and the percentage of students proficient in math jumped from 15 percent to 34 percent), and improvements at the high school level, with the percentage of proficient students jumping from 22 to 60 in both ELA and math. Wong and Shen, “Mayoral Governance,” 25–26.

45 Wong and Shen, “Mayoral Governance,” 3, 25–26, 50. From 2008 to 2013, both 8th and 10th grade reading and math scores remained flat; Boston lost “momentum in closing the gap” with statewide test scores. Wong and Shen, “Mayoral Governance,” 25–26.

46 Jeffrey C. Riley, Commissioner, District Review Report – Boston Public Schools, Massachusetts Department of Elementary and Secondary Education, March 2020, <https://d279m997dpfwgl.cloudfront.net/wp/2020/03/BPS-Comprehensive-District-Review-Report-March-2020-Final.pdf>; Kevin Mahnken, “Once a National Model, Boston Public Schools May Be Headed for Takeover,” *The 74*, May 23, 2022, <https://perma.cc/XHQ9-AD4H>. The audit’s findings showed, *inter alia*, that the Boston school district “has failed to effectively serve its most vulnerable students, carry out basic operational functions, and address systemic barriers to providing an equitable, quality education.” Mahnken, “Once a National Model.”

47 Mahnken, “Once a National Model.”

48 Mahnken, “Once a National Model.”

49 Mahnken, “Once a National Model.”

50 Cara Stillings Candal, “The Boston Public Schools’ Road to Receivership,” *Pioneer Institute*, January 8, 2022, <https://perma.cc/Y77X-RYHH>.

51 Libby Stanford, “A Fading School Reform? Mayoral Control Is Ending in Another City,” *Education Week*, June 28, 2023, <https://perma.cc/B2GL-PVGN>.

52 Home-Rule Petition Offered by Boston City Councilors Ricardo Arroyo and Julia Mejia, August 18, 2021, <https://perma.cc/9GFN-J59D>.

53 Stanford, “A fading school reform?”

54 Mahnken, “Once a National Model.”

55 Max Larkin, “An overwhelming number of Bostonians are ready for an elected school committee. Is Mayor Wu?” *WBUR News*, January 18, 2023, <https://perma.cc/A675-GMUQ>.

56 1991 Mass. Acts ch. 108, §§ 2, 6, <https://archives.lib.state.ma.us/server/api/core/bitstreams/93b2bda6-bc0b-4569-b65c-0a534c7d2261/content>.

**School Committee of the City of Boston:** This committee consists of seven members who are eligible for a stipend, serve staggered 4-year terms, must be residents of Boston, and should reflect the ethnic, racial, and socioeconomic diversity of the city and public-school population.<sup>57</sup>

The School Committee hires the superintendent;<sup>58</sup> acts on recommendations of the school superintendent; reviews and approves budgets for public education in the district; and establishes educational goals and policies for the district consistent with requirements of law and statewide goals and standards established by the board of education.<sup>59</sup>

**Nominating Panel:** A 13-member panel is responsible for submitting nominations to the mayor for appointment to the School Committee.<sup>60</sup> The panel includes: four parents of Boston public school students, one teacher selected by the Boston Teachers' Union from its membership, one principal in the BPS system, one representative from the Boston business community on a rotating basis, one president of a public or private college or university from the commonwealth, the commissioner of education of the commonwealth, and four persons appointed by the mayor.<sup>61</sup>

**Superintendent of Schools:** The superintendent is hired by the School Committee.<sup>62</sup>

**School Councils:** Each school in Massachusetts must have a school council consisting of the school principal, parents, teachers, and other persons, not parents or teachers, drawn from groups such as municipal government, business and labor organizations, institutions of higher education, human service agencies, and for high schools, at least one

student.<sup>63</sup> School Councils assist in the identification of students' educational needs; make recommendations to the principal for the development, implementation, and assessment of the curriculum plan; assist in the review of annual school budgets; and formulate school improvement plans.<sup>64</sup>

## B. Chicago

### I. CHICAGO SUMMARY

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Chicago's school governance system has undergone several changes since its establishment in 1872, but until 2021, with variations, the Chicago Board of Education's membership was appointed rather than elected. The Chicago School District (CSD) experienced controversy throughout the twentieth century, including debates about centralization versus decentralization, corruption scandals, and racial tensions. In 1979, in response to a severe financial crisis, the Illinois state legislature created the School Finance Authority (SFA) to provide financial assistance and fiscal oversight to the CSD. The SFA was governed jointly by the governor and the mayor. In 1988, the legislature enacted reforms that replaced the appointed Board of Education with a board whose members would be selected from a group proposed by the School Board Nomination Commission, which included parents and community representatives. That reform also created elected Local School Councils (LSCs) that would include parents, community members, teachers and staff members, and the school principal.

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57 1991 Mass. Acts ch. 108, § 2.

58 1987 Mass. Acts ch. 613, § 1a; Boston Public Schools, "The Boston School Committee," <https://perma.cc/RNS6-F2GJ>.

59 Mass. Gen. Laws ch. 71, § 37 (2010).

60 1991 Mass. Acts ch. 108, § 6; Boston Public Schools, "School Committee Nominating Panel," <https://perma.cc/85DQ-WPXB>.

61 1991 Mass. Acts ch. 108, § 6.

62 1987 Mass. Acts ch. 613, § 1a.

63 Mass. Gen. Laws ch. 71, § 59C (2018).

64 Mass. Gen. Laws ch. 71, § 59C (2018).

In 1995, the Illinois legislature restored direct mayoral control of the schools and limited the role of the SFA; the SFA ultimately ceased operations in 2010. In subsequent years, support for an elected board grew. In 2021, the governor signed a law under which Chicago public schools' governance will transition to a fully elected board by 2027.

## 2. CHICAGO BACKGROUND

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The City of Chicago, Illinois, lies at the southwestern shore of Lake Michigan and has a land area of approximately 231 square miles divided into 50 wards and 77 community areas.<sup>65</sup> As of 2022, the estimated population was 2,665,039, and the population was 42.4% White, 29% Hispanic/Latino, 28.8% Black, 7% Asian, and 9.7% of two or more races.<sup>66</sup> The Chicago Public School District is the fourth-largest school district in the United States, having fallen in 2022 from its previous position as the third-largest district.<sup>67</sup> As of 2023–2024, Chicago Public Schools has 634 schools with 323,251 students enrolled.<sup>68</sup> The student population is 46.9% Hispanic/Latino, 35% Black, 11.1% White, and 4.5% Asian, and 1.6% identify as multi-racial.<sup>69</sup> Approximately 24.7% of students are English language learners, 70.7% of students are economically disadvantaged, and 16.1%

of students have Individualized Education Plans to address disabilities.<sup>70</sup>

## 3. CHICAGO PUBLIC EDUCATION HISTORY

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Founded in 1840, the Chicago Board of Education oversees public school governance, organization, and finances.<sup>71</sup> The history of Chicago schools has been marked by tension and conflict and by battles between groups for control.<sup>72</sup> The first public school superintendent was appointed by the city council in 1854, and the public school population grew rapidly in the subsequent decades.<sup>73</sup> The state legislature established a Board of Education in 1872, comprised of 11 members appointed by the mayor.<sup>74</sup> During the late 1800s, Chicago experienced notable growth in private schools, particularly in Catholic parishes.<sup>75</sup> Public schools also grew, with public school enrollment outpacing Chicago's general population growth.<sup>76</sup>

The early 1900s were marked by battles involving the Chicago Teachers' Union related to efforts of the then-superintendent to centralize the district's administrative functions and to disputes with the city's business community over teachers' rights to organize.<sup>77</sup> At the same time, Chicago was a center of progressive educational reform.<sup>78</sup> Following World

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65 "About Chicago," City of Chicago, accessed November 28, 2023, <https://perma.cc/6FCE-QGLL> ; "Chicago Facts & Statistics," City of Chicago, accessed November 28, 2023, <https://perma.cc/YHN7-UWH4>.

66 "QuickFacts Chicago City, Illinois," U.S. Census Bureau, U.S. Department of Commerce, Bureau of Census, 2022, <https://www.census.gov/quickfacts/chicagocityillinois>.

67 "CPS Drops to Fourth-Largest School District in Nation," *Chicago Sun Times*, September 28, 2022, <https://perma.cc/QM77-PGSW>; "About," Chicago Board of Education, accessed November 28, 2023, <https://perma.cc/FQ9W-7ZZA>.

68 "Stats and Facts," Chicago Public Schools, accessed November 28, 2023, <https://perma.cc/KQ2J-B38R>.

69 "Stats and Facts."

70 "Stats and Facts."

71 Chicago Board of Education, "About."

72 John L. Rury, "Schools and Education," *Encyclopedia of Chicago* (2005), <https://perma.cc/RL2M-RRPZ>.

73 Rury, "Schools and Education."

74 The Civic Federation, *Chicago Public Schools Board of Education Governance: A History and Review of Other Cities' Practices* (Chicago: The Civic Federation, 2017), 3, <https://perma.cc/9F5N-DFPU>; Rury, "Schools and Education."

75 Rury, "Schools and Education."

76 Rury, "Schools and Education."

77 Rury, "Schools and Education."

78 Rury, "Schools and Education."

War I, Chicago's public school enrollment stabilized, but the period was marked by "corruption and controversy" over issues including the curriculum and school finance.<sup>79</sup> "Scandals over corruption and nepotism" continued through the 1940s, and educational innovation and public confidence in the schools declined.<sup>80</sup>

In response to the system's crisis over mismanagement, state legislation expanded the power of system administrators.<sup>81</sup> Enrollment surged, and new programs were added; at the same time, concern over racial inequality in education grew. Black Chicagoans protested overcrowding, decaying infrastructure, and otherwise poor conditions and demanded that inequities between Black and White schools be addressed.<sup>82</sup> Superintendents attempted to integrate the schools.<sup>83</sup> Those efforts resulted in litigation that led to a 1980 consent decree and school desegregation plan.<sup>84</sup>

Throughout the 1970s and 1980s, the Chicago Public Schools (CPS) system experienced an educational, financial, and management crisis: There

were nine teacher strikes between 1970 and 1987, graduation rates were below 50 percent, students were leaving the school district in increasing numbers, and the infrastructure was failing.<sup>85</sup> A budget crisis in 1979 left the district unable to borrow cash to fund its operations.<sup>86</sup> In January 1980, the Illinois General Assembly adopted the School Finance Authority Act to establish the Chicago School Finance Authority (SFA), which would provide financial assistance and fiscal oversight while the Chicago Board of Education retained authority over educational policy and administration.<sup>87</sup> Nevertheless, challenges persisted; in 1987, then-U.S. Secretary of Education William Bennett declared CPS "the worst in the nation."<sup>88</sup>

Numerous proposals to change the CPS governance structure have been debated since the 1980s.<sup>89</sup> In 1988, in an effort to improve CPS following the longest strike in Chicago's history,<sup>90</sup> the Illinois General Assembly passed the Chicago School Reform Act, which established elected Local School Councils (LSCs) for each school.<sup>91</sup> The LSCs consisted of parents, community members, teachers, staff members, and the school principal.<sup>92</sup> LSC powers

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79 Rury, "Schools and Education."

80 Rury, "Schools and Education."

81 Rury, "Schools and Education."

82 Rury, "Schools and Education."

83 Rury, "Schools and Education."

84 Rury, "Schools and Education."

85 Kelly Walsh, "An Elected School Board Is a Big Risk for Chicago," *Chicago Sun-Times*, April 2, 2021, <https://perma.cc/NC88-YURM>.

86 Civic Federation, *CPS Governance*, 3–4.

87 Civic Federation, *CPS Governance*, 4; 105 Ill. Comp. Stat. 5/34A-201 (1980) (providing for a five-member board of directors, two of which were appointed by the governor with the Chicago mayor's approval; two appointed by the mayor with the governor's approval; and the chair appointed jointly, with directors serving 3-year terms).

88 Maureen Kelleher, "Chicago Schools: 'Worst in the Nation?'" *The Chicago Reporter*, September 9, 2016, <https://perma.cc/ZJH8-4DUG>.

89 Civic Federation, *CPS Governance*, 8–10 (summarizing governance options).

90 Kerry L. Kasper, "The Confusing Saga and Upcoming Next Steps for an Elected Chicago School Board," *Center for Illinois Politics*, July 9, 2023, <https://perma.cc/VDN4-GLXH>.

91 Ill. Rev. Stat. 1989 ch. 122, ¶¶ 34-1.01 et seq.; 105 Ill. Comp. Stat. 5/34-2.3 (1988). That reform act was declared unconstitutional in 1990, but the Illinois Legislature quickly responded to address the most urgent issues. *Fumarolo v. Chicago Bd. of Educ.*, 142 Ill.2d 54, 100 (Ill. 1990) (striking the 1988 Reform Act as unconstitutional, as it caused unequal power of voting in local school councils); Stan Karp, "Court Throws a Curve at Chicago School Reform," *Rethinking Schools* 5, no. 3 (March/April 1991), <https://perma.cc/SU8K-HNGS>. The Court did not take issue with the make-up of the LSCs themselves, but found the weighted voting system, under which parents voted for six parent members while other residents voted for two community seats, violated equal protection. Karp, "Court Throws a Curve."

92 105 Ill. Comp. Stat. 5/34-2.3 (1988); Civic Federation, *CPS Governance*, 4.

included the selection and performance evaluation of school principals and the approval of budgets.<sup>93</sup> The Reform Act replaced the 11-member Board with a 15-member Board, appointed by the mayor, subject to city council approval.<sup>94</sup> Board members were selected from a group proposed by a 23-member School Board Nomination Commission that included parents and community members also appointed by the mayor.<sup>95</sup>

In 1995, the Illinois General Assembly amended the Chicago School Reform Act to restore and strengthen direct mayoral control.<sup>96</sup> The Chicago business community supported the new mayoral control law and its promise to hold the mayor accountable for school performance.<sup>97</sup> The law authorized the mayor to appoint a five-member Board of Trustees, to select the Board's president, and to appoint a full-time, compensated Chief Executive Officer; the number of Board members was increased to seven in 1999.<sup>98</sup> Those changes freed the mayor from needing city council confirmation for the appointment of board members.<sup>99</sup> Notably, the law no longer required the CEO to be an educator; rather it required "a person of recognized administrative ability and management experience."<sup>100</sup> The changes

reflected the view that a centralizing authority in the mayor's office would drive reform and improve efficiency in the CPS<sup>101</sup> and that it would facilitate the coordination of the work of various city agencies with the city's schools and children.<sup>102</sup>

The 1995 law also eliminated the School Board Nominating Commission and diminished the LSC's ability to operate independently of the school board.<sup>103</sup> Nevertheless, the LSCs are still active today and are responsible for hiring principals and awarding their performance contracts.<sup>104</sup> In addition to those changes, the 1995 law reduced teachers' and other unions' organizing rights.<sup>105</sup>

This 1995 version of mayoral control was instituted in Chicago during the administration of Richard M. Daley, who served as mayor from 1995 to 2011. Mayor Daley believed that quality public education was essential to retaining the city's middle-class residents and to attracting business investments.<sup>106</sup> Daley appointed Paul Vallas, a non-educator with a finance background, as the first CEO in 1995.<sup>107</sup> Vallas quickly balanced the school budget, worked to negotiate 4-year contracts with the Chicago

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93 105 Ill. Comp. Stat. 5/34-2.3 (1988).

94 *Fumarolo*, 142 Ill.2d at 94.

95 Civic Federation, *CPS Governance*, 4; Kasper, "Confusing Saga."

96 105 Ill. Comp. Stat. 5/34-3(a) (1995); Civic Federation, *CPS Governance*, at 4.

97 Dorothy Shipp, "Updating Tradition: The Institutional Underpinnings of Modern Mayoral Control in Chicago's Public Schools," in *When Mayors Take Charge: School Governance in the City* ed. Joseph P. Viteritti (Brookings Institution Press): 121.

98 105 Ill. Comp. Stat. 5/34-3(a) (1995) (providing for a five-member governing board and renaming the Chicago Board of Education the Chicago School Reform Board of Trustees); Civic Federation, *CPS Governance*, 4.

99 105 Ill. Comp. Stat. 5/34-3(b) (1995).

100 105 Ill. Comp. Stat. 5/34-3.3(b) (1995).

101 Pauline Lipman and Eric (Rico) Gutstein, "Should Chicago Have an Elected Representative School Board: A New Review of the Evidence," *University of Illinois at Chicago* (February 2015): 5, <https://perma.cc/LU65-LAG7>.

102 Tamar Lewin, "For Mayoral Control of Schools, Chicago Has a Working Blueprint," *The New York Times*, June 15, 2002, <https://perma.cc/FH4P-V5R2>.

103 Kenneth K. Wong and Francis X. Shen, "Big City Mayors and School Governance Reform: The Case of School District Takeover," *Peabody Journal of Education* 78, no. 1 (2003): 24, <http://www.jstor.org/stable/1493104>.

104 "About CPS," Chicago Public Schools, accessed December 18, 2023, <https://perma.cc/5CU6-QG8Q>.

105 Ruth Moscovitch et al., *Governance and Urban School Improvement: Lessons for New Jersey from Nine Cities*, (Newark, NJ: The Institute on Education and Law Policy: Rutgers, August 2010), 25, <https://perma.cc/H4JQ-ZS JL>.

106 Wong and Shen, "Big City Mayors," 24.

107 Jeffrey Mirel "Detroit: 'There Is Still a Long Road to Travel, and Success Is Far from Assured,'" in *Mayors in the Middle: Politics, Race, and Mayoral Control of Urban Schools*, ed. Jeffrey R. Henig and Wilbur C. Rich (Princeton University Press, 2004), 130.



Teachers' Union, and then focused on ending practices like social promotion and mandatory summer school.<sup>108</sup> Vallas spent billions on school renovations and afterschool programs and prioritized teacher retention.<sup>109</sup> Academic performance improved.<sup>110</sup> Commentators observed that Vallas restored public confidence in schools, and accordingly, he gained support from the media, business, and civic groups.<sup>111</sup>

Soon after the 1995 mayoral control law was instituted, the Chicago public school system was touted as a model and drew widespread praise.<sup>112</sup> This heralded a period of political calm and financial stability in Chicago.<sup>113</sup> Mayor Daley was lauded for improving test scores, installing "hard-charging" superintendents, instituting strong accountability measures, and constructing new school buildings.<sup>114</sup>

Despite this early progress, by the time Mayor Daley left office in 2011, the CPS faced challenges. The city and state were struggling financially, and the 2008 recession left Chicago in worse financial shape than most other cities.<sup>115</sup> Enrollment declined, and Chicago school performance scores fell behind

student performance elsewhere in Illinois.<sup>116</sup> As a result, CPS lost its reputation as an example of successful mayoral control.<sup>117</sup>

Rahm Emanuel succeeded Daley as Chicago's mayor in 2011 and named Jean Claude Brizard as his schools' CEO.<sup>118</sup> Brizard, inexperienced in such a large system and sharing authority with other officials, struggled.<sup>119</sup> Both Mayor Daley and Mayor Emmanuel infused the CPS system with market-based reforms, including a variety of public and privately run schools.<sup>120</sup> In an attempt to resolve a city budget deficit, in 2013 Emanuel closed nearly 50 schools on Chicago's South Side.<sup>121</sup> The closures disproportionately affected Black students from low-income families and prompted an outcry from parents and communities.<sup>122</sup> The relationship between the mayor's office and the Chicago Teachers' Union was contentious, leading to teacher strikes in both 2012 and 2019.<sup>123</sup>

CPS continued to place far behind state averages in academic performance. For example, in 2013, just over one third of CPS 11th graders were proficient in reading, compared to 55 percent statewide.<sup>124</sup>

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108 Mirel, "Long Road," 130.

109 Kevin Mahnken, "Competing K–12 Visions Collide in Chicago Mayor's Race," *The 74*, March 29, 2023, <https://perma.cc/7SXU-EE7L>.

110 Mahnken, "Competing K–12 Visions Collide."

111 Wong and Shen, "Big City Mayors," 24.

112 Wong and Shen, "Big City Mayors," 25. Many, including then-President Clinton, praised the system. Wong and Shen, "Big City Mayors," 25.

113 Mirel, "Long Road," 130.

114 Alexander Russo, "Mayoral Control in the Windy city: Rahm Emanuel Battles to Improve Chicago Schools," *Education Next* 14, no. 2, (September 2014), <https://perma.cc/U88L-4ANY>.

115 Russo, "Mayoral Control in the Windy City."

116 Russo, "Mayoral Control in the Windy City."

117 Russo, "Mayoral Control in the Windy City."

118 Russo, "Mayoral Control in the Windy City."

119 Russo, "Mayoral Control in the Windy City."

120 Lipman and Gutstein, "Reviewing the Evidence," 4.

121 Janelle Scott and Jennifer Jellison Holme, "The Political Economy of Market-Based Educational Policies: Race and Reform in Urban School Districts, 1915 to 2016," *Review of Research in Education* 40, no. 1 (March 2016): 250, <http://www.jstor.org/stable/44668624>.

122 Samantha Smylie and Kalyn Belsha, "Chicago Will Have the Largest Elected School Board of Any Major U.S. City," *Chalkbeat Chicago*, July 30, 2021, <https://perma.cc/UJ7S-6NSL>.

123 Amy B. Shuffelton, "The Chicago Teachers Strike and Its Public," *Education and Culture* 30, no. 2 (2014): 21–33, <https://www.jstor.org/stable/10.5703/educationculture.30.2.21>.

124 Russo, "Mayoral Control in the Windy City."

With plummeting enrollment,<sup>125</sup> a reversal of student progress, the closing of 50 schools by Mayor Emanuel, and ever-widening racial disparities in standardized test outcomes,<sup>126</sup> Chicagoans' search for a change in school governance intensified in the 2010s. Parents and community and education organizations as well as the Chicago Teachers' Union called for a move to an elected system.<sup>127</sup> Referenda in 2012 and 2015 demonstrated voters' support for a return to an elected school board.<sup>128</sup>

When Lori Lightfoot became mayor in 2019, she promised to support a return to an elected school board.<sup>129</sup> However, Lightfoot's support for an elected board shifted once she was in office.<sup>130</sup> Her relationship with the Chicago Teachers' Union was also contentious, and the union went on strike.<sup>131</sup> Concerned that a purely elected board would invite infusions of money from special interest groups,<sup>132</sup> Lightfoot came to support a hybrid model of public school governance.<sup>133</sup>

Nevertheless, support for an elected form of school governance grew, and in 2021, the legislature approved and Illinois Governor JB Pritzker signed legislation ending mayoral control in Chicago and creating an elected school board for Chicago Public Schools.<sup>134</sup> The legislation sought to increase student and parent input into education.<sup>135</sup> The new governance structure, which took effect beginning in 2022, expanded the number of elected board members from 7 to 21, to be phased in over the following 5 years.<sup>136</sup> The Board thus would transition to a fully elected board by 2027, with 20 board members elected for 4-year terms from single member districts and a Board President elected citywide.<sup>137</sup> The legislation also created the Non-Citizen Advisory Board and the Diversity Advisory Board.<sup>138</sup> Additionally, after steep enrollment declines, the legislation included a moratorium on school closures and consolidations until the hybrid board is seated in 2025, offering city officials some time to work out plans for low-enrollment school buildings.<sup>139</sup>

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125 Mahnken, "Competing K–12 Visions Collide." Public school enrollment has fallen by about 115,000 students in the past 20 years; that figure is easily the equivalent of 200-plus schools. Mahnken, "Competing K–12 Visions Collide."

126 In both 4th and 8th grade math, disparities between scores for Black and White students widened more than 40 points; the gaps between low-income students and their peers increased as well. Mila Koumpilova, "Chicago's NAEP Scores Fall, Wiping Out a Decade of Growth in Math," *Chalkbeat Chicago*, October 24, 2022, <https://perma.cc/NV82-TBQN>.

127 Sarah Karp, "Three Big Questions, Asked and Answered, about Chicago's Move to an Elected School Board," *WBEZ Chicago*, September 7, 2023, <https://perma.cc/A8HZ-NDFF>.

128 Civic Federation, *CPS Governance*, 9. The results of the 2012 referendum showed that 87 percent of 79,588 voters in 327 precincts across the city voted in favor of an advisory referendum supporting an elected school board: Civic Federation, *CPS Governance*, 9. In the 2015 municipal election, voters in 37 wards overwhelmingly endorsed an elected board of education in nonbinding referenda, with vote margins ranging from a low of 82.9% approval to a high of 93.3 percent approval: Civic Federation, *CPS Governance*, 10.

129 Mauricio Peña and Becky Vevea, "Lori Lightfoot Could Be the Last Mayor to Control Chicago Public Schools. How Has She Done?" *Chalkbeat Chicago*, February 16, 2023, <https://perma.cc/WVX6-KL9R>.

130 Peña and Vevea, "Lori Lightfoot."

131 Peña and Vevea, "Lori Lightfoot."

132 Peña and Vevea. "Lori Lightfoot."

133 "Civic Federation Position Statement on 21-Member Elected Chicago School Board," The Civic Federation, May 18, 2021, <https://perma.cc/RF6Q-EMB4>. Under Mayor Lightfoot's proposed hybrid plan, two of the seven CPS board members would be elected in 2026 and the rest would be appointed by the mayor, with a transition in 2028 to an 11-member board with 3 elected and 8 appointed members: The Civic Federation, "Position Statement."

134 H.B. 2908, 102 Gen. Ass. (Ill. 2021).

135 Smylie and Belsha, "Largest Elected School Board."

136 105 Ill. Comp. Stat. 5/34-3 (b-5), (b-10) (2022); A.D. Quig, Alice Yin, and Gregory Royal Pratt, "Chicago Mayor Candidates Face Big Challenges in City Schools," *Chicago Tribune*, January 29, 2023, <https://perma.cc/4438-WXG4>.

137 105 Ill. Comp. Stat. 5/34(b-15) (2022); Quig, Yin, and Pratt, "Candidates Face Big Challenges."

138 105 Ill. Comp. Stat. 5/34-18.68 (2022).

139 105 Ill. Comp. Stat. 5/34-18.69 (2022); Quig, Yin, and Pratt, "Candidates Face Big Challenges."

In 2023, Chicago elected Brandon Johnson, a former teacher, Chicago Teachers' Union organizer, and supporter of an elected Board, as the new mayor.<sup>140</sup> Some have raised concerns that the move away from mayoral control of schools may not adequately address longstanding concerns over lack of community input into CPS policy, given recent redistricting that may reinscribe inadequate community representation.<sup>141</sup>

#### 4. MAYORAL CONTROL IN CHICAGO

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Mayoral control of public education in Chicago was strengthened in 1995 and was in place until 2021, when voters chose to institute an elected form of governance. When in effect, Chicago mayoral control of public schools had the following structure:

**Mayor of Chicago:** The mayor appointed the seven-member Board of Education, selected the Board's president, and appointed a full-time, compensated chief executive officer (CEO).<sup>142</sup>

**Chief Executive Officer:** The CEO no longer had to be an educator, provided they were "a person of recognized administrative ability and management experience."<sup>143</sup> The CEO was responsible for management of the school system and had the powers of the general superintendent.<sup>144</sup>

**Local School Councils (LSCs):** The LSCs consisted of 11 voting members comprised of parents, community members, teachers, staff members, and the school principal.<sup>145</sup> Members were elected.<sup>146</sup> The LSCs were responsible for selecting the principal and annually evaluating their performance, approving annual school improvement plans including funding allocations, and evaluating the allocation of teaching resources and other staff.<sup>147</sup>

#### 5. CHICAGO CURRENT SCHOOL GOVERNANCE STRUCTURE

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**Elected Board:** Legislation enacted in 2021 that became effective in 2022 ended mayoral control in Chicago and created an elected school board for Chicago Public Schools.<sup>148</sup> The new governance structure expanded the number of elected board members from 7 to 21, to be phased in by 2027.<sup>149</sup> Twenty board members will be elected for 4-year terms from single member districts, and the Board President will be elected citywide.<sup>150</sup> The legislation also created a Non-Citizen Advisory Board and a Diversity Advisory Board.<sup>151</sup>

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140 Becky Vevea, "Q&A: Chicago's Mayor-Elect Brandon Johnson on How Being a Public-School Parent Will Guide Him," *Chalkbeat Chicago*, April 7, 2023, <https://perma.cc/NTG3-HX6P>.

141 Amanda Vinicky, "Critics Say Chicago's Elected School Board Won't Reflect the District's Student Population Unless Map Is Redrawn," *WTTW News*, May 22, 2023, <https://news.wttw.com/2023/05/19/critics-say-chicago-s-elected-school-board-won-t-reflect-district-s-student-population>.

142 105 Ill. Comp. Stat. 5/34-3(a) (1995) (providing for a five-member governing board and renaming the Chicago Board of Education the Chicago School Reform Board of Trustees). The number of board members was increased to seven in 1999: 105 Ill. Comp. Stat. 5/34-3(b) (1999); Civic Federation, *CPS Governance*, 4.

143 105 Ill. Comp. Stat. 5/34-3.3(b) (1995).

144 105 Ill. Comp. Stat. 5/34-3.3(b) (1995).

145 105 Ill. Comp. Stat. 5/34-2.1, 2.3 (1988); Civic Federation, *CPS Governance*, 4.

146 105 Ill. Comp. Stat. 5/34-2.1(b) (1995). Beginning with the first LSC election after December 3, 2021, in every even numbered year, the board will appoint members to each LSC. 105 Ill. Comp. Stat. 5/34-2.1(l) (2021).

147 105 Ill. Comp. Stat. 5/34-2.3 (1988).

148 H.B. 2908, 102 Gen. Ass. (Ill. 2021).

149 105 Ill. Comp. Stat. 5/34-3(b-5), (b-10) (2022); Quig, Yin, and Pratt, "Candidates Face Big Challenges."

150 105 Ill. Comp. Stat. 5/34(b-15) (2022); Quig, Yin, and Pratt, "Candidates Face Big Challenges."

151 105 Ill. Comp. Stat. 5/34-18.68 (2022).

# C. Detroit

## I. DETROIT SUMMARY

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Detroit is a medium-sized city that has struggled with fiscal distress in recent decades. It adopted a form of mayoral control from 1999 to 2004, which included a role for state government that amounted to a veto power over critical decisions. Detroit returned to an elected board in 2004, but in 2009 the governor appointed an emergency financial manager for the district. The state expanded the manager's role to include broad powers over schools in 2011, and the state continued to play an oversight role through the Financial Review Commission (FRC), which, starting in 2016, had oversight authority over Detroit's schools. In recent years, Detroit has stabilized its finances, and in 2020, the Detroit FRC voted to release the Detroit Public Schools Community District from state financial oversight. However, challenges remain, particularly following the COVID-19 pandemic.

## 2. DETROIT BACKGROUND

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The City of Detroit, Michigan, has a land area of 138.7 square miles and is the largest school district in Michigan.<sup>152</sup> As of 2022, the estimated population was 620,376, and the population was 77.8% Black,

12.2% White, 7.5% Hispanic/Latino, 1.6% Asian, and 3.8% of two or more races.<sup>153</sup> In 2022–2023, Detroit had 106 public schools with 53,406 students enrolled.<sup>154</sup> The student population was 82% Black, 13.6% Hispanic/Latino, 2.4% White, and 1.7% Asian/Pacific.<sup>155</sup> Approximately 12.6% were English Language Learners, and 78% of students were eligible for free or reduced-price lunch.<sup>156</sup>

## 3. DETROIT PUBLIC EDUCATION HISTORY

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In the early 1800s, private individuals interested in education formed the first private schools in Detroit.<sup>157</sup> After an 1827 law required all townships of a certain size to have a school, the number of private schools grew.<sup>158</sup> In the 1830s, the first public schools opened.<sup>159</sup> The Michigan Constitution of 1835 authorized a system of common schools, and in 1837, the state legislature delegated responsibility for education to primary school districts.<sup>160</sup> In 1842, Detroit established its first Board of Education.<sup>161</sup> A ward-based, centralized school board governed Detroit's school system, creating a close relationship between the Detroit Board of Education and the city's government.<sup>162</sup> The mayor served as the Board's president, and inspectors were elected from each of the city's wards.<sup>163</sup> However, in subsequent years, citizens charged the board with corruption, and a series of reorganizations followed, variously authorizing board members to be elected at large, authorizing

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152 "QuickFacts Detroit City, Michigan," U.S. Census Bureau, U.S. Department of Commerce, Bureau of Census, 2022, <https://www.census.gov/quickfacts/fact/table/detroitcitymichigan,MI/PST045222>; Grace Chen, "Detroit Schools: An Overview," *Public School Review*, July 3, 2022, <https://perma.cc/M632-V48D>.

153 U.S. Census Bureau, "Quickfacts Detroit."

154 "About DPSCD / School and Student Facts," Detroit Public Schools Community District (DPSCD), accessed November 27, 2023, <https://perma.cc/6392-UYP7>.

155 "About DPSCD / School and Student Facts."

156 "About DPSCD / School and Student Facts."

157 "Detroit Schools, 19th Century," in *Encyclopedia of Detroit*, accessed December 18, 2023, <https://perma.cc/S696-5JXS>.

158 "Detroit Schools, 19th Century."

159 "Detroit Schools, 19th Century;" Chen, "Detroit Schools: An Overview.;" Citizens Research Council of Michigan, *A History of the Relationship between the Detroit Board of Education and the City of Detroit* (July 1990), 1, <https://perma.cc/8M4V-F4XW>.

160 Citizens Research Council of Michigan, *A History*, 1.

161 "Detroit Schools, 19th Century."

162 William J. Reese. "The Control of Urban School Boards during the Progressive Era: A Reconsideration." *The Pacific Northwest Quarterly* 68, no. 4 (1977): 166, <http://www.jstor.org/stable/40489599>; Citizens Research Council of Michigan, *A History*, 2; Citizens Research Council of Michigan, *Reform of K–12 School District Governance and Management in Michigan* (May 2011), 18, <https://perma.cc/AFP3-GEYH>.

163 Citizens Research Council of Michigan, *A History*, 2.

the mayor to fill board vacancies, returning to ward-based election of board members, and delegating fiscal management of the Board to the city controller.<sup>164</sup> By 1916, board governance membership was shifted from ward-based to at-large elections of board members.<sup>165</sup>

Subsequent reforms shifted governance structures to either expand or limit mayoral power. A 1927 law retained the at-large elected structure but gave the mayor and city council the power to approve or veto expenditures, effectively making the public school system a department of the city.<sup>166</sup> In 1949, the Detroit Board of Education was granted fiscal independence from the mayor.<sup>167</sup> Further legislation in 1955 designated the secretary of the Board of Education as the officer required to authorize expenditures.<sup>168</sup>

During the 1950s and 1960s, the primary question was decentralization, with “substantial public sentiment” favoring community control of schools.<sup>169</sup> A 1969 law required decentralization, but that law was repealed in 1970 when new legislation required a central board comprised of 13 members, 8 of whom would be elected from regions, with the remaining 5 elected at large. A five-member regional board was to be elected for each of the then-existing eight regions.<sup>170</sup> A 1976 law further provided for

decentralization, mandating it for districts with more than 100,000 students and creating eight regional boards.<sup>171</sup> In 1981, Detroit voters agreed to return to a centralized elected board of education.<sup>172</sup>

In addition to operating under shifting governance structures, Detroit Public Schools (DPS) also had to contend with challenging fiscal realities. Following WWII, Detroit’s long economic decline began with the exodus of manufacturing jobs and the White middle class from the city.<sup>173</sup> These changes led not only to a significant loss in the city’s tax base but also to a change in the composition of its public schools; by the mid-1960s, the majority of DPS students were Black.<sup>174</sup>

This demographic shift had a profound impact on the DPS’s fiscal health. The majority White voting bloc no longer had a stake in a majority Black school system, especially one whose Board of Education favored compulsory desegregation.<sup>175</sup> Many White voters reacted by voting down school budgets.<sup>176</sup> Between 1963 and 1972, White voters defeated 8 out of 10 tax increases or tax renewal referenda, leading the school system toward bankruptcy in 1972–1973.<sup>177</sup>

Detroit grappled with the consequences of economic decline during the 1980s and 1990s.<sup>178</sup>

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164 Citizens Research Council of Michigan, *A History*, 2–3.

165 Citizens Research Council of Michigan, *A History*, 3.

166 Citizens Research Council of Michigan, *A History*, 3.

167 Citizens Research Council of Michigan, *A History*, 6 (citing Pub. Act. No. 2 of 1949); Citizens Research Council of Michigan, *Reform of K–12 School District Governance*, 19.

168 Citizens Research Council of Michigan, *A History*, 7.

169 Citizens Research Council of Michigan, *A History*, 9; Peter J. Hammer, “The Fate of the Detroit Public Schools: Governance, Finance and Competition,” *Wayne State University* 13, (2011): 131, <https://perma.cc/PMT9-UMVY>.

170 Citizens Research Council of Michigan, *A History*, 9.

171 Citizens Research Council of Michigan, *A History*, 10–12.

172 Citizens Research Council of Michigan, *A History*, 12.

173 John E. Mogk, “Bad Government Caused Detroit’s Decline. Don’t Blame the Riot,” *Michigan Bridge*, September 1, 2017, <https://perma.cc/E2HX-4B3J>.

174 Efforts to desegregate the schools through a compulsory regional busing plan challenged in the landmark U.S. Supreme Court case *Milliken v. Bradley*, 433 U.S. 267 (1977), served to exacerbate White flight from the district: Mogk, “Bad Government.”

175 Jeffrey Mirel, “Urban Schools in the Twentieth Century: The View from Detroit,” *Brookings Papers on Educational Policy*, no. 2 (1999): 29, <https://jstor.org/stable/20067206>.

176 Mirel, “Urban Schools,” 29.

177 Mirel, “Urban Schools,” 29.

178 Jeffrey Mirel, “Detroit: There Is Still a Long Road to Travel, and Success Is Far from Assured.” In *Mayors in the Middle: Politics, Race, and Mayoral Control of Urban Schools*, eds. Jeffrey R. Henig and Wilbur C. Rich (Princeton University Press, 2004), 121, <https://doi.org/10.2307/j.ctv17db3gc.9>.

Widespread poverty coupled with a drop in population significantly impacted Detroit schools.<sup>179</sup> By 1978, the district ran a budget deficit, which would reach \$150 million by 1989.<sup>180</sup> The Detroit Federation of Teachers (DFT) became a powerful force in shaping both the finances and curricular choices for public education.<sup>181</sup>

From the late 1970s through the 1990s, DPS faced high dropout rates, poor literacy, and substantial budget deficits.<sup>182</sup> A series of reforms intended to fix Detroit's school system were introduced during the 1980s and 1990s.<sup>183</sup> These included restructuring school finance in Michigan, which increased state power and weakened teachers' unions,<sup>184</sup> and the passage of a \$1.5 billion bond issue aimed at restoring educational infrastructure.<sup>185</sup> However, the reforms failed to address Detroit's fiscal and public education problems.<sup>186</sup> Mismanagement of the bond issue and consistent complaints about school administration opened the door to a mayoral takeover of the DPS.<sup>187</sup> To the public, it seemed that the DPS board was both corrupt and responsible for fiscal issues in the district.<sup>188</sup> School governance debates were clouded

with racial tensions between a majority Black Detroit and a predominantly White state government.<sup>189</sup>

Then-Governor Engler, frustrated with the school system's overreliance on property taxes for school funding, emphasized the need for school finance reform.<sup>190</sup> Engler proposed and then implemented the introduction of school choice and the creation of charter schools.<sup>191</sup>

In the late 1990s, Governor Engler turned to mayoral control.<sup>192</sup> The Michigan legislature began to debate a bill to eliminate the locally elected school board and replace it with a seven-member reform board.<sup>193</sup> It aimed to address DPS's poor academic record, falling enrollment, and an estimated 30% graduation rate.<sup>194</sup> The issue of mayoral control was contentious. The teachers' union and the NAACP opposed it. The business community and the Urban League supported it.<sup>195</sup> Protests broke out as this takeover bill moved through the legislature, with many viewing it as an attempt by a White Republican governor and largely White Republican legislature to "impose their will on a Black Democratic city."<sup>196</sup>

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179 Mirel, "Long Road," 121.

180 Mirel, "Long Road," 121.

181 Mirel, "Long Road," 122.

182 Mirel, "Long Road," 121.

183 Mirel, "Long Road," 121–29.

184 Leanne Kang, "The Dismantling of an Urban School System: Detroit, 1980–2014" (PhD diss., University of Michigan, 2015), 66 (discussing Proposal A, passed by Michigan voters in 1994, which changed the source of school funding in Michigan from property tax to state sales tax, taking away the authority of the local school boards and handing it over to the state government).

185 Mirel, "Long Road," 124.

186 Mirel, "Long Road," 124–125.

187 Mirel, "Long Road," 124–125.

188 Kang, "The Dismantling," 102.

189 Mirel, "Long Road," 122.

190 John Engler, *Our Kids Deserve Better! New Schools for a New Century. Governor John Engler's Plan to Reform Michigan Schools* (Detroit: Office of the Governor, October 5, 1993), 29, <https://perma.cc/N8ZP-QS9P>; Ken Coleman, *On this day in 1993: Engler calls for state education funding shake up*, Michigan Advance, Oct. 5, 2023, <https://perma.cc/FX3X-8EQ3>.

191 Mackinac Center for Public Policy, *The Engler Education Legacy* (November 17, 2002), <https://perma.cc/P2BZ-SF6Y>.

192 Kenneth K. Wong et al., "The Education Mayor: Improving America's Schools" (Washington D.C.: Georgetown University Press, 2007), 45.

193 Mirel, "Long Road," 131.

194 "Takeover of Detroit Schools Shows Few Intended Results," *Mackinac Center*, January 19, 2006, <https://perma.cc/HQ9M-JP4L>.

195 Kenneth K. Wong and Francis X. Shen. "Mayoral Leadership Matters: Lessons Learned from Mayoral Control of Large Urban School Systems." *Peabody Journal of Education* 82, no. 4 (2007): 743, <http://www.jstor.org/stable/25594769>.

196 Mirel, "Long Road," 132.

The local school board strongly opposed the mayoral takeover, labeling it a racially motivated strategy, but the majority of the population, disillusioned by the board's inefficiency, supported the change.<sup>197</sup> Support for the mayoral takeover grew as concerns about poor school performance seemed to outweigh concerns about race and representation.<sup>198</sup> Even the DFT came around to support the mayoral control proposal.<sup>199</sup>

In 1999, Governor Engler signed the reform bill, known as Public Act 10, which returned Detroit to a seven-member appointed board; six of whom would be appointed by the Mayor of Detroit, and the seventh by the State Superintendent of Public Instruction.<sup>200</sup> Board members would serve for 4 years, with staggered terms for the initial members.<sup>201</sup> The board chose its officers other than the chair.<sup>202</sup> The mayor chose the board chair.<sup>203</sup> Board members were not entitled to compensation.<sup>204</sup>

Additionally, the new board would appoint a CEO to run the district's day-to-day operations, but the board's vote had to be unanimous, effectively giving the state superintendent veto power.<sup>205</sup> The state law also created a separate five-member accountability

board charged with reviewing the progress of reforms and with making recommendations to the governor.<sup>206</sup>

Despite objections from outgoing board members, the new appointed board took office and enjoyed some measure of success, including negotiating a new contract with the DFT.<sup>207</sup> However, racial and political tensions were reignited after the CEO asked Michigan legislators to approve a bill abolishing unions for school principals and administrators.<sup>208</sup> Additionally, the governor's representative on the reform board vetoed the majority's preferred candidate for CEO.<sup>209</sup> Nevertheless, the city coalesced around a new superintendent who completed an audit that uncovered misappropriated funds, effected administrative reorganizations, commenced a massive infrastructure project, and negotiated a popular contract with the teachers' union.<sup>210</sup> Notwithstanding those accomplishments, Detroit's educational and financial problems worsened. Because state school funding is determined on a per-pupil basis, by 2005, DPS faced a \$200 million deficit as thousands of students left the district's traditional public school system for charter schools or suburban districts, with many more projected to leave in the future.<sup>211</sup>

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197 Mirel, "Long Road," 133–34.

198 Mirel, "Long Road." 133.

199 Mirel, "Long Road." 133.

200 Mich. Comp. Laws § 380.372 (2) (1999); Hammer, "The Fate of the Detroit Public Schools," 132; Citizens Research Council of Michigan, *Reform of K–12 School Governance*, 19.

201 Mich. Comp. L. § 380.372 (4) (repealed 2016).

202 Mich. Comp. L. § 380.372 (7) (repealed 2016).

203 Mich. Comp. L. § 380.372 (6) (repealed 2016).

204 Mich. Comp. L. § 380.372 (9) (repealed 2016).

205 Craig Thiel, "After 20 Years, Detroit Public Schools to Regain Control of Its Finances," *Citizens Research Council of Michigan*, May 14, 2020, <https://perma.cc/YD6U-64UK>.

206 Thiel, "20 Years"; Citizens Research Council of Michigan, *Reform of K–12 School Governance*, 19.

207 Mirel, "Long Road," 135–37.

208 Mirel, "Long Road," 137.

209 Mirel, "Long Road," 138.

210 Mirel, "Long Road," 140.

211 Kang, "The Dismantling," 74; Thiel, "20 Years"; April Van Buren, "The Decline of Detroit's Neighborhood Schools," *Michigan Radio*, August 30, 2016, <https://perma.cc/LDR3-2MVM>.

In 2004, Detroit voters chose to return to a locally elected board.<sup>212</sup> In November 2005, board members were elected, and local control of Detroit schools returned in January 2006.<sup>213</sup> But Detroit public schools' educational and financial challenges continued. In 2009, U.S. Department of Education Secretary Arne Duncan dubbed Detroit public schools "ground zero" for education in the U.S., characterizing its graduation and dropout rates as unacceptable.<sup>214</sup> The reinstated elected school board struggled and, by 2008, faced a deficit of \$400 million.<sup>215</sup> This led the Michigan governor to declare a state of emergency and appoint an emergency manager to address the crisis.<sup>216</sup>

In 2009, Governor Granholm declared a financial emergency in Detroit and appointed Robert Bobb as DPS's first emergency financial manager.<sup>217</sup> Bobb would be the first of three emergency managers who would be responsible for managing the district for the next 7 years.<sup>218</sup> The elected school board, though still active, held virtually no power under the state emergency manager law.<sup>219</sup>

Although the state emergency managers had complete authority over school district finances,

they did not have the authority to raise taxes.<sup>220</sup> Unsurprisingly, the managers had little success in dealing with the "underlying structural deficit" as "none of [their] tactics addressed the larger fiscal challenges" facing Detroit's public schools.<sup>221</sup>

In 2010, Mayor Dave Bing, Governor Granholm, and Secretary Duncan supported a referendum that would ask voters if they wanted to reinstate mayoral control, citing DPS's continued financial distress and poor educational outcomes.<sup>222</sup> The City Council voted against putting it on the ballot.<sup>223</sup>

In 2011, Governor Rick Snyder signed Public Act 4, giving full academic authority to the emergency manager.<sup>224</sup> This increased the manager's power, further sidelining the elected board.<sup>225</sup> However, three emergency managers later, Detroit's debt remained.<sup>226</sup> Charter school legislation and increasing charter enrollment undermined traditional public schools, with Detroit ranking second in cities with the most students in charter schools (41 percent) in 2015, lagging only New Orleans, which had 76 percent of students enrolled in charters.<sup>227</sup> The role and relevance

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212 Hammer, "The Fate of the Detroit Public Schools," 132; Thiel, "20 Years."

213 Thiel, "20 Years." For an additional account, see Wilbur C. Rich, "Who's Afraid of a Mayoral Takeover of Detroit Public Schools?" In *When Mayors Take Charge: School Governance in the City*, ed. Joseph P. Viteritti (Brookings Institution Press, 2009), 159, <http://www.jstor.org/stable/10.7864/j.ctt6wphgm.12>.

214 See "Detroit Schools 'Ground Zero,'" *The Washington Times*, May 14, 2009, <http://www.washingtontimes.com/news/2009/may/14/detroit-schools-ground-zero>.

215 Kang, "The Dismantling," 75.

216 Kang, "The Dismantling," 75.

217 George K. Pitchford, The Allen Law Group, *Memo to Jenice C. Mitchell Ford, General Counsel, Detroit Public Schools Community District*, November 8, 2019, 4, <https://perma.cc/PFW9-H99Q> (recounting history of DPS governance).

218 Thiel, "20 Years."

219 Thiel, "20 Years."

220 Thiel, "20 Years."

221 Thiel, "20 Years."

222 Moscovitch et al., *Urban School Improvement*, 37.

223 Moscovitch et al., *Urban School Improvement*, 37.

224 Act No. 4 of 2011, "Local Government and School District Fiscal Accountability Act," Pub. Acts of 2011, March 16, 2011, <https://perma.cc/9GUN-KA2Y>; Kristi L. Bowman, "State Takeovers of School Districts and Related Litigation: Michigan as a Case Study," *The Urban Lawyer* 45, no. 1 (2013): 7, <https://www.jstor.org/stable/24392338>.

225 Kang, "The Dismantling," 81.

226 Kang, "The Dismantling," 81.

227 Katie Ashe, "New Report: Majority of New Orleans, Detroit Students in Charters," *Education Week*, December 10, 2013, <https://perma.cc/26J4-2BKQ>.



of a local school board decreased as the education system became more fragmented.<sup>228</sup>

Also in 2011, then-Governor Snyder introduced the Education Achievement Authority (EAA), authorizing a state entity to take over Detroit's lowest-performing schools.<sup>229</sup> This move made the school board increasingly irrelevant.<sup>230</sup>

By 2016, a ballooning public school operating budget prompted the state to step in once again. The legislature introduced a series of governance, financial, and academic reforms, which included a \$617 million state bailout fashioned after Detroit's historic bankruptcy.<sup>231</sup> One reform divided the district into two bodies: the "old" DPS was retained for the purpose of collecting local property taxes, and the "new" debt-free district, called the Detroit Public Schools Community District (DPSCD), was established to provide education in the city.<sup>232</sup> A separate law created the Financial Review Commission to perform a financial check on city government as it moved away from emergency management.<sup>233</sup> The Financial Review Commission is responsible for fiscal oversight of the City of Detroit, the School District for the City of Detroit (DPS), and the DPS Community District.<sup>234</sup>

It "ensures both are meeting statutory requirements, reviews and approves their budgets, and establishes programs and requirements for fiscal management."<sup>235</sup>

In 2017, governance of the new DPSCD went back to an elected school board, which was authorized to select and appoint a superintendent to run day-to-day district operations.<sup>236</sup> As of 2019, Detroit's finances had stabilized, but it continued to face challenges, particularly in terms of the need to support infrastructure and capital improvements.<sup>237</sup> In 2020, the state agreed to return Detroit's public school district to independent governance based on its efforts to attain financial stability.<sup>238</sup> Reports project the district's financial stability into future years.<sup>239</sup>

#### 4. MAYORAL CONTROL IN DETROIT

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Detroit's schools operated under a form of mayoral control from 1999 through 2004, when the legislative authorization for mayoral control ended. Nevertheless, the district was mostly under the control of state-appointed officials between 1999 and 2016, which included this period.<sup>240</sup>

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228 Kang, "The Dismantling," 91.

229 Grace Chen, "Michigan Schools: The Role of the Education Achievement Authority," *Public School Review*, September 15, 2022, <https://perma.cc/95SQ-H4R7>.

230 Kang, "The Dismantling," 91–92.

231 Thiel, "20 Years"; see generally Monica Davey and Mary Williams Walsh, "Billions in Debt, Detroit Tumbles into Insolvency," *The New York Times*, July 18, 2013, <https://perma.cc/JSA8-8HVS> (discussing Detroit's historic bankruptcy).

232 "Board of Education / Overview," Detroit Public Schools Community District, accessed November 15, 2023, <https://perma.cc/9BM6-YYPW>; Ann Zaniwski, "Snyder's Plan to Overhaul DPS Could Cost \$715M," *Detroit Free Press*, October 20, 2015, <https://perma.cc/V4KN-22ET>.

233 Khalil AlHajal, "By Midnight, Detroit Exits Bankruptcy and Emergency Manager Kevyn Orr Leaves Office," *Mlive Detroit*, December 10, 2014, <https://perma.cc/FGS9-4KG2>.

234 "Detroit Financial Review Commission." SOM – State of Michigan, accessed November 15, 2023, <https://www.michigan.gov/treasury/local/fiscal-health/detroit-frc>.

235 "Detroit Financial Review Commission."

236 Thiel, "20 Years."

237 Thiel, "20 Years."

238 Detroit Department of Treasury, "Detroit Financial Review Commission Releases Detroit Public Schools and Detroit Public Schools Community District from Active State Oversight," October 26, 2020, <https://perma.cc/NVG9-2JDP>; Beth LeBlanc, "Detroit School District Released from State Oversight after 11 Years," *The Detroit News*, October 26, 2020, <https://perma.cc/9GCM-92BG>; Eleanore Catolico, "After Years of State Oversight, Commission Gives Financial Control Back to Detroit District," *Chalkbeat Detroit*, October 26, 2020, <https://perma.cc/STH6-UXPM>.

239 Jennifer Chambers, "After Financial Turnaround, Detroit Schools Prepare for End of COVID Aid," *Detroit Chamber*, March 13, 2023, <https://perma.cc/3SVW-QWDN>.

240 Koby Levin, "Report: Michigan's Takeover of Detroit Schools Was 'a Costly Mistake,'" *Chalkbeat Detroit*, November 14, 2019, <https://perma.cc/ZV3Q-S34U>.

**Mayor:** The mayor appointed all but one member of the School Reform Board and chose its chair.<sup>241</sup> Selection of the seventh member was reserved for the State Superintendent of Public Instruction.<sup>242</sup>

**School Reform Board:** The School Reform Board consisted of seven members; six were appointed by the mayor and the seventh was the Michigan Superintendent of Public Instruction, or their designee.<sup>243</sup>

**Chief Executive Officer:** Appointed by the School Reform Board by a two-thirds majority vote with the Superintendent of Public Instruction in the appointing majority.<sup>244</sup> The CEO was responsible for all operations of the school board.<sup>245</sup>

#### 5. DETROIT CURRENT SCHOOL GOVERNANCE STRUCTURE

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**School Board:** The DPSCD is governed by a locally elected, seven-member board.<sup>246</sup>

**Superintendent:** The DPSCD appoints the Superintendent of schools.<sup>247</sup> The Superintendent serves as the CEO of the district and is responsible for recruiting, screening, and hiring administrative and school-level personnel and for managing the operations of the district.<sup>248</sup>

## D. District of Columbia

### I. D.C. SUMMARY

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The District of Columbia (DC) school system has adopted various school governance structures throughout its history, including an elected board, a board appointed by district judges and by commissioners, and currently, a mayoral-appointed board. The system has been characterized by persistent conflicts among authorities, inequities, and division between residents and officials on what form governance should take. In the mid-1990s, due to financial issues and low student achievement, Congress took control of the DC government and school system and implemented considerable reform. After achieving financial stability, power was returned to the DC municipal government and the Board adopted a mixed form of governance, with some members appointed by the mayor and others elected.

In 2007, the city council voted to give the mayor full authority over public schools. The DC school district has experienced an expansion of charter schools and continues to experience inequities in student achievement and discontent among the public regarding the governance structure.

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241 Moscovitch et al., “Urban School Improvement,” 38 (citing Mich. Comp. Laws § 380.372(2), (6), repealed 2016).

242 Thiel, “20 Years.”

243 Moscovitch et al., “Urban School Improvement,” 38 (citing Mich. Comp. L. § 380.372(2) repealed 2016).

244 Moscovitch et al., “Urban School Improvement,” 38 (citing Mich. Comp. L. § 380.374, repealed 2016).

245 Moscovitch et al., “Urban School Improvement,” 38 (citing Mich. Comp. L. § 380.374, repealed 2016).

246 “Board of Education / Overview”; Thiel, “20 Years”; “Overview,” Detroit Public Schools Community District, accessed December 19, 2023, <https://perma.cc/27Y8-9UHB>; see Mich. Comp. L. § 380.11a(8) (2016).

247 See “Superintendent,” Detroit Public Schools Community District, accessed Dec. 19, 2023, <https://perma.cc/2EYM-KUBG>.

248 Detroit Public Schools Community District Policy Manual, § 1100, *District Organization and Hiring*, <https://go.boarddocs.com/mi/detroit/Board.nsf/Public#>; § 1210, *Board – Superintendent Relationship*, <https://go.boarddocs.com/mi/detroit/Board.nsf/Public#>.

## 2. DC BACKGROUND

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The District of Columbia, the capital of the United States, is a small region with a land area of 61.13 square miles.<sup>249</sup> As of 2023, the estimated population was 678,972, and the population was 46.2% White, 45% Black, 11.7% Hispanic or Latino, 4.7% Asian, and 3.2% of two or more races.<sup>250</sup> In 2021–2022, DC Public Schools had 116 schools and 50,131 students enrolled.<sup>251</sup> The student population was 56% Black, 22% Hispanic, 17% White, 2% Asian, and 3% of two or more races.<sup>252</sup> Approximately 15% of students were English language learners, 47% of students are considered to be at-risk, and 15% of students were in special education classes.<sup>253</sup>

## 3. DC PUBLIC EDUCATION HISTORY

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In 1804, authorized by the city charter, DC established its first school for White Washington youth.<sup>254</sup> The school was to be managed by a 13-member board of trustees who were authorized to control funds and establish necessary by-laws. Seven of the members were elected by the district council, and the remaining six were elected by those who donated over 10 dollars to schools.<sup>255</sup>

Throughout the nineteenth century, the structure, size, and appointment process of the school board fluctuated in response to financial struggles, racial inequities, public discontent, and changes to the district government system.<sup>256</sup> The Organic Act of 1878 replaced DC's territorial government system with the three-member Board of Commissioners, which delegated authority to the Board of Trustees as it saw fit.<sup>257</sup> However, persistent conflicts over finances and power struggles between the board and the commissioners led to the Organic Act of 1906, authorizing a nine-member board of education, appointed by district judges, who would serve 3-year terms.<sup>258</sup> This format of school governance would remain in place for the next 62 years, despite continuous discontent and conflict.<sup>259</sup>

In the years following the Organic Act of 1906, government officials, commissioners, and citizen groups frequently advocated for new systems of school governance. Their ideas included the appointment of the board of education by the president, an elected board, a board with financial autonomy, and a board that was demoted to an advisory body.<sup>260</sup> Struggles between the Board of Education, commissioners, and the superintendent over adequate funding continued, and the superintendent often clashed with the Board of Education due to a lack of autonomy and control, an issue that also arose between the board and the commissioners.<sup>261</sup> The public was generally unhappy

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249 “QuickFacts District of Columbia,” U.S. Census Bureau, U.S. Department of Commerce, Bureau of Census, 2022, <https://www.census.gov/quickfacts/DC>.

250 U.S. Census Bureau, “QuickFacts District of Columbia.”

251 “DCPS at a Glance: Enrollment,” District of Columbia Public Schools, accessed December 7, 2023, <https://dcps.dc.gov/page/dcps-glance-enrollment>.

252 “DCPS at a Glance.”

253 “DCPS at a Glance.”

254 Steven J. Diner, “The Governance of Education in the District of Columbia: An Historical Analysis of Current Issues,” *Studies in D.C. History and Public Policy Paper*, no. 2 (1982): 4, <https://perma.cc/FR7L-79CU>.

255 Diner, “Governance of Education,” 4.

256 Diner, “Governance of Education,” 5–14; Mark David Richards, “Public School Governance in the District of Columbia: A Timeline,” *Washington History* 16, no. 2 (Fall/Winter 2004/2005): 23, <https://www.jstor.org/stable/40073394>.

257 Diner, “Governance of Education,” 10–11.

258 Diner, “Governance of Education,” 13–14.; Richards, “Public School Governance,” 24.

259 Diner, “Governance of Education,” 14–16.

260 Diner, “Governance of Education,” 17.

261 Diner, “Governance of Education,” 15–18; see generally Diner, “Governance of Education,” 15–32, for additional information on conflicts between the board of education, commissioners, and superintendents between 1906 and 1946.

with the divided authority and lack of funding for education.<sup>262</sup>

By the early 1950s, the modern civil rights movement had begun, and the population of Black DC citizens and students had increased substantially, prompting more demands from the public for changes in school governance.<sup>263</sup> By 1960, Black children made up over 70 percent of public school students, and majority Black schools were overcrowded.<sup>264</sup> Among the public, there was significant discontent with the quality of education provided to students, the lack of representation on the Board, and the lack of reform.<sup>265</sup>

By 1966, citizens began to lobby for an elected board, and in the following year, Julius Hobson, a civil rights activist, sued school superintendent Carl F. Hansen for unconstitutionally depriving Black students of equal education opportunities.<sup>266</sup> Notably, Hobson argued that the appointment of the Board of Education by court judges created a conflict of interest when the court had to hear suits against the schools, prompting the case to be heard by a judge of the United States Court of Appeals.<sup>267</sup> The court ruled that the DC school system denied Black and poor children the right to equal education, and Superintendent Hansen resigned.<sup>268</sup> Opposition to the board became so intense that judges voted

unanimously to ask Congress to relieve them of the responsibility of appointing board members.<sup>269</sup>

In 1967, President Johnson abolished the Board of Commissioners' government system and replaced it with an appointed mayor, deputy mayor, and city council, placing a majority of Black officials in charge.<sup>270</sup> The following year, Congress established the 11-member, elected Board of Education.<sup>271</sup> Despite this significant change to school governance, conflict among the Board, district council, and mayor regarding the distribution of funds continued.<sup>272</sup> During this time, Congress's involvement in the school district lessened due to wariness among Congress members of imposing the priorities of White officials on Black citizens.<sup>273</sup>

In the 1980s and 1990s, student achievement was low, violent behavior among students increased, and financial mismanagement persisted, resulting in poor quality facilities and budget deficits.<sup>274</sup> The Board was described as having little oversight of facility maintenance and financial management, and being deeply divided, creating difficulties and a lack of accountability in implementing policies to improve the school system.<sup>275</sup> Simultaneously, the district government experienced significant financial issues;

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262 Diner, "Governance of Education," 15–16.

263 Diner, "Governance of Education," 33.

264 Diner, "Governance of Education," 33, 38–39.

265 Diner, "Governance of Education," 39–40.

266 Diner, "Governance of Education," 44–45; Richards, "Public School Governance," 25.

267 Richards, "Public School Governance," 25; Diner, "Governance of Education," 45.

268 *Hobson v. Hansen*, 269 F. Supp. 401, 406 (D.D.C. 1967), <https://perma.cc/ULL7-LSXS>; Richards, "Public School Governance," 25.

269 Diner, "Governance of Education," 45.

270 Diner, "Governance of Education," 51.

271 Richards, "Public School Governance," 25; Diner, "Governance of Education," 52.

272 Diner, "Governance of Education," 55–57.

273 National Research Council, *A Plan for Evaluating the District of Columbia's Public Schools: From Impressions to Evidence* (Washington, DC: The National Academies Press, 2011), 38.

274 District of Columbia Financial Responsibility and Management Assistance Authority, "Children in Crisis: The Failure of Public Education in the District," *The Washington Post*, November 12, 1996. <https://perma.cc/8BSB-66Q6>; National Research Council, *A Plan for Evaluating*, 32–33.

275 D.C. Financial Responsibility and Management Assistance Authority, "Children in Crisis"; National Research Council, *A Plan for Evaluating*, 37.

it was unable to pay employees and accumulated a large deficit.<sup>276</sup>

By 1995, Congress revoked DC's home rule charter and placed the district under the jurisdiction of the Financial Responsibility and Management Assistance Authority (informally known as the Control Board), appointed by the president, and a chief financial officer appointed by the mayor.<sup>277</sup> Power would be returned to local officials once the district government achieved balanced budgets for 4 consecutive years.<sup>278</sup> In the same year, the DC School Reform Act was passed, granting charters the right to establish schools independent of the public school system.<sup>279</sup>

The control board demoted the elected Board of Education to an advisory body and replaced it with a new board of trustees appointed by the control board. Additionally, the superintendent was fired and replaced by a chief executive officer.<sup>280</sup> Although the elected board sued to block the control board's takeover, the U.S. District Court denied its claims that the control board had broken the law.<sup>281</sup> Furthermore, the public seemed to be mostly pleased with the demotion of the elected school board, further highlighting public discontent with the DC school system.<sup>282</sup>

By 2000, DC students showed improvement in standardized math and reading tests, and the budget had been balanced for 4 consecutive years.<sup>283</sup> As the end of the control board neared, the DC Appleeed Center, an advocacy group, proposed a nine-member elected board, with elections occurring first locally and then district-wide, or a mayoral-appointed, city council-approved board based on a list of nominees.<sup>284</sup> This became the basis of a referendum that passed in June 2000, which provided that the school board would consist of nine members, four to be appointed by the mayor and four elected from each of the four districts, with the school board president being elected citywide.<sup>285</sup>

The referendum passed by just 843 votes, and studies revealed that it was supported primarily by White residents, highlighting the racial divide present in DC.<sup>286</sup> Among those supporting the referendum, some argued that by changing the structure of the board, the education system could be improved and become less fragmented, as elected school boards had already failed in trying to improve the system. On the other hand, opponents argued that DC already had few elected offices and that mayoral control would further limit citizen input in the government.<sup>287</sup>

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276 *Oversight in the Post Control Board Period, before the Subcommittee on the District of Columbia, Committee on Government Reform, House of Representatives and Subcommittee on Oversight of Government Management*, 3 (2001) (J. Christopher Mihm, Director, Strategic Issues), <https://perma.cc/D79E-8BD8>.

277 Richards, "Public School Governance," 25; James Gibson, "Community and Governance in the Washington, D.C., Schools." *National Civic Review* 89, no. 1 (July 2003): 47–48, <https://doi.org/10.1002/ncr.89108>.

278 Gibson, "Community and Governance," 47–48.

279 Richards, "Public School Governance," 25.

280 Gibson, "Community and Governance," 47; David A. Vise, "D.C. Control Board Takes Charge of Public Schools," *The Washington Post*, November 16, 1996, <https://perma.cc/PTM8-HH4B>.

281 See *Shook v. Dist. of Columbia Fin. Respon.*, 132 F.3d 775 (D.C. Cir. 1998) (holding that the authority was not unconstitutional, while striking some of its orders).

282 Vise, "D.C. Control Board."

283 *Post-Control Board Period*, 5; Justin Blum, "Scores Are up in D.C. Schools," *The Washington Post*, May 26, 2000, <https://perma.cc/VV7X-JWVX>.

284 National Research Council, *A Plan for Evaluating*, 41.

285 National Research Council, *A Plan for Evaluating*, 42; Justin Blum and Michael H. Cottman, "D.C. School Referendum Splits Voters," *The Washington Post*, June 28, 2000, <https://perma.cc/EM4M-EG5R>.

286 National Research Council, *A Plan for Evaluating*, 42.

287 National Research Council, *A Plan for Evaluating*, 42; Blum and Cottman, "D.C. School Referendum Splits"; Moscovitch et al., *Governance and Urban School Improvement*, 61, <https://perma.cc/H4JQ-ZSJL>.

In 2003, 4th and 8th grade students in DC scored lowest in the nation in reading and math on the National Assessment of Educational Progress, and inequities between White students and students of color persisted.<sup>288</sup> One report found that the school board’s agenda lacked sufficient focus on achieving student improvement and that the board devoted much of its efforts to the operation of the school district.<sup>289</sup> Furthermore, neither the superintendent nor the board was held accountable for student performance.<sup>290</sup>

In 2007, the city council passed, and Congress ratified, the Public Education Reform Amendment Act (PERAA).<sup>291</sup> Key changes enacted included: the establishment of a Department of Education, led by a deputy mayor for education; conversion of the position of superintendent into chancellor (who would be appointed by and answer to the mayor, though subject to DC city council confirmation); renaming the Board of Education the State Board of Education and altering its duties; and establishing the Office of Ombudsman for Public Education to provide parents and citizens a platform to voice their concerns.<sup>292</sup> The mayor would “establish a review panel of teachers, including representatives of the Washington Teachers’ Union, parents, and students,” to aid the mayor in the selection of the chancellor.<sup>293</sup>

PERAA put the DC public schools under the direct oversight of the mayor.<sup>294</sup> It also established the DC Public Charter School Board (DCPCSB) to approve new charter schools and oversee their operations.<sup>295</sup> As of 2022, half of DC’s student population attended charter schools.<sup>296</sup> Charter schools are not under the direct control of the mayor or DC City Council.<sup>297</sup> While some accounts reflect improvements in student performance in recent years, others taking a close look raise questions about the degree of success under this structure.<sup>298</sup>

In 2018, members of the council proposed three bills to roll back mayoral control, increase the power of the Office of the State Superintendent, and create the Education Research Collaborative (an agency dedicated to evaluate school practices and policies).<sup>299</sup> Council members argued that the then-current structure limits the superintendent’s power to efficiently manage the funding, enrollment, and education standards of the city and that present evaluation of policies can contain biases and inaccuracies considering that everything is overseen by the mayor.<sup>300</sup> However, some members of the public expressed discontent with these attempts, and a *Washington Post* editorial reminded DC residents of the poor quality and chaos of schools prior to the PERAA act.<sup>301</sup>

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288 Council of the Great City Schools, *Restoring Excellence to the District of Columbia Public Schools*, Washington, D.C.: Council of the Great City Schools, January 2004, 22–25, <https://perma.cc/DQ33-DNQU>.

289 Council of the Great City Schools, *Restoring Excellence*, 29.

290 Council of the Great City Schools, *Restoring Excellence*, 34.

291 National Research Council, *A Plan for Evaluating*, 42–43.

292 National Research Council, *A Plan for Evaluating*, 42–43, 49; see D.C. Code § 38-174 (2023); D.C. Code § 1-523.01(a) (requiring city council approval of mayoral appointees).

293 D.C. Code § 38-174 (2021).

294 National Research Council, *A Plan for Evaluating*, 43; Office of the Student Advocate, *Navigating the DC Public Education Landscape* (Washington, D.C.: Office of the Student Advocate, 2023), 14, <https://perma.cc/95N8-EZDQ>.

295 See D.C. Code § 38-1800.01 *et seq.* (2023); Office of the Student Advocate, *Navigating*, 14; Elizabeth O’Gorek, “What Is Mayoral Control of DC Schools? A Primer,” *HillRag*, January 13, 2023, <https://perma.cc/2TQ6-E8V7>.

296 O’Gorek, “What Is Mayoral Control?”

297 O’Gorek, “What Is Mayoral Control?”

298 O’Gorek, “What Is Mayoral Control?”

299 Jenny Abamu, “Why D.C.’s Mayor Has Control of Schools and What the Council Wants to Do about It,” *WAMU*, September 21, 2018, <https://perma.cc/QTZ3-ZRBU>.

300 Abamu, “What the Council Wants to Do.”

301 Kerri Briggs and Catherine Freeman Jaynes, “Keep Mayoral Control of Education in D.C., and Keep It Simple,” Thomas Fordham Institute, October 12, 2018, <https://perma.cc/6B5T-2VA8>.

As of 2023, the school governance structure enacted by PERAA remains, despite discontent with the system.<sup>302</sup> In a focus group study among DC residents performed by the State Board of Education, residents described the system as overwhelming due to the numerous bodies involved, called for more public engagement, and raised concerns regarding school quality, safety, and staffing.<sup>303</sup> Following the focus group study, the State Board provided recommendations including increasing its authority to initiate and amend policies and to request and acquire data from other academic bodies as well as the power to authorize school openings and closures.<sup>304</sup> The deputy mayor, state superintendent, and chancellor argued that these changes would disrupt the progress made under mayoral control.<sup>305</sup>

All local, operating funds of the DC public school systems are funded through the Uniform Per Student Funding Formula (UPSFF), which allocates money for each student and is adjusted depending on student needs (educational resources and student characteristics).<sup>306</sup> The mayor, deputy mayor of education, and city council play direct roles in the use of the UPSFF.<sup>307</sup> In 2022, the Schools First in Budgeting Amendment Act was passed; it ensures schools are provided with, at minimum, the same budget amount they received in the previous fiscal year, in an effort to protect schools from budget cuts.<sup>308</sup>

DC is different from other cities featured in this report in that Congress has jurisdiction over DC, and historically, it has played a unique role in the public school system, helping to enact key legislation, to provide necessary funding, and to facilitate change.<sup>309</sup> While the role of Congress in the school system has been reduced in the last 20 years, one commentator noted that the numerous political stakeholders present in DC (Congress, city council, United States Department of Education, DC Board of Education, the mayor, and others) often make it difficult to identify and implement a single vision for improving the school system.<sup>310</sup> In recent years, there have been several attempts by members of Congress from other states to initiate various changes in the DC school system, including changing curricula and diverting funds away, thus highlighting how out-of-district officials have the ability to effect the DC public school system.<sup>311</sup>

#### 4. DISTRICT OF COLUMBIA CURRENT SCHOOL GOVERNANCE STRUCTURE

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**U.S. Congress:** Congress has ultimate authority over the District of Columbia, including its school system, and is the primary funder of public education in the district.<sup>312</sup>

**Mayor:** The mayor governs the public schools and has “authority over all curricula, operations,

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302 Sam P. K. Collins, “State Board Presses for Significant Changes in Education Governance,” *The Washington Informer*, May 10, 2023, <https://perma.cc/YFP6-YV74>.

303 District of Columbia State Board of Education, *D.C. Education Governance Recommendations and Considerations* (Washington DC: DC State Board of Education, March 2023), 5–8, <https://perma.cc/R9HN-VGME>.

304 Collins, “State Board Presses”; DC State Board of Education, *Governance Recommendations*, 11.

305 Collins, “State Board Presses.”

306 Qubilah Huddleston, “How DC Funds Its Public Schools,” *D.C. Fiscal Policy Institute*, February 16, 2023, <https://perma.cc/FUY7-23LQ>.

307 Huddleston, “DC Funds.”

308 Huddleston, “DC Funds.”

309 Moscovitch et al., *Urban School Improvement*, 63.

310 Council of the Great City Schools, *Restoring Excellence*, 28.

311 Christian Zapata, “Republican-Sponsored Bill Would Ban Teaching of Critical Race Theory in D.C. Public Schools,” *Dcist*, June 18, 2021, <https://perma.cc/5QQW-CFPS>; Lauren Lumpkin, “House GOP Would Divert Funds for D.C. Public Schools to Voucher Program,” *The Washington Post*, August 6, 2023, <https://perma.cc/P4CL-6ZVA>.

312 Moscovitch et al., *Urban School Improvement*, 63.

functions, budget, personnel, labor negotiations and collective bargaining agreements, facilities and other education-related matters.”<sup>313</sup>

**Chancellor:** The mayor appoints the chancellor, subject to DC City Council confirmation.<sup>314</sup>

**Nominating Panel:** The mayor establishes “a review panel of teachers, including representatives of the Washington Teachers’ Union, parents, and students,” to aid in the selection of the chancellor.<sup>315</sup>

**DC Department of Education:** The Department of Education is an agency created by the city council and subordinate to the mayor. It is responsible for the “planning, coordination and supervision” of all public education–related matters in the district.<sup>316</sup>

**Deputy Mayor for Education:** The deputy mayor, who is appointed by the mayor,<sup>317</sup> manages the Department of Education.<sup>318</sup>

**Office of State Superintendent of Education (OSSE):** The OSSE functions as the equivalent of a state education agency, with duties including grant-making, oversight, and setting standards for assessments and accountability.<sup>319</sup>

**State Superintendent of Education:** The state superintendent is appointed by the mayor and functions as the “chief state school officer.”<sup>320</sup>

**State Board of Education:** The State Board consists of nine elected members; it serves in an advisory position to the State Superintendent of Education regarding education matters, including state standards, policies, objectives and regulations, and approves state academic standards.<sup>321</sup> These are the only elected members of the public-school governance structure.<sup>322</sup>

**Public Charter School Board:** This seven-member board is appointed by the mayor to oversee the public schools chartered by the district.<sup>323</sup>

## E. Los Angeles

### I. LOS ANGELES SUMMARY

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Los Angeles has always had an elected school board. Efforts in the early 2000s to implement mayoral control of the Los Angeles Unified School District were struck down as unconstitutional.<sup>324</sup> Los Angeles’ schools are not, and have never been, formally governed under mayoral control, but mayors have taken steps to influence public schools through their informal authority, such as through endorsing and supporting candidates with views consistent with their own.

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313 D.C. Code § 38-172.

314 D.C. Code § 38-174; D.C. Code § 1-523.01(a) (requiring city council approval of mayoral appointees).

315 D.C. Code § 38-174.

316 D.C. Code § 38-191(b).

317 D.C. Code § 38-191(a); O’Gorek, “What Is Mayoral Control.”

318 D.C. Code § 38-191(a).

319 D.C. Code § 38-2601.01.

320 D.C. Code § 38-2601.

321 D.C. Code § 38-2652 (2021); O’Gorek, “What Is Mayoral Control.”

322 O’Gorek, “What Is Mayoral Control.”

323 D.C. Code § 38-1802.14 (2007).

324 *Mendoza v. California*, 149 Cal. App.4th 1034, 1039-40 (Cal Ct. App. 2d Dist. 2007).



Los Angeles is a large city in California with a land area of 4,058 square miles.<sup>325</sup> As of 2022, the estimated population was 9,721,138, and the population was 70% White, 49% Hispanic/Latino, 15.8% Asian, 9% Black, and 1.5% American Indian and Alaska Native, and 3.4% had two or more races.<sup>326</sup> The Los Angeles Unified School District (LAUSD) is a large urban district with a diverse student population and is the second-largest district in the United States.<sup>327</sup> As of 2022, the district covered 710 square miles and comprised Los Angeles as well as all or portions of 25 cities and unincorporated areas of Los Angeles County.<sup>328</sup> As of 2023–2024, LAUSD has 784 schools (excluding independent charters) with 419,749 students enrolled.<sup>329</sup> Of this population, 73% are Hispanic/Latino, 11% are White, 8% are Black, 3% are Asian, 2% are Filipino, less than 1% are Native American or Alaskan Native, and 2% are Pacific Islander.<sup>330</sup> In all, 83,923 students are English language learners, 334,240 students are economically disadvantaged, and 65,167 students have a disability.<sup>331</sup>

The first public school in Los Angeles was founded in 1855.<sup>332</sup> The district’s governance structure has oscillated between decentralization and centralization from its creation.<sup>333</sup> In the late 1800s, the school board changed from a five-member to a nine-member board, with each member elected by and representing one of the city wards.<sup>334</sup> In 1903, the Los Angeles Unified School District was reorganized to separate the district from the politics of city government.<sup>335</sup> The number of members of the Board of Education was “reduced from nine to seven, all elected from the city at large, and the ward system was abolished.”<sup>336</sup> Reformers aimed to centralize administrative functions, with the hope of promoting efficiency and reducing corruption.<sup>337</sup> In 1960, the Los Angeles city school district became a unified school district for elementary and high school purposes, and it shared a board of education and a superintendent.<sup>338</sup> In 1978, board members would be elected by district (there were seven geographic districts within LAUFSD) rather than at-large, in hopes of improving local control of schools.<sup>339</sup>

325 “QuickFacts Los Angeles County, California,” U.S. Census Bureau, U.S. Department of Commerce, Bureau of Census, 2022, <https://www.census.gov/quickfacts/losangelescountycalifornia>.

326 U.S. Census Bureau, “Quickfacts Los Angeles.” Note that the numbers may add up to greater than 100% since Hispanic/Latino people may be of any race.

327 Catherine H. Augustine et al., *Options for Changing the Governance System of the Los Angeles Unified School District* (Santa Monica: RAND Corporation, 2005), 23, <https://perma.cc/NS3K-32HN>.

328 “Fingertip Facts 2021–22,” Los Angeles Unified School District, at p. 1, accessed November 27, 2023, <https://perma.cc/9UJQ-AZAV>; “Welcome to LAUSD,” Los Angeles Unified School District at p. 5, accessed November 27, 2023, <https://perma.cc/L9NR-MGGL>.

329 “LAUSD Open Data Dashboard,” Los Angeles Unified School District, accessed November 27, 2023, <https://my.lausd.net/opendata/dashboard?language=en>; “Fingertip Facts 2021–22,” Los Angeles Unified School District at p. 2, accessed November 27, 2023, <https://perma.cc/9UJQ-AZAV>.

330 “Fingertip Facts 2023–24,” Los Angeles Unified School District, accessed February 12, 2024, <https://www.lausd.org/facts>.

331 “LAUSD Open Data Dashboard” (for economically disadvantaged, click the heading “Student Groups” and review the category “Poverty”).

332 Augustine et al., *Options for Changing the Governance System*, 38.

333 Augustine et al., *Options for Changing the Governance System*, 44.

334 Augustine et al., *Options for Changing the Governance System*, 39.

335 Augustine et al., *Options for Changing the Governance System*, 40.

336 Augustine et al., *Options for Changing the Governance System*, 40.

337 Augustine et al., *Options for Changing the Governance System*, 40.

338 Augustine et al., *Options for Changing the Governance System*, 40.

339 Augustine et al., *Options for Changing the Governance System*, 41.

Throughout the 1990s and into the 2000s, business and foundation activists, school officials, and community organizations adopted a variety of initiatives aiming to decentralize budgetary, curricular, and personnel decisions and to move accountability to principals and teachers.<sup>340</sup> In 1993, the California Charter Schools Act, which authorized the creation of charter schools throughout the state, became effective.<sup>341</sup> Also in 1993, the LAUSC was reorganized from six administrative regions to 24 clusters, and in 2000, the clusters became 11 sub-districts.<sup>342</sup> In 2004, to control costs, the Board of Education cut the number of districts from 11 to 8.<sup>343</sup>

Even though Los Angeles' school boards have historically been directly elected, mayors have asserted informal control over public education, for example, by backing candidates and raising money for elections.<sup>344</sup> They also have advocated directly for mayoral control. During his 2005 mayoral campaign, Antonio Villaraigosa sought increased control over LAUSD.<sup>345</sup> He maintained that his reforms would address problems such as a dropout rate of about 50 percent and a lack of proficiency in reading and math among 80% of 4th graders.<sup>346</sup>

Supporters of mayoral control argued that it would bring leadership that instills confidence, consistency, and accountability.<sup>347</sup> They maintained that it would provide the opportunity to leverage and

“Even though Los Angeles’ school boards have historically been directly elected, mayors have asserted informal control over public education....”

combine city services to reduce non-educational issues that often affect learning (e.g., housing, poverty, health care).<sup>348</sup> Opponents raised concerns that giving the mayor total control over the district’s multi-billion-dollar budget and the appointment of the people running its daily operation, choosing its curriculum, and charting its future was too much power to give one person.<sup>349</sup> They also raised concerns that mayoral control would lead to instability, given the turnover in mayoral terms.<sup>350</sup> Opponents also argued that mayoral control would fail to provide an adequate voice to those cities outside L.A. whose students attend LAUSD schools.<sup>351</sup>

In April 2005, the Los Angeles City Council created the Presidents’ Joint Commission on LAUSD Governance (the Commission) in order to examine the Los Angeles Unified School

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340 Augustine et al., *Options for Changing the Governance System*, 41–42.

341 Augustine et al., *Options for Changing the Governance System*, 42–43.

342 Augustine et al., *Options for Changing the Governance System*, 43.

343 Augustine et al., *Options for Changing the Governance System*, 43.

344 Augustine et al., *Options for Changing the Governance System*, 77–78.

345 Augustine et al., *Options for Changing the Governance System*, 73.

346 Jennifer Steinhauer, “Los Angeles Mayor Gains Control of the Schools, but Hardly Total Control,” *The New York Times*, August 31, 2006, <https://perma.cc/7J5C-7UX8>.

347 Letters to the Editor, Los Angeles Times Archive, “Mayoral Control of L.A. School District,” *Los Angeles Times*, March 24, 2006, <https://perma.cc/L2CX-Y4HN>.

348 Catherine H. Augustine et al., *Governing Urban School Districts: Efforts in Los Angeles to Effect Change* (Santa Monica: RAND Corporation, 2006), 62, [https://www.rand.org/content/dam/rand/pubs/technical\\_reports/2006/RAND\\_TR428.pdf](https://www.rand.org/content/dam/rand/pubs/technical_reports/2006/RAND_TR428.pdf).

349 L.A. Times Archive, “Mayoral Control of L.A.” (Letter of Tom Iannucci).

350 L.A. Times Archive, “Mayoral Control of L.A.” (Letter of Tom Iannucci).

351 Duke Helfand and Nancy Vogel, “Mayor’s School Bill Clears Hurdle,” *Los Angeles Times*, August 18, 2006, <https://perma.cc/H9DB-6F3D>.

District and provide a report outlining specific recommendations regarding its governance.<sup>352</sup> The Commission recommended decentralizing the district and granting schools increased authority over pedagogy and other local issues while maintaining the central governing school board as the primary governing body.<sup>353</sup> It recommended increasing the board's authority but stopped short of recommending shared authority between the school board and the Los Angeles mayor.<sup>354</sup>

Although Mayor Villaraigosa had the support of the governor, he faced significant opposition from teachers' unions, school board members, and leaders of outlying cities.<sup>355</sup> As a result, Mayor Villaraigosa reduced his initial proposal; rather than hold total authority over the system, he would oversee LAUSD and the superintendent with a council of mayors from 26 other cities that it serves.<sup>356</sup> Nevertheless, the mayor would control 80 percent of the vote, since voting would be based on the proportion of the population.<sup>357</sup> The board would continue to choose the curriculum and select the superintendent, although the council of mayors would have veto power.<sup>358</sup>

In September 2006, the California legislature enacted the Romero Act, which granted the mayor of L.A. the authority to appoint the

superintendent, transferred power from the board to the superintendent, and transferred control of three low-performing high schools from the board to a partnership led by the mayor.<sup>359</sup> That framework differed from mayoral control structures in other cities in that the mayor would be one of the several chief executives in charge.<sup>360</sup> For instance, under this legislation, the board would have continued to choose the curriculum and select the superintendent.<sup>361</sup>

The legislation was promptly challenged as violating the California state constitution.<sup>362</sup> In 2006, it was struck down as unconstitutional because it violated the state's constitutional promise to give voters the right to determine whether their board of education would be elected or appointed and California's prohibition of the transfer of authority over any part of the public school system to entities outside it.<sup>363</sup>

After the court ruling, Mayor Villaraigosa searched for other methods of control of L.A. public schools. In addition to supporting specific candidates for the school board, Villaraigosa created Partnership for Los Angeles Schools, a nonprofit organization that took over management of more than a dozen low-performing schools within LAUSD and focused efforts on reform and improving academic achievement.<sup>364</sup> Villaraigosa raised millions of dollars

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352 Presidents' Joint Commission on LAUSD Governance, *Presidents' Joint Commission on LAUSD Governance Status Report*, Jan. 31, 2006, <https://perma.cc/9NPL-DJSS>; Augustine et al., *Governing Urban School Districts*, xi, 34–42.

353 Augustine et al., *Governing Urban School Districts*, xi, 43.

354 Augustine et al., *Governing Urban School Districts*, xi, 43.

355 Steinhauer, "Los Angeles Mayor"; Augustine et al., *Governing Urban School Districts*, xii–xiii.

356 Steinhauer, "Los Angeles Mayor"; Augustine et al., *Governing Urban School Districts*, xii.

357 J. Michael Kennedy and Joel Rubin, "Critics Fear Plan Gives Mayor Too Much Power," *Los Angeles Times*, April 19, 2006, <https://perma.cc/BF4B-PDVV>.

358 Cal. Educ. Code § 35921 (b) (repealed) (West); Steinhauer, "Los Angeles Mayor Gains Control of the Schools."

359 *Mendoza v. California*, 149 Cal. App.4th 1034, 1039–40 (Cal. Ct. App., 2007) (describing the Romero Act provisions).

360 Steinhauer, "Los Angeles Mayor."

361 Steinhauer, "Los Angeles Mayor."

362 Steinhauer, "Los Angeles Mayor."

363 *Mendoza v. State*, 2006 WL 3771018 (Cal. Super. Ct., 2006), *aff'd*, *Mendoza v. California*, 149 Cal. App.4th 1034, 1039–40 (Cal. Ct. App., 2007) (striking down the Romero Act as unconstitutional).

364 Teresa Watanabe and Howard Blume, "Antonio Villaraigosa Leaves His Mark on L.A. Schools," *Los Angeles Times*, June 27, 2013, <https://perma.cc/AND4-Q45V>.

and vowed to turn the schools into “incubators of reform.”<sup>365</sup> Reports show a mixed record at the schools, with some performing comparably to district schools and others showing some improvement.<sup>366</sup>

In a report for the Presidents’ Joint Commission, researchers highlighted that mayoral changes may prompt different effects on district performance and that mayors may not have equal interest in education such that they would maintain the reforms of previous mayors.<sup>367</sup> Evidently, subsequent mayors, including Eric Garcetti, did not push as aggressively as Villaraigosa for direct mayoral control of LAUSD schools.<sup>368</sup>

Mayor Karen Bass, elected in 2022, focused on homelessness and safety rather than education during her campaign.<sup>369</sup> Although she holds no formal authority over schools, she has exercised leadership on key issues, such as stepping in when a strike by service workers at LAUSD led schools to shut down.<sup>370</sup>

Student achievement remains an ongoing challenge for LAUSD. In 2019, the average NAEP score of 8th grade students was lower than the average score in other large cities.<sup>371</sup> Eighteen

percent of L.A. students performed at or above NAEP proficient.<sup>372</sup> The percentage of students who performed at or above the basic level was 58. Each of these data points was lower than in 2017 but higher than in 2002.<sup>373</sup>

Today, LAUSD faces an under-enrollment problem due to enrollment in charter schools, families leaving California because of the high cost of living, and the impact of the COVID-19 pandemic.<sup>374</sup> Enrollment declined from over 747,000 to 419,749 in the last two decades, which accelerated during the pandemic.<sup>375</sup> Los Angeles public school funding is based on enrollment, so when pandemic relief money runs out in 2024, the board will “be faced with difficult budget decisions.”<sup>376</sup> Confidence in the system is also in decline.<sup>377</sup>

In a poll commissioned by the nonprofit Great Public Schools, only 30% of participants rated the quality of LAUSD education positively.<sup>378</sup> Voters expressed support for greater mayoral involvement and responsibility for the quality of education.<sup>379</sup> Overall, 78 percent believed low-income students are disadvantaged due to lack of access to technology, and 75 percent believed education impacts quality of life.<sup>380</sup>

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365 Watanabe and Blume, “Antonio Villaraigosa.”

366 Watanabe and Blume, “Antonio Villaraigosa.”

367 Augustine et al., *Governing Urban School Districts*, 64–65.

368 Peter Jamison and Howard Blume, “Green Dot Charter Schools Founder Steve Barr Weighs 2017 Challenge to Garcetti,” *Los Angeles Times*, January 27, 2016, <https://perma.cc/XK5Z-L342>.

369 Jim Newton, “Los Angeles Mayors Try to Avoid Public School Issues. Easier Said than Done,” *CalMatters*, May 4, 2023, <https://perma.cc/MX5J-UKCB>.

370 Newton, “Los Angeles Mayors.”

371 National Center for Education Statistics, *The Nation’s Report Card: 2019 Reading Trial Urban District Snapshot Report* (National Assessment of Educational Progress, 2019), <https://perma.cc/GTT5-CDEJ>.

372 National Center for Education Statistics, *The Nation’s Report Card*.

373 National Center for Education Statistics, *The Nation’s Report Card*.

374 Nova Blanco-Rico and Balin Schneider, “Enrollment Continues to Decline in LAUSD, a Trend Many Large Public School Districts Are also Experiencing,” *The 74*, September 12, 2023, <https://perma.cc/LEU2-83HJ>.

375 Kyle Stokes, “LAUSD School Board: Who’s Running in the November General Election and Why It Matters,” *LAist*, October 11, 2022, <https://perma.cc/Y4XW-7LY6>; “LAUSD Open Data Dashboard,” Los Angeles Unified School District, accessed March 19, 2024, <https://my.lausd.net/opendata/dashboard?language=en#>.

376 Stokes, “LAUSD School Board.”

377 Stokes, “LAUSD School Board.”

378 “Voter Insights: A Poll of Los Angeles Voters,” *GPSN*, March 22, 2022, <https://perma.cc/X44U-ZY5G>.

379 “Voter Insights: A Poll of Los Angeles Voters,” *GPSN*.

380 “Voter Insights: A Poll of Los Angeles Voters,” *GPSN*.

As discussed above, Los Angeles has never had a formal system of mayoral control. Legislation enacted in 2006 that would have implemented a system of mayoral control was struck down by the California courts as unconstitutional.<sup>381</sup>

**LAUSD School Board:** Currently, LAUSD is comprised of seven elected members.<sup>382</sup> Members of the LAUSD school board are elected directly by voters from separate districts to 4-year terms.<sup>383</sup> The Board appoints the Superintendent of Schools.<sup>384</sup> School board races are contentious and often expensive,<sup>385</sup> fueled by spending by teachers' unions and charter school advocates.<sup>386</sup> However, many districts experience low electoral participation.<sup>387</sup> For example, only 8.7% of eligible Los Angeles County voters participated in the 2019 local school board election.<sup>388</sup>

**Superintendent:** The Superintendent, appointed by the LAUSD Board of Education, is responsible for district-wide implementation of educational processes and for formulating major district policies.<sup>389</sup> Each of the eight local districts has a local district superintendent.<sup>390</sup>

## F. Philadelphia

### I. PHILADELPHIA SUMMARY

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Philadelphia's school system has been governed through mayoral appointments throughout its history. The system has struggled through racial tensions and efforts to desegregate and through financial distress. The system was subject to desegregation orders from the 1970s through the mid-1990s and to a state takeover in the early 2000s that lasted until 2018.<sup>391</sup> Currently, the mayor appoints all nine members of the Board of Education, subject to city council approval, from nominees suggested by a 13-member nominating panel comprised of members of the general public as well as representatives of designated constituencies. It continues to experience challenges in terms of student outcomes and achievement.

### 2. PHILADELPHIA BACKGROUND

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Philadelphia is a large city in Pennsylvania, with a land area of 134.4 square miles and the state's largest school district.<sup>392</sup> As of 2022, the estimated population was 1,567,258, and the population was 44.6% White,

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381 *Mendoza v. State*, 2006 WL 3771018 (Cal. Super. Ct., 2006), *aff'd* *Mendoza v. California*, 149 Cal. App.4th 1034, 1039-40 (Cal. Ct. App., 2007).

382 "Welcome to LAUSD," 15; Los Angeles, Cal., City Charter §§ 801, 803.

383 "Los Angeles, Cal., City Charter §§ 802(g), 806 (2023).

384 Los Angeles, Cal., City Charter § 801 (2023); Los Angeles Unified School District, *Description of Governance and Administration of the Local Plan* (April 13, 2016): v-1, <https://perma.cc/X75S-FQQN>; Cal. Educ. Code § 35026 (West) ("The governing board of any school district employing eight or more teachers may employ a district superintendent for one or more schools and may delegate to the district superintendent any of the duties provided for in Section 35250").

385 Stokes, "LAUSD School Board."

386 Stokes, "LAUSD School Board."

387 Jinghong Cai, "The Public's Voice: Uncontested Candidates and Low Voter Turnout Are Concerns in Board Elections," *National School Board Association*, April 1, 2020, <https://perma.cc/FR3Y-EC92>.

388 Cai, "Public's Voice."

389 Los Angeles United School District, "Governance and Administration," v-1.

390 Los Angeles United School District, "Governance and Administration," v-2.

391 Eric C. Milby, "*Pennsylvania Human Relations Commission v. School District of Philadelphia*: The Commonwealth Court Revisits School Desegregation, and Decades of Failure Precipitates a Change of Strategy," *Widener Journal of Public Law*, 5 (1996): 703; Susan L. DeJarnatt, "The Philadelphia Story: The Rhetoric of School Reform," *UMKC Law Review*, 72 (2004): 954, <https://perma.cc/3WG5-WYJP>. The SRC voted to end its own existence in late 2017. The new Board of Education took over in 2018. Mark Dent, "A not-so-brief history of Philly's rocky relationship with the SRC, Billy Penn at WHYY, November 2, 2017, <https://perma.cc/RGG9-VW8P>.

392 "QuickFacts Philadelphia County, Pennsylvania," U.S. Census Bureau, U.S. Department of Commerce, Bureau of Census, 2022, <https://www.census.gov/quickfacts/fact/table/philadelphiacountypennsylvania>; The Pew Charitable Trusts, "Governing Urban Schools

43% Black, 16.1% Hispanic/Latino, and 8.2% Asian, and 3% had two or more races.<sup>393</sup> As of 2023–2024, the School District of Philadelphia has 331 schools with 197,115 students enrolled.<sup>394</sup> The student population is 50% Black/African American, 24% Hispanic/Latino, 14% White, and 7% Asian, with 5% identifying as multiracial/other.<sup>395</sup> Approximately 19.8% of students are English Learners, 100% of students are economically disadvantaged, and 19% have Individualized Education Plans.<sup>396</sup>

### 3. PHILADELPHIA PUBLIC EDUCATION HISTORY

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Pennsylvania's original 1790 constitution supported education for all children in the state; it authorized the establishment of a system of free education.<sup>397</sup> The Free School Law enacted in 1834 established an autonomous school district for each of Philadelphia's wards, which were each governed by an elected board.<sup>398</sup> Philadelphia was divided into 42 wards by 1905, each with its own locally elected board of education.<sup>399</sup> One member of each ward was then chosen to represent their ward in the Board of Education, which was formed in 1850.<sup>400</sup> In 1867, in response to budgetary challenges and charges

of corruption, legislation provided that a panel of judges from the Court of Common Pleas, instead of the elected boards, would appoint members of the school boards.<sup>401</sup> Yet charges of insufficient funding to support quality education continued.<sup>402</sup>

Philadelphia's first centralized Board of Education was created in 1905 and was appointed by the city's common pleas court judges, removing power from wards, which eventually dissolved.<sup>403</sup> The Board consisted of 21 members who served 3-year terms.<sup>404</sup> In 1911, the state enacted the Pennsylvania School Code, which reduced the size of the Board of Education to 15 members who would instead serve 6-year terms; members would be appointed by the city's common pleas court judges.<sup>405</sup> That law also authorized the Board to collect taxes at a rate set by the state legislature, which resulted in a dramatic rise in Board expenditures.<sup>406</sup> Construction of school buildings boomed in the 1930s. Following a court determination that the Board did not have authority to levy taxes, the legislature set real estate taxes to fund the schools, but neither the mayor nor the city council had input into school funding, and the quality of Philadelphia's public schools suffered.<sup>407</sup>

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in the Future: What's Facing Philadelphia and Pennsylvania" (Jan. 2016): 2, <https://perma.cc/Z8JR-S74C>; see "Fund Our Schools PA, District Profile: School District of Philadelphia," Jan. 10, 2022, <https://www.fundourschoolspa.org/news/district-profile-school-district-of-philadelphia>.

393 U.S. Census Bureau, "QuickFacts Philadelphia."

394 "Fast Facts," The School District of Philadelphia, May 26, 2023, <https://www.philasd.org/fast-facts/>.

395 School District of Philadelphia, "Fast Facts."

396 "Dashboard/Demographics," The School District of Philadelphia, accessed Dec. 21, 2023, <https://dashboards.philasd.org/extensions/enrollment-public/index.html#/demographics>.

397 Frederick Voigt et al., "Governance Matters: School Reform for the Urban District," *Committee of Seventy* (1997): 5, <https://perma.cc/P353-DMT8>.

398 Voigt et al., "Governance Matters," 5.

399 William H. Issel, "Modernization in Philadelphia School Reform 1882–1905," *The Pennsylvania Magazine of History and Biography* 94, no. 3 (Jul. 1970): 381, <https://www.jstor.org/stable/20090448>.

400 William W. Cutler III, "Public Education: The School District of Philadelphia," *The Encyclopedia of Greater Philadelphia* (2012), <https://perma.cc/ATC3-4AGQ>.

401 Voigt et al., "Governance Matters," 6; Cutler, "Public Education: School District of Philadelphia."

402 Voigt et al., "Governance Matters," 6; Cutler, "Public Education: School District of Philadelphia."

403 The Pew Charitable Trusts, "Governing Urban Schools," 2; Cutler, "Public Education."

404 Voight et al., "Governance Matters," 6.

405 Voigt et al., "Governance Matters," 6.

406 Voigt et al., "Governance Matters," 6–7.

407 Voigt et al., "Governance Matters," 7.

In 1963, the state of Pennsylvania passed the First-Class City Public Education Home Rule Act granting large Pennsylvania cities the power to establish and govern separate and independent school districts.<sup>408</sup> Under that power, in 1965, Philadelphia amended its city charter to create an independent school district.<sup>409</sup> It granted the mayor the power to appoint all nine members of the school board from among those recommended by a nominating panel.<sup>410</sup> The mayor would appoint the 13-member Education Nominating Panel, which would serve 2-year terms and include 9 high-ranking members from Philadelphia organizations and 4 members from the public.<sup>411</sup> The Board members' terms were staggered, so new mayors often had to work with a board appointed by their predecessor.<sup>412</sup> This was done in an attempt to prevent political influence from interfering with the school board.<sup>413</sup>

Public education in Philadelphia has faced ongoing challenges. In 1967, thousands of Black students protested at the Philadelphia school board's headquarters demanding more diverse curricula, school staff, and clubs.<sup>414</sup> Police Commissioner Frank Rizzo responded violently, with police officers arresting and beating several students.<sup>415</sup> Despite this, Mayor James Tate described Rizzo's actions as necessary and a direct result of the school board's failure to maintain discipline in schools, showing the disconnect between the mayor and the Board of

Education.<sup>416</sup> Rizzo's aggressive actions and clashes with the school superintendent and the Board president were described as a turning point; as one author noted: "Rizzo closed the door on the era when mayors could govern without paying attention to public education."<sup>417</sup>

Starting in the early 1970s, the Pennsylvania Human Relations Commission brought a series of lawsuits against the School District of Philadelphia in an attempt to desegregate public schools and reduce racial disparities in students' academic performance.<sup>418</sup> Finally, in 1995, the Pennsylvania Commonwealth Court approved a reform plan which required the Philadelphia school district to implement various changes, including desegregation strategies, more equitable allocation of resources, and placement of more experienced teachers into racially isolated schools.<sup>419</sup>

Amid desegregation conflicts, fiscal and educational challenges continued. The school district had a projected deficit of \$500 million by 1975, and students were performing significantly behind national averages.<sup>420</sup> In the early 1980s, the Committee of Seventy, a nonprofit organization dedicated to ensuring good governance in Philadelphia, urged legislators to make changes to the governance structure, including making school board member and superintendent terms concurrent with the mayor and

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408 First Class City Public Education Home Rule Act of Aug. 9, 1963, P.L. 643, No. 341, §§ 18, 19 (Pa. 1963).

409 Voigt et al., "Governance Matters," 7.

410 Voigt et al., "Governance Matters," 7.

411 *Mayor of City of Philadelphia v. Educ. Equal. League*, 415 U.S. 605, 607 (1974).

412 Pew Charitable Trusts, "Governing Urban Schools," 2.

413 Voigt et al., "Governance Matters," 7.

414 Jon S. Birger, "Race, Reaction and Reform: The Three Rs of Philadelphia School Politics, 1965–1971," *The Pennsylvania Magazine of History and Biography* 120, no. 3 (Jul. 1996): 164, <https://journals.psu.edu/pmhb/article/view/45085/44806>.

415 Birger, "Race, Reaction, and Reform," 166–67.

416 Birger, "Race, Reaction, and Reform," 174.

417 Birger, "Race, Reaction, and Reform," 215.

418 Malik Morrison, "An Examination of Philadelphia's School Desegregation Litigation," *Penn GSE Perspectives on Urban Education* 3-1 (2004): 3–5, <https://perma.cc/ZN3D-9Q8R>; Morrison, "School Desegregation Litigation," 3–5.

419 Morrison, "School Desegregation Litigation," 4–5; *see* *Pennsylvania Hum. Rels Comm'n v. Sch. Dist. of Philadelphia*, 658 A.2d 470 (Pa. Commw. Ct. 1995).

420 David W. Lyon, "The Financial Future of City and School Government in Philadelphia," *Business Review (Federal Reserve Bank of Philadelphia)* (March 1971): 4–7, <https://perma.cc/7YYN-HKEC>.

granting the city council, and therefore voters, more control over the school district budget.<sup>421</sup> Advocates sought to better protect funds and strengthen accountability.<sup>422</sup> Advocates were concerned that the mayor had to work with Board members appointed by their predecessor, and objected to the Board's power to select the superintendent, with whom the mayor may have little to no rapport.<sup>423</sup> However, advocates' proposed reforms were not enacted.<sup>424</sup>

In 1994, Philadelphia students continued to perform poorly. For example, 50% of students failed statewide math and reading tests compared to only 13% to 14% of students in the rest of the state.<sup>425</sup> In a 1997 report by the Committee of Seventy, authors again argued for concurrent terms and changes to the budget process, stating that under the existing structure, there was no clear line of accountability for the failures of the school district.<sup>426</sup> Finally, in 1999, Philadelphia voters approved an amendment<sup>427</sup> that would change the city charter to allow the mayor to appoint all members of the Board of Education to serve terms concurrent with the mayor.<sup>428</sup>

In January 2000, newly elected Mayor John Street selected an entirely new school board, which appointed a chief academic officer and a chief executive officer to oversee the schools.<sup>429</sup> Notably, Mayor Street was the only mayoral candidate to oppose increased mayoral

control, but with the newly approved amendment, he appointed new members to the Board who were said to be highly regarded among Philadelphians.<sup>430</sup>

Despite cost-cutting efforts, in 2001, the Board of Education adopted a budget with a \$216 million deficit and a projected deficit of \$1.5 billion.<sup>431</sup> Legislation known as Act 46, passed in 1998, authorized Pennsylvania to take control of school districts experiencing financial distress; the Act specifically targeted Philadelphia due to its students' poor academic performance and recurring financial issues.<sup>432</sup>

By December 2001, the state government took control of the Philadelphia school district and formed the School Reform Commission (SRC), composed of both mayoral and gubernatorial appointments.<sup>433</sup> The SRC was meant to function as a school board, although unlike other districts' boards, such as the Philadelphia Board of Education before and after the SRC, it lacked taxation power.<sup>434</sup> The SRC faced opposition before it started; for example, union members, activists, and educators organized a protest against it before it was even official.<sup>435</sup>

The SRC reflected a mixed form of governance in that three members were appointed by the governor and two members by the mayor of Philadelphia. All

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421 Voigt et al., "Governance Matters," 3–4.

422 Voigt et al., "Governance Matters," 3–4.

423 Voigt et al., "Governance Matters," 3–4.

424 Voigt et al., "Governance Matters," 3–4.

425 William L. Boyd and Jolley Bruce Christman, "A Tall Order for Philadelphia's New Approach to School Governance: Heal the Political Rifts, Close the Budget Gap, and Improve the Schools," *Research for Action*, (January 2002): 9, <https://perma.cc/CL8X-XSWU>.

426 Voigt et al., "Governance Matters," 4.

427 Boyd and Christman, "A Tall Order," 4, 19.

428 Mark Duffy, *Policy Brief: Local School Governance in Philadelphia: A Look at History and Research* (Research for Action, December 2014): 2, <https://perma.cc/MDM6-QMVZ>.

429 Duffy, *Policy Brief*, 2.

430 Boyd and Christman, "A Tall Order," 19–20.

431 Mark Dent, "A Not-So-Brief History of Philly's Rocky Relationship with the SRC," *Billy Penn at WHYY*, November 2, 2017, <https://perma.cc/FY5K-ECYC>; Duffy, *Policy Brief*, 2.

432 Moscovitch et al., *Governance and Urban School Improvement*, 56, <https://perma.cc/G2QF-H6T5>.

433 Moscovitch et al., *Governance*, 57–58.

434 Dent, "Not-So-Brief"; Susan DeJarnatt, "The Philadelphia Story," 949, <https://ssrn.com/abstract=799276>.

435 Dent, "Not-So-Brief."



previous responsibilities and powers of the Board of Education were transferred to the SRC.<sup>436</sup> Soon after its creation, the SRC enlisted nonprofit and for-profit organizations and universities to manage Philadelphia schools to improve students' low academic performance.<sup>437</sup>

The SRC and state government made several controversial decisions. For example, in 2011, the governor proposed a 25 percent budget cut for the Philadelphia school district, prompting some city officials to speak out against the SRC and to question its efficacy.<sup>438</sup> Furthermore, in 2014, the SRC voted to cut the health benefits of teachers, leading to large protests from community members, students, and teachers.<sup>439</sup> Researchers found that new structures, including partnerships with community organizations, resulted in a form of capture that reduced authentic civic engagement by muting critiques of the management of Philadelphia schools.<sup>440</sup> Many problems that prompted the creation of the SRC continued to plague the city; Philadelphia's public schools continued to experience annual financial crises; high turnover in top positions continued to be the norm; and student test scores did not improve as some had hoped.<sup>441</sup> Opposition to the SRC became even more evident in 2015 when 75 percent of voters agreed the SRC should be removed and power should be returned to the city.<sup>442</sup> However, during its tenure, the SRC made various changes

to school codes and charter laws, including limiting charter enrollment, hastening the process for closing schools, changing the way school staffing decisions were made, and expanding the criteria necessary to open new charter schools.<sup>443</sup>

In 2016, Pennsylvania's state supreme court ruled that the Distress Act was unconstitutional and did not empower the SRC to limit charter enrollment or otherwise change the requirements of the Charter School Law and Pennsylvania school codes.<sup>444</sup> This led to a reversal of the SRC's previous decisions regarding charter enrollment and requirements for authorization.<sup>445</sup> In the following year, SRC members voted to dissolve the organization in response to strong public opposition and the stated fulfillment of its original goals.<sup>446</sup> The SRC ended its tenure with a budget surplus of \$85 million and minor improvements in students' academic performance.<sup>447</sup>

After the SRC was dissolved, Philadelphia returned to its previous governance structure. A city-run, nine-member Board of Education was reestablished in July 2018, with the mayor appointing all members, subject to the advice and consent of a majority of the city council, from lists of names submitted by the Educational Nominating Panel (the "Nominating Panel" or the "Panel").<sup>448</sup> The Nominating Panel, appointed by the mayor, consists of nine members who

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436 Moscovitch et al., *Governance*, 58; 24 P.S. § 6-696(i) (2001).

437 Eva Gold et al., *Time to Engage? Civic Participation in Philadelphia's School Reform* (Research for Action, September 2005): 8, <https://perma.cc/72AU-3EBJ>.

438 Dent, "Not-So-Brief."

439 Dent, "Not-So-Brief."

440 Gold et al., *Time to Engage*, 12.

441 Duffy, *Policy Brief*, 2.

442 Dent, "Not-So-Brief."

443 Kevin McCorry, "Is Pa. Ruling an Overdue Check on SRC Power or a Prelude to Fiscal Instability," *WHYY*, February 18, 2016, <https://perma.cc/26VV-Y8KH>.

444 *W. Philadelphia Achievement Charter Elementary Sch. v. Sch. Dist. of Philadelphia*, 635 Pa. 127, 132 A.3d 957, 958 (2016).

445 McCorry, "Overdue Check"; *West Philadelphia Achievement Charter Elementary Sch. v. Sch. Dist. of Philadelphia* at 957 (holding the legislation authorizing the SRC unconstitutional because it violated the nondelegation doctrine).

446 Dale Mezzacappa and Avi Wolfman-Arent, "SRC Makes Philly Education History, Votes to Dissolve," *WHYY*, November 16, 2017, <https://perma.cc/PF58-NCCP>.

447 Mezzacappa and Wolfman-Arent, "Philly Education History."

448 Philadelphia Home Rule Charter § 12-201. The law also contemplates that board members could be elected if enabling legislation is enacted by the Pennsylvania legislature. Philadelphia Home Rule Charter § 12-201; Dent, "Not-So-Brief."

are leaders of various sectors in Philadelphia and four members of the general public.<sup>449</sup> The law specified that the Panel would be comprised of the “highest ranking officers” of the following organizations or institutions: “a labor union council..., an organization established for the purpose of general improvement and benefit of commerce and industry,” a public school parent-teachers association, a community organization ... established for the purpose of improvement of public education, ... an neighborhood or community association[], ... an organization established for the purpose of improvement of human and intergroup relations, a nonpartisan group ... established for the purpose of improvement of governmental, political, social or economic conditions, a degree-granting institution of higher education, and a council, association or other organization dedicated to community planning of health and welfare services....”<sup>450</sup>

The purpose of incorporating Philadelphians from various backgrounds into the Panel and implementing an extensive recommendation process was to ensure the best possible representation and that all those interested in a seat on the Board of Education have a chance.<sup>451</sup> Despite the attempt to make the appointment process more inclusive, some still felt that the public needed to have more input, considering the Nominating Panel was mayor-appointed.<sup>452</sup>

Newly elected in 2023, Mayor Cherelle Parker has voiced her plans to improve the Philadelphia school district through innovative ideas including year-long schooling and increases in local revenue.<sup>453</sup> Parker previously stated that she does not support an

elected school board as it gives advantage to persons with special interests; this seems to table any chances of an elected school board in the near future.<sup>454</sup>

#### 4. PHILADELPHIA CURRENT SCHOOL GOVERNANCE STRUCTURE

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**Mayor:** The mayor appoints all nine members of the Board of Education from lists of names submitted by the Educational Nominating Panel, subject to the advice and consent of a majority of all the members of the City Council after public hearing.<sup>455</sup>

**Board of Education:** Members of the Board of Education must be Philadelphia residents and serve for a maximum of three full terms. Nominees should reflect the diversity of backgrounds, experience, and training that is representative of the city, including but not limited to: being the parent of a current or former public-school student and having expertise in business, finance, education, public housing, community affairs, or the operations and management of the public school system.<sup>456</sup>

**Educational Nominating Panel:** A 13-member Nominating Panel that is appointed by the mayor identifies a list of candidates for the Board. It is comprised of four members of the general public as well as nine representatives of designated constituencies.<sup>457</sup> These nine representatives must be from the following sectors: a labor union council, an organization dedicated to commerce, a public school parent-teachers association, a community organization

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449 Philadelphia Home Rule Charter § 12-206; Dent, “Not-so-brief.”

450 Philadelphia Home Rule Charter § 12-206.

451 Kaitlyn Boyle, “Pritchett to Serve on Phila. Education Board for Expertise in Policy, City Officials Say,” *The Daily Pennsylvanian*, February 4, 2018, <https://perma.cc/S48H-YTDU>.

452 Harrison Cann, “Philly’s Board of Education Mayoral Appointment Process: A City & State Analysis,” *City & State Pennsylvania*, February 16, 2023, <https://perma.cc/RYX5-B7UH>.

453 Dale Mezzacappa and Carly Sitrin, “Philadelphia Mayoral Election 2023: How Cherelle Parker Answered 10 Important Education Questions,” *Chalkbeat Philadelphia*, October 26, 2023, <https://perma.cc/AD6M-L5C5>.

454 Mezzacappa and Sitrin, “Philadelphia Mayoral Election.”

455 Philadelphia Home Rule Charter § 12-201; Dent, “Not-So-Brief.”

456 Philadelphia Home Rule Charter § 12-202.

457 Philadelphia Home Rule Charter § 12-206; Dent, “Not-so-brief.”

dedicated to public education, a neighborhood or community association, an organization dedicated to human and intergroup relations, a nonpartisan group related to improving governmental, social, political, or economic conditions, a higher education institute, and an organization related to community health planning or the environment of the city.<sup>458</sup>

*Superintendent:* The Superintendent is the chief administrative and instructional officer of the Board of Education and the School District and is responsible for the execution of all Board actions, the administration and operation of the public school system, subject to Board policies, and the supervision of all matters pertaining to instruction.<sup>459</sup> The Superintendent is elected by the Board of Education.<sup>460</sup>

## G. Yonkers

### I. YONKERS SUMMARY

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Yonkers' public schools are, and long have been, governed by an appointed school board, which appoints the superintendent.<sup>461</sup> Since 2005, the Yonkers School District has experienced recurring financial struggles. In 2014, attempts by the mayor to expand his office's control to rectify a district budget deficit were successful to the extent that the office gained oversight of the district's financial and administrative matters.

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458 Philadelphia Home Rule Charter § 12-206.

459 Philadelphia Home Rule Charter § 12-400.

460 Philadelphia Home Rule Charter § 12-301.

461 N.Y. Educ. Law §§ 2552(d); 2553(2), 2553(3)(c); 2554(2) (2023).

462 "QuickFacts Yonkers City, New York," U.S. Census Bureau, U.S. Department of Commerce, Bureau of Census, 2022, <https://www.census.gov/quickfacts/fact/table/yonkerscitynewyork/PST045222>.

463 U.S. Census Bureau, "QuickFacts Yonkers City."

464 "About Our School District," Yonkers Public Schools, accessed November 16, 2023, <https://perma.cc/2ZVC-AYVW>.

465 "School District."

466 "School District."

467 *United States v. Yonkers Bd. of Educ.*, 624 F. Supp. 1276, 1382 (S.D.N.Y. 1985), *aff'd*, 837 F.2d 1181 (2d Cir. 1987).

468 N.Y. Const., Art. 5, § 4; N.Y. Educ. Law §§ 305 (1)-(3), 2551 (McKinney, 2022); *United States v. Yonkers Bd. of Educ.* at 1382.

469 N.Y. Educ. Law §§ 2552(d); 2553(3), (4)(c) (2023).

### 2. YONKERS BACKGROUND

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Yonkers is a small city in New York with a land area of just 18 square miles.<sup>462</sup> As of 2022, Yonkers had an estimated population of 208,121, and the population was 43% White, 42% Hispanic/Latino, 19% Black, 6% Asian, and 1% American Indian and Alaska Native, and 11.5% identified as having two or more races.<sup>463</sup> The school district of Yonkers is the fourth largest in New York State and has 39 schools with 25,375 students enrolled.<sup>464</sup> The student population is 62% Hispanic/Latino, 16% Black, 15% White, and 5% Asian/Pacific Islander, and 2% are multi-racial.<sup>465</sup> Approximately 13% of students are multilingual learners/English language learners, 73% of students are economically disadvantaged, and 19% of students have disabilities.<sup>466</sup>

### 3. YONKERS PUBLIC EDUCATION HISTORY

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The Yonkers School District is coterminous with the geographic boundaries of the City of Yonkers.<sup>467</sup> According to state law, the Yonkers Board of Education is an independent municipal corporation subject to the control of the New York State Board of Regents and the Commissioner of Education.<sup>468</sup> The Board consists of nine members who are appointed by the mayor for 5-year staggered terms of office.<sup>469</sup> The Board is responsible for providing education for public school children in the City of Yonkers and has the authority to hire the Superintendent of Schools, the

school district's chief administrative officer.<sup>470</sup> Among other things, the Superintendent and administrative staff develop and implement policies affecting school construction and closings, the setting and changing of attendance zone lines, grade structure, personnel policies, and other educational matters.<sup>471</sup> The City of Yonkers also has specific legal powers relating to the operation of Yonkers public schools. Under state law, Yonkers City Council is empowered to appropriate an annual budget for the school district.<sup>472</sup>

Yonkers' school governance has contended with the city's history of racial segregation and discrimination. In 1986, a federal court determined that the City of Yonkers and its school board had engaged in intentional segregation of housing and schools.<sup>473</sup> Although the Yonkers school board is structured to support a measure of independence, the court found that "the Mayor's appointments to the Board reflect in clear and unambiguous terms the politicization of educational affairs in Yonkers."<sup>474</sup> Having found evidence of intentional housing segregation in Yonkers that in turn fostered school segregation, the court went on to note "a pattern of appointments, reappointments, and failures to appoint over time, with the consistent result of impeding the efforts of the school district to address the racial imbalance of the schools."<sup>475</sup>

The court's finding of intentional segregation of Yonkers housing and schools led to decades-long desegregation efforts. A settlement of the case was finalized after 27 years of contentious desegregation efforts under court oversight.<sup>476</sup> The settlement called for the creation of magnet schools to promote integration and for the state to pay \$300 million dedicated to improving student achievement among Black and Hispanic/Latino students.<sup>477</sup> From 2000 to 2010, the student graduation rate was over 60 but less than 70 percent, and the school system was characterized by unstable leadership.<sup>478</sup> In 2004, a \$50 million budget deficit spurred a series of financial crises in the school district that would continue for nearly 20 years.<sup>479</sup>

In 2014, Yonkers Mayor Mike Spano began to push for increased mayoral control of the Yonkers School District to rectify a significant budget shortfall.<sup>480</sup> During the two previous budget periods, the Yonkers Board of Education had overestimated the available funds, resulting in an estimated deficit of \$55 million.<sup>481</sup> Mayor Spano proposed that the New York State legislature amend the law to permit the Yonkers mayor to gain direct oversight of school district budgets to prevent the recurrence of similar deficits.<sup>482</sup> Mayor Spano faced opposition from Yonkers legislators and legislative leaders, with some citing the need for money and oversight

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470 N.Y. Educ. Law § 2554 (2023); *United States v. Yonkers Bd. of Educ.* at 1181 (discussing the Board's structure).

471 See generally N.Y. Educ. Law § 2554 (2023); *United States v. Yonkers Bd. of Educ.* at 1382 (discussing the Board's structure).

472 *United States v. Yonkers Bd. of Educ.* at 1382 (discussing legal structure).

473 *United States v. Yonkers Bd. of Educ.* at 1382.

474 *United States v. Yonkers Bd. of Educ.* at 1512.

475 *United States v. Yonkers Bd. of Educ.* at 1512.

476 Fernanda Santos, "After 27 Years, Yonkers Housing Desegregation Battle Ends Quietly in Manhattan Court," *The New York Times*, May 2, 2007, <https://perma.cc/MZ4G-8WJF>.

477 Gary Stern and Diana Dombrowski, "When 1 in 3 Students Weren't Graduating, Yonkers Overhauled School Culture," *Yahoo News*, February 6, 2023, <https://perma.cc/CZE6-QZD2>.

478 Stern and Dombrowski, "When 1 in 3 Students."

479 Stern and Dombrowski, "When 1 in 3 Students."

480 Jessica Bakeman, "Senate Leadership Pushes for Mayoral Control of Schools, in Yonkers," *Politico*, March 20, 2014, <https://www.politico.com/states/new-york/albany/story/2014/03/senate-leadership-pushes-for-mayoral-control-of-schools-in-yonkers-011726>.

481 "Yonkers School Superintendent Pierorazio Retiring in 30 Days," *The Daily Voice*, January 7, 2014, <https://perma.cc/Q59K-H8LW>.

482 *The Daily Voice*, "Yonkers School."

before discussing governance changes.<sup>483</sup> Opponents of increased mayoral control claimed schools needed funding, not governance changes that the community did not want and that would have no impact on funding troubles.<sup>484</sup> Additionally, both the local teachers' union and parent-teacher association opposed the proposal, claiming they did not want additional politics in schools.<sup>485</sup>

While full control was not granted, the 2014 budget provided Yonkers with additional funding to help eliminate the deficit and allowed the city government to oversee financial and administrative matters in the school district.<sup>486</sup> The most recent recorded assessment levels for Yonkers students (2020–2021) are said to be inaccurate because only 40 percent of students participated due to COVID-19.<sup>487</sup> However, graduation rates among all students was 91 percent, a significant increase from the graduation rate in the early 2000s.<sup>488</sup> For 2022–2023, under the Every Student Succeeds Act, Yonkers was classified

as a target district, meaning that schools struggled to prepare some of their student subgroups on some/all indicators.<sup>489</sup> Legislative proposals to make Yonkers an independent school district governed by an elected board have been introduced regularly to the New York State legislature.<sup>490</sup>

#### 4. YONKERS CURRENT SCHOOL GOVERNANCE

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**Mayor:** The Mayor appoints nine members of the school board to 5-year staggered terms.<sup>491</sup>

**Board of Education:** The Board has the authority to hire the Superintendent of Schools, the school district's chief administrative officer.<sup>492</sup>

**City Council:** The City Council appropriates the annual budget for the school district.

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483 Bakeman, "Senate Leadership."

484 Jon Campbell, "Mayoral Control of Yonkers Schools Becomes Statewide Debate," *The Journal News*, March 19, 2014, <https://perma.cc/5LDU-38ML>.

485 Bakeman, "Senate Leadership."

486 Jon Campbell, "State Budget Deal Includes Bailout Package for Yonkers," *Lobud*, March 29, 2014. <https://perma.cc/9JCV-PP6J>; Stern and Dombrowski, "When 1 in 3 Students."

487 "Yonkers City School District – New York State Report Card [2020–21]," New York State Education Department, accessed December 13, 2023, <https://data.nysed.gov/essa.php?year=2021&instid=800000034777>.

488 "Yonkers City School District – New York State Report Card [2020–21]"; Stern and Dombrowski, "When 1 in 3 Students."

489 "Yonkers City School District Data," New York State Education Department, 2022–23, accessed December 13, 2023, <https://data.nysed.gov/profile.php?instid=800000034777>. (For more information on the definition of target districts and indicators under the Every Student Succeeds Act, see N.Y. State Educ. Dep't, "Understanding New York State Accountability under the Every Student Succeeds Act (ESSA) 2021–22 Accountability Statuses," September 2021, available at <https://www.nysed.gov/sites/default/files/programs/accountability/21-22-haw-092721.pdf>.)

490 N.Y. Legis. Assemb. A-781. Reg. Sess. 2023–2024 (2023), <https://perma.cc/E255-6M48>.

491 N.Y. Educ. Law §§ 2552(d); 2553(2), 2553(3)(c) (2023); Bakeman, "Senate Leadership."

492 N.Y. Educ. Law § 2554 (2023); *United States v. Yonkers Bd. of Educ.* at 1382 (discussing the Board's structure).



# Assessments of Governance Goals Under Mayoral Control in New York City & Other Select Cities

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As discussed above, the foundational goals of public school governance include improving what have been called the four E's: (1) educational outcomes, (2) equity, (3) efficacy in providing educational services, and (4) the engagement of key stakeholders in educational policy discussions. The literature on the effectiveness of various mayoral control governance structures in advancing these goals reveals mixed conclusions, a relatively limited number of studies and study limitations.

This section will review the school governance literature, reports, and commentary for each of the above goals in turn. A number of reports have aimed to review public school governance structures in particular cities in light of attempts to increase mayoral control.<sup>1</sup> In some cities, the legislatures have established commissions to undertake this task.<sup>2</sup> In the District of Columbia, for example, the education reform amendment enacted in 2007 mandated, among other things, a 5-year evaluation of the law's impact, the initial phase of which involved developing a plan for the evaluation based on engagement with various stakeholder groups.<sup>3</sup> In Los Angeles, a 30-member Commission approved by the Los Angeles City Council engaged in a year-long process that entailed engagement with stakeholders, presentations, and

public comment.<sup>4</sup> In New Jersey, researchers engaged stakeholders and analyzed quantitative data to assess the impact of governance structures.<sup>5</sup> If there is a top-line takeaway from these and other reports, it is this: though governance matters, "there is no indication that any particular system for governing urban school districts is superior to another in improving long-term academic performance. Too many other factors ... help determine what happens in the classroom ..."<sup>6</sup>

## A. Educational Outcomes Assessments of Mayoral Control: Evidence is Mixed

As discussed more fully in Section II. B. 1. above, student achievement lies at the heart of public education. Research on the impact of school governance structures on student educational outcomes is relatively limited. Currently, graduation rates and assessments based on state standardized

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- 1 See, e.g., Catherine H. Augustine et al., *Governing Urban School Districts: Efforts in Los Angeles to Effect Change* (Santa Monica, CA: RAND Corporation, 2006), <https://perma.cc/PL79-95MR>; The Civic Federation, *Chicago Public Schools Board of Education Governance: A History and Review of Other Cities' Practices*, (Chicago, IL: The Civic Federation, 2017), <https://www.civiced.org/sites/default/files/cpsgovernancebrief.pdf>; Citizens Research Council of Michigan, *Reform of K-12 School District Governance and Management in Michigan*, May 2011, <https://perma.cc/AFP3-GEYH>; District of Columbia State Board of Education, *D.C. Education Governance Recommendations and Considerations*, (Washington D.C.: D.C. State Board of Education, March 2023, <https://perma.cc/R9HN-VGME>; Pauline Lipman et al., "Should Chicago Have an Elected Representative School Board: A New Review of the Evidence," *University of Illinois at Chicago*, (February 2015), <https://perma.cc/LU65-LAG7>; Ruth Moscovitch et al., *Governance and Urban School Improvement: Lessons for New Jersey From Nine Cities*, (Newark, NJ: Institute on Education Law and Policy: Rutgers, August 2010), <https://perma.cc/JVC8-ABM3>; National Research Council, *An Evaluation of the Public Schools of the District of Columbia: Reform in a Changing Landscape* (Washington, D.C.: The National Academies Press, 2015), <https://doi.org/10.17226/21743>; National Research Council, *A Plan for Evaluating the District of Columbia's Public Schools: From Impressions to Evidence*, Washington, D.C.: The National Academies Press, 2011, <https://doi.org/10.17226/13114>; The Pew Charitable Trusts, "Governing Urban Schools in the Future: What's Facing Philadelphia and Pennsylvania," January 2016, <https://perma.cc/Z8JR-S74C>; Kenneth K. Wong and Francis X. Shen, "Mayoral Governance and Student Achievement: How Mayor-led Districts Are Improving School and Student Achievement," *Center for American Progress*, (March 2013), <https://perma.cc/BQF6-KRN4>.
  - 2 See, e.g., Augustine et al., *Governing Urban School Districts*, 34 (Los Angeles City Council established 30-member joint commission); National Research Council, *Plan for Evaluating the District of Columbia's Public Schools*, 1 (National Research Council convened the Committee on the Independent Evaluation of DC Schools in response to request from DC City Council).
  - 3 National Research Council, *Plan for Evaluating*, 1.
  - 4 Augustine, *Governing Urban School Districts*, 34–38.
  - 5 See Moscovitch, *Governance and Urban Schools*, Section III.
  - 6 The Pew Charitable Trusts, "Governing Urban Schools", 7.

test scores are widely used to measure student performance.<sup>7</sup> However, myriad issues with publicly reported data, including changes in test content and scoring, often cast doubt on the reliability of comparisons of student performance.<sup>8</sup> Researchers report no consensus about whether any particular form of public school governance leads to sustained improvements in student performance.<sup>9</sup> Some studies have found a positive relationship between districts with mayoral control and investment in teaching staff, greater spending on instruction, and some improvements in student performance, particularly in the early years of mayoral governance.<sup>10</sup> Causality has been difficult to establish. Some posit that improvements reflect the fact that cities adopting mayoral control often have underperforming schools with unusually low scores to begin with and that improvements may simply reflect progress from a poor starting point.<sup>11</sup> Alternatively, mayors may initially focus on already-high-performing schools to prevent these more advantaged students from leaving the district for private schools, charter schools, or suburban areas, suggesting that mayors may have prioritized families with economic resources over those with greater need.<sup>12</sup>

Improvements in student outcomes in school systems under mayoral control have not been consistent across grade levels or across cities, and they have not been sustained over time.<sup>13</sup> Results are confounded by myriad factors, including funding sources and levels, demographics, and the nature of leadership.<sup>14</sup> Moreover, mayoral control has not been found to reduce achievement gaps between Black students, Latino students, other students of color, and White students.<sup>15</sup> There is an ongoing need for clearer standards with which to measure success, as well as for additional studies with which to identify the factors that positively impact public school students' academic achievement.<sup>16</sup>

Additionally, there is insufficient information regarding how the various formulations of mayoral control, combined with other contextual factors, such as fiscal conditions, equity concerns, and other political and social factors, impact governance as related to school successes and failures.<sup>17</sup> Although steps such as appointing a strong superintendent or business executive can be helpful in some respects, improving learning requires connecting and engaging all stakeholders, including parents, school/community

7 See, e.g., National Assessment of Educational Progress (NAEP), Trial Urban District Assessment (TUDA), study available at <https://nces.ed.gov/nationsreportcard/tuda/>.

8 See Stuart Luppescu et al. *Trends in Chicago's Schools Across Three Eras of Reform* (Chicago, IL: University of Chicago Consortium on School Research, September 2011), 5, <https://perma.cc/N9XQ-G5DY>.

9 See The Civic Federation, *Chicago Public Schools Governance*, 5–6, 8; The Pew Charitable Trusts, “Governing Urban Schools,” 2, 7; Moscovitch et al., *Governance and Urban Schools*, 2, 74, 95–112, 116; Lipman et al., “Should Chicago Have an Elected School Board” 1–2; Augustine et al., *Governing Urban School Districts*, 60–61; National Research Council, *An Evaluation of the DC Public Schools*.

10 See Wong and Shen, “Mayoral Governance and Student Achievement,” 2–3, 19, 49–50; Jeffrey R. Henig, “Mayoral Control: What We Can and Cannot Learn from Other Cities,” in *When Mayors Take Charge: School Governance in the City*, ed. Joseph P. Viteritti, (Brookings Institution Press eBooks, 2009), 38–45.

11 Henig, “Mayoral Control,” 36.

12 Henig, “Mayoral Control,” 37–38.

13 Augustine et al., *Options for Changing the Governance System*, 63 (citing studies); Frederick M. Hess, “Weighing the Case,” *Phi Delta Kappan* 91, no. 6 (March 2010): 17, <https://doi.org/10.1177/003172171009100605>.

14 The Pew Charitable Trusts, “Governing Urban Schools,” 2.

15 Lipman et al., “Reviewing the Evidence,” 7–8 (citing Wong and Shen 2013); Elizabeth Chu et al. “Family Moves and the Future of Public Education,” *Columbia Human Rights Law Review* 54, no. 469 (2023): 524, <https://perma.cc/BK9Z-YTMT> (citing nationwide trends of increased learning gaps and ongoing racial segregation even before the Covid pandemic).

16 Lipman et al., “Reviewing the Evidence,” 8; Deborah Land, “Local School Boards Under Review: Their Role and Effectiveness in Relation to Students' Academic Achievement,” *Review of Educational Research* 72, no. 2 (June 1, 2002): 263, 265–72, <https://www.jstor.org/stable/3516033>.

17 Henig, “Mayoral Control,” 41.

leaders, and educators.<sup>18</sup> Shifts in governance tend not to change how students are taught in the classroom, limiting the ability of mayoral control or other governance structures to alter classroom practice and, therefore, to directly improve student performance.<sup>19</sup> Improving teaching requires coordination between the mayor, school board, superintendent, central office, principals, teachers, and students.<sup>20</sup> The mayor must balance other concerns, such as poverty, homelessness, crime, and taxes, and school improvement may take anywhere from 5 to 10 years, which is longer than the typical 4-year electoral cycle.<sup>21</sup>

A related issue that affects educational outcomes is stability and how mayoral interventions will fare over time, especially given the possibility of changes from one mayoral administration to another. Cases in which mayoral control has extended beyond its first generation offer a mixed picture.<sup>22</sup> Mayoral control has been launched largely in response to specific issues and “particular personalities.”<sup>23</sup> For sustained improvement in educational outcomes, checks and balances are needed to account for leadership changes and shifts in priorities, values, and philosophies with respect to education.<sup>24</sup>

## I. EDUCATIONAL OUTCOMES UNDER MAYORAL CONTROL IN NEW YORK CITY

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This section will summarize student educational outcomes during the academic years from 2005–06 to 2022–2023, when New York State testing coincided with mayoral control governance in New York City. It will present data reflecting test scores and graduation rates, note the contextual developments affecting those metrics, and summarize the literature analyzing the impact of mayoral control on students’ educational outcomes.

### NEW YORK CITY PUBLIC SCHOOL TEST SCORES FOR ACADEMIC YEARS 2005–06 TO 2022–23

Assessing whether and to what degree mayoral control governance impacts student achievement is challenging. Data on student test scores for the academic years from 2005–06<sup>25</sup> to 2022–23 indicates fluctuations in English Language Arts (ELA) and Mathematics (Math) test scores.

The following New York State Education Department (NYSED) charts summarizing New York City’s Grade 3–8 English Language Arts (ELA) and Mathematics (Math) proficiency test

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18 Jane David and Larry Cuban, *Cutting Through the Hype: The Essential Guide to School Reform*, (Cambridge, MA: Harvard Education Press, 2010), 54.

19 David and Cuban, *Cutting Through the Hype*, 54–55.

20 David and Cuban, *Cutting Through the Hype*, 54.

21 David and Cuban, *Cutting Through the Hype*, 54.

22 Henig, “Mayoral Control,” 39–40 (discussing Detroit, where voters opted to return to an elected board after the initial authorization of mayoral control; Baltimore, where mayors who were in office after the initial period of mayoral control focused on issues other than education; and Cleveland, where initial gains diminished under subsequent mayoral administrations).

23 Henig, “Mayoral Control,” 41.

24 Henig, “Mayoral Control,” 41.

25 The New York State Education Department test scores begin in 2005–06 because grade-by-grade testing including grades 3 and 8 began that year, as “required by the federal No Child Left Behind Act” and in connection with “the expansion of the Statewide Student Data System.” See Commissioner Richard P. Mills, Report to New York State Board of Regents, June 2004, <https://perma.cc/E2N5-7ZWY> (“three major changes converge in 2005–06. Grade-by-grade testing as required by the No Child Left Behind Act, the expansion of the Statewide Student Data System, and implementation of new middle level policy will connect testing, data analysis, and changes in instruction in ways not possible until now.”); see also Memo to New York State Board of Regents, Elementary, Middle, Secondary, and Continuing Education/ Vocational Education Services for Individuals with disabilities (EMSC-VESID) Committee, from James Kadamus, “Update on New York State Testing Program,” September 26, 2005, <https://perma.cc/TN44-MYMK>; Regulations of the Commissioner of Education, §100.3(b)(2) (a), (“beginning in the 2005–2006 school year, the English language arts elementary assessments and the mathematics elementary assessment shall be administered in grades three and four”), <https://perma.cc/8NK7-WYTQ>; Regulations of the Commissioner of Education, Program requirements for grades 5 through 8, §100.4(b)(2)(ii) and 100.4(e)(1) and(2), <https://perma.cc/B7C6-UTAP>.

**Grade 3-8 Proficiency Percentages by School Year**  
**All Students**

	<i>ELA</i>		<i>Math</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2005-06	50.6%	67.1%	57.0%	70.8%
2006-07	51.1%	70.1%	65.4%	76.8%
2007-08	57.6%	74.4%	74.4%	84.2%
2008-09	68.8%	81.9%	81.8%	88.9%
2009-10	42.4%	58.9%	54.1%	64.8%
2010-11	44.0%	57.6%	57.4%	66.6%
2011-12	46.8%	59.6%	60.0%	67.4%
2012-13	26.5%	33.6%	29.7%	31.8%
2013-14	28.5%	31.8%	34.3%	37.4%
2014-15	30.4%	32.0%	35.2%	40.4%
2015-16	38.0%	37.8%	36.5%	41.2%
2016-17	40.6%	39.2%	37.8%	42.0%
2017-18	46.7%	44.2%	42.7%	45.9%
2018-19	47.4%	44.0%	45.6%	47.5%
2019-20				
2020-21				
2021-22	49.1%	45.2%	38.0%	38.9%
2022-23	51.8%	45.9%	50.0%	50.5%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Proficiency percent refers to the proportion of students participating in the New York State grade 3-8 ELA or math state assessments that achieved a score of Level 3 or higher. All testing was cancelled in 2019-20 school due to COVID-19 closures. Data for 2020-21 is omitted as tests were only administered to students able to safely test in-person (approximately 39% of students). Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

score percentages show the fluctuations in average proficiency percentages for all students during this time in New York City public schools and Rest of State Schools, where Rest of State Schools are defined as all public schools in New York State excluding New York City Department of Education (NYCDOE) schools.

Data on student proficiency based on test performance should be evaluated in the context of

the external and global factors impacting test results, such as changes in federal law; changes in state and local testing practices; and global events, such as the COVID-19 pandemic. For example, from 2005 to 2023, various changes in education policy, as well as momentous societal upheavals, took place. These include the following:

- Implementation of the No Child Left Behind Act (NCLB; effective from 2002 to 2015),

which required states to establish challenging academic standards and test all students regularly to ensure those standards were being met.<sup>26</sup>

- Federal initiatives responding to the Great Recession under the American Recovery and Reinvestment Act, which was also known as the Stimulus Package, including the Race to the Top initiative and its accompanying education policy incentives, such as the adoption of Common Core Learning Standards in New York and most other states.<sup>27</sup>
- The enactment of the Every Student Succeeds Act (ESSA) in 2015 replaced many NCLB provisions, including the test-based requirement to show adequate yearly progress toward full proficiency. The ESSA gave states more discretion regarding standard setting and other education policies, prompting additional changes to state learning standards and testing.<sup>28</sup>
- The COVID-19 pandemic prompted school closures beginning in March of 2020; consequently, the 2021–22 tests were the first state testing measure since the pandemic.<sup>29</sup>

In addition, policy changes in New York state may have impacted student scores. For example,

- In 2005–06, New York state grades 3 and 8 ELA and Math tests were introduced, which are not comparable with the period preceding 2005 but are comparable with test results through 2011–12.<sup>30</sup>
- In 2010, New York state changed the ELA and Math test cut scores in response to findings of test score inflation.<sup>31</sup>
- In the 2012–13 academic year, proficiency testing and scoring in New York changed again, as state tests were aligned with the Common Core Learning Standards.<sup>32</sup> In the wake of this change, New York City’s average ELA proficiency scores dropped again.<sup>33</sup>
- The New York State Education Department (NYSED) notes that test results for this period are not comparable to results in preceding years but are comparable to results through 2015.<sup>34</sup>
- In 2016, grade 3 and 8 ELA and Math tests were shortened, and several administrative policies changed such that NYSED notes that direct comparison with prior years is not possible.<sup>35</sup>

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26 Alyson Klein, “No Child Left Behind: An Overview,” *Education Week*, April 10, 2015, <https://perma.cc/FE8J-YMNN> (NCLB, an amendment to the Elementary and Secondary Education Act of 1965, required states to test students in reading and math in grades 3 through 8 and once in high school and to report the results, for both the student population as a whole and for particular “subgroups” of students. These subgroups included English learners and students in special education, racial minorities, and children from low-income families. No Child Left Behind’s stated purpose was to hold schools responsible for the academic progress of all students, with a special focus on having schools boost the performance of certain groups of students to narrow persistent educational achievement gaps); James Ryan, “The Perverse Incentives of the No Child Left Behind Act,” 79 *NYU L. Rev.* 932 (2004), <https://perma.cc/XWG8-92JH>.

27 Claudio Sanchez, Cory Turner, Obama’s Impact on America’s Schools, NPR, January 13, 2017, <https://perma.cc/QV9Y-AZJT>.

28 Alyson Klein, “The Every Student Succeeds Act: An ESSA Overview,” *Education Week*, March 31, 2016, <https://perma.cc/7DSM-6NB6>.

29 Reema Amin, NYC test scores drop in math, increase in reading, Chalkbeat, September 28, 2022, <https://perma.cc/DDR6-CDXM>.

30 See Commissioner Richard P. Mills, Report to New York state Board of Regents, June 2004, <https://perma.cc/E2N5-7ZWY> (“three major changes converge in 2005–06. Grade-by-grade testing as required by the No Child Left Behind Act, the expansion of the Statewide Student Data System”).

31 David Steiner, Behind the Cut Score Decision, New York state School Boards Association, August 9, 2010, <https://perma.cc/EA5N-LME6>.

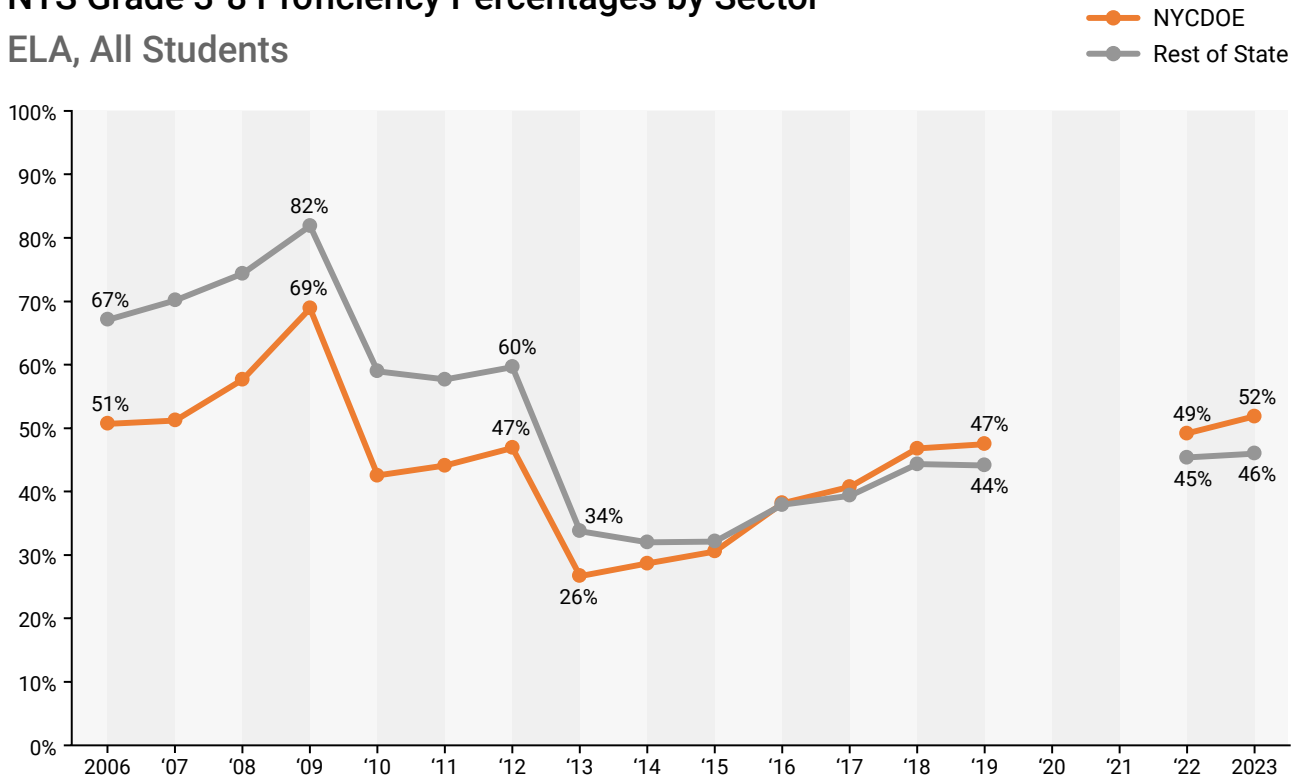
32 EngageNY, “A New Baseline: Measuring Student Progress on the Common Core Learning Standards,” August, 2013, <https://perma.cc/8USE-D39Q>.

33 Javier Hernandez, Robert Gebeloff, Test Scores Sink as New York Adopts Tougher Benchmarks, *The New York Times*, August 7, 2013, <https://www.nytimes.com/2013/08/08/nyregion/under-new-standards-students-see-sharp-decline-in-test-scores.html>.

34 New York State Education Department Memo, “NYS Assessment Policy Milestones During Mayoral Control Period” (on file with NYSED).

35 New York State Education Department Memo, “NYS Assessment Policy Milestones During Mayoral Control Period” (on file with NYSED).

## NYS Grade 3-8 Proficiency Percentages by Sector ELA, All Students



Source: [www.data.nysed.gov](http://www.data.nysed.gov)

- In 2017, New York state replaced the Common Core Learning Standards with the Next Generation Learning Standards.<sup>36</sup> Due to NYSED’s gradual implementation of these standards,<sup>37</sup> the 2022–23 academic year marked the first administration of tests aligned with the Next Generation Learning Standards.<sup>38</sup>
- In 2018, grade 3 and 8 ELA and Math tests were again reduced in length such that NYSED advised caution when comparing results with those from prior years.<sup>39</sup>
- In 2020, grade 3 and 8 testing was cancelled due to COVID-19 school closures.<sup>40</sup>

Studies of educational outcomes reflect the challenge of using test scores and graduation rates as measures of whether particular governance structures improve students’ academic achievement. Some observers touted test score increases during the initial period of mayoral control in New York City as evidence of the success of mayoral control governance.<sup>41</sup> For example, a 2013 study by Kenneth K. Wong and Francis X. Shen found that mayoral control had significant positive effects on both fourth- and

36 New York State Education Department, Next Generation Learning Standards, <https://perma.cc/PLY5-AJTV>.

37 New York State Education Department, Next Generation Learning Standards Roadmap and Implementation Timeline, <https://perma.cc/6BK7-7MSH>.

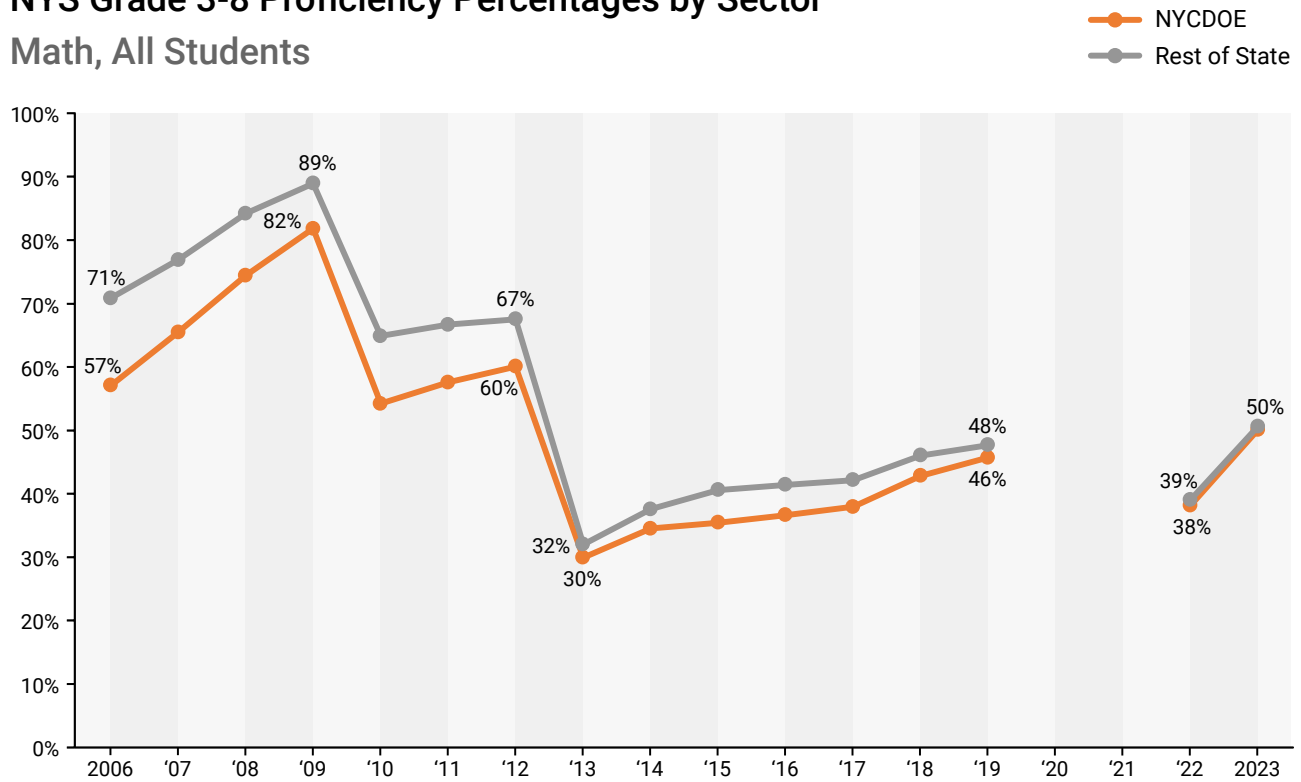
38 Julian Shen-Berro, New York’s reading and math scores are delayed, state officials say. Here’s why it matters, Chalkbeat, July 18, 2023, <https://perma.cc/U7PL-RQ3T>.

39 New York State Education Department Memo, “NYS Assessment Policy Milestones During Mayoral Control Period” (on file with NYSED).

40 New York State Education Department Memo, “NYS Assessment Policy Milestones During Mayoral Control Period” (on file with NYSED).

41 See, for example, Jen Chung, Improved Math Scores Equals Weingarten Praising Bloomberg, Gothamist, June 2, 2009, <https://perma.cc/J5EJ-6J55>.

## NYS Grade 3-8 Proficiency Percentages by Sector Math, All Students



Source: [www.data.nysed.gov](http://www.data.nysed.gov)

eighth-grade student achievement. According to that study, in 2002, 47% of fourth graders were proficient in reading. By 2009, this number had increased to 69% percent.<sup>42</sup> At the eighth-grade level, students made significant progress in math in this same period, with more than double the percentage of students scoring proficient or better. Specifically, this percentage increased from 30% to 71%. In reading, the percentage of eighth-grade students who scored proficient or better also increased, from 30% to 57%.<sup>43</sup> Other studies have similarly attributed test score increases to school reforms implemented under the initial years of New York City's mayoral control governance.<sup>44</sup>

Changes attributable to particular educational policies should be distinguished from the question of whether those changes are attributable to governance structures. In addition to the impact of federal and state policy changes and the global factors listed above, changes in cut scores, adjustments in standards, and determinations of proficiency may impact results.<sup>45</sup> Other developments such as increased test preparation, score manipulation, test predictability, and students "opting out" or being excluded from test taking, may also impact test scores.<sup>46</sup>

42 Kenneth K. Wong and Francis X. Shen, "Mayoral Governance and Student Achievement: How Mayor-led Districts Are Improving School and Student Achievement," *Center for American Progress* (March 2014): 22 <https://perma.cc/T7SP-Z2JV>.

43 Wong and Shen, "Mayoral Governance," 22.

44 See Liebman et al., *Mine the Gap: Using Racial Disparities to Expose and Eradicate Racism*, 30 *S. Cal. Review of L. & Soc. Change* 1, 39-54 (2021), <https://perma.cc/EA7W-AJLM> (tracing the history of reforms ushered in under mayoral control and tracking their impact on graduation and college-readiness rates; state math and English tests; and national tests).

45 Daniel Koretz, *The Testing Charade: Pretending to Make Schools Better*, The University of Chicago Press (2017):46-48.

46 Jennifer Medina, *State Submits to a Study of Test Scores*, *The New York Times City Room*, March 9, 2010, <https://archive.nytimes.com/cityroom.blogs.nytimes.com/2010/03/09/state-submits-to-a-study-of-test-scores/>; Diane Ravitch, *The Death and Life of the Great American School District: How Testing and Choice are Undermining Education*, Basic Books 2010: 153-159.

Critics have questioned test score gains, particularly as compared with national test scores.<sup>47</sup> For example, in 2010, a review revealed that the tests had become easier in comparison with national exams<sup>48</sup> due to testing fewer subjects and repeating questions, among other factors.<sup>49</sup> In 2010, Commissioner Steiner ordered changes to the exam cutoff scores, with the goal of more accurately representing student proficiency.<sup>50</sup> Following this change, New York City test-based proficiency rates decreased.<sup>51</sup>

Employing national data, comparisons of National Assessment of Educational Progress (NAEP) scores over the period encompassing mayoral control<sup>52</sup> do not reflect increases.<sup>53</sup> For example, one report notes that from 2003 and 2019:

*New York state's achievement levels, as measured by NAEP, have been stagnant for quite some time. Yet at three grade/subject combinations, they are statistically indistinguishable from the national average. In fourth-grade math, the state is below the national average ... New York City's story is more complex. On NAEP, it clearly scores below the state average. Yet on the state's own assessment program, the city outcores the rest of the state.*<sup>54</sup>

More recently, concerns about the impacts of the pandemic on student educational progress have prompted some researchers to examine national data, particularly the NAEP scores, with pandemic effects in mind.<sup>55</sup> Following the pandemic (and attributed to significant instructional loss due to remote learning,<sup>56</sup> absenteeism,<sup>57</sup> and pandemic-related social emotional and other impacts), average proficiency scores as

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47 Anna Phillips, "Steiner calls for state math tests to become less predictable," Chalkbeat, October 14, 2009; Jennifer Medina, State's Exams Became Easier to Pass, Education Officials Say, *The New York Times*, July 19, 2010, <https://www.nytimes.com/2010/07/20/nyregion/20tests.html>; Diane Ravitch, "Mayor Bloomberg's Crib Sheet," *The New York Times*, April 9, 2009, <https://www.nytimes.com/2009/04/10/opinion/10ravitch.html>; Koretz, Testing Charade: 52, Ravitch, Death and Life: 88.

48 Jennifer Medina, State's Exams Became Easier to Pass, Education Officials Say, *The New York Times*, July 19, 2010, <https://www.nytimes.com/2010/07/20/nyregion/20tests.html>. As Medina notes, for example, "students who received the minimum score to pass the state math tests in 2007 were in the 36th percentile of all students nationally, but in 2009 they had dropped to the 19th percentile."

49 Memo to David Steiner from Daniel Koretz, (Subject: Evidence about the leniency of 8th-grade standards) June 20, 2010, <https://perma.cc/7DFQ-ZREC>.

50 David Steiner, Behind the Cut Score Decision, New York State School Boards Association, August 9, 2010, <https://perma.cc/EA5N-LME6>.

51 James Kemple, Chelsea Farley and Kayla Stewart, "How Have ELA and Math Achievement Levels Changed over Time?," *Research Alliance for New York City Schools*, 2019, <https://perma.cc/5JPY-SLHG>; Jennifer Medina, "On New York School Tests, Warning Signs Ignored," *The New York Times*, October 10, 2010, <https://www.nytimes.com/2010/10/11/education/11scores.html>.

52 National Assessment of Educational Progress (NAEP), Nation's Report Card, State Comparisons: Differences between all jurisdictions and New York, [https://www.nationsreportcard.gov/profiles/stateprofile/overview/NY?cti=PgTab\\_OT&chart=1&sub=MAT&sj=NY&fs=Grade&st=MN&year=2022R3&sg=Gender%3A%20Male%20vs.%20Female&sgv=Difference&ts=Single%20Year&sfj=NP](https://www.nationsreportcard.gov/profiles/stateprofile/overview/NY?cti=PgTab_OT&chart=1&sub=MAT&sj=NY&fs=Grade&st=MN&year=2022R3&sg=Gender%3A%20Male%20vs.%20Female&sgv=Difference&ts=Single%20Year&sfj=NP).

53 The New York City Department of Education has prepared charts showing average scale scores for Grade 4 and 8 Reading and Mathematics National Assessment of Educational Progress (NAEP) tests for New York City, New York state and nationally from 2003 to 2022. See New York City Department of Education, National Assessment of Educational Progress (NAEP) Mathematics & Reading 4th and 8th Grade Results for New York City, Fall 2022, <https://perma.cc/5RBD-HZAG>.

54 Ray Domanico NYC Student Achievement: What State and National Test Scores Reveal, Manhattan Institute, March 26, 2020, <https://perma.cc/3LR5-2VTK>.

55 See, e.g., Guryan, Jonathan and Jens Ludwig. November 8, 2023, "Overcoming Pandemic-Induced Learning Loss," In Building a More Resilient US Economy, edited by Melissa S. Kearney, Justin Schardin, and Luke Pardue. Washington, DC: Aspen Institute, <https://perma.cc/S8KK-XFG6>; Kajeepeeta, Sandhya, Beyond Learning Loss: Prioritizing the Needs of Black Students as Public Education Emerges from a Pandemic (January 26, 2024). Available at <http://dx.doi.org/10.2139/ssrn.4708048>.

56 COVID-19 School Data Hub, Pandemic Schooling Mode and Assessment Outcomes Data Series, New York State Snapshot, November 2022, <https://perma.cc/M99X-DWLK>.

57 Josephine Stratman, Cayla Bamberger, NYC Schools Struggle to Regain COVID's Lost Generation, *Governing*, December 19, 2023, <https://perma.cc/534Q-RW3W>.



determined by the NAEP<sup>58</sup> were found to be notably lower nationally than in 2018–19.<sup>59</sup> Data from New York generally track that national trend.<sup>60</sup>

As detailed more fully in Section IV. B. below, concerns about equity run through discussions of students' academic achievement. For example, from 2012–13 to 2016–17, the average proficiency scores rose year by year, but at different rates for ELA and Math. However, gaps among various student cohorts, including Black and Latino, as compared to White and Asian, students; economically disadvantaged students; English Language Learners; and students with disabilities have persisted and, sometimes, widened over this period.<sup>61</sup>

#### GRADUATION RATES, COLLEGE READINESS, AND DROPOUT RATES

In addition to test scores, graduation and dropout rates and college readiness indicators have been used to examine educational outcomes related to New York City mayoral control, yielding mixed conclusions and difficulty in identifying a causal relationship given the myriad variables involved. The following NYSED chart shows the 4-year graduation rates (June cohort) and student dropout rates for New York City and Rest

of State Schools in New York for the academic years from 2007–08 to 2021–22.

Since the advent of mayoral control, the New York City Department of Education<sup>62</sup> and some researchers have noted improved high school graduation rates and decreasing dropout rates.<sup>63</sup> During the 1970s, 80s, and 90s, approximately 50% of students in New York City received a high school diploma. Since then, high school graduation rates have improved significantly over the past several years. As one researcher observed, in 2004, the graduation rate was 54%, but by 2018, it had increased to 80%. This represents a 50% increase, with about 23,000 more students graduating on time each year.<sup>64</sup>

At the same time, reports note that inequalities in graduation and dropout rates associated with race/ethnicity, neighborhood, and family income continue.<sup>65</sup> For example, the following chart shows New York City graduation rates from 2008 to 2022 by select student cohorts, including race/ethnicity, English Language Learners (ELL), and special education status.<sup>66</sup>

While graduation rates increased overall, some have questioned whether reported improvements are

58 New York state Education Department, The National Assessment of Educational Progress 2022–23, <https://perma.cc/EL84-W2XS> .

59 New York State Comptroller Tom DeNapoli, “Nation’s Report Card” Underscores New York’s Need for Academic Recovery, March 2023, <https://perma.cc/QD3B-5Y9E> (“Recent national data show student performance dropped significantly in 2022 from 2019, with New York experiencing even greater declines than the nation in fourth grade math and reading. New York’s largest drops were in fourth grade math, with declines in average test scores that were double any other drops in the past 20 years.”)

60 The Nation’s Report Card, State Profiles, New York Summary Statements [https://www.nationsreportcard.gov/profiles/stateprofile/overview/NY?cti=PgTab\\_Findings&chort=2&sub=MAT&csj=NY&fs=Grade&st=MN&year=2022R3&sgv=Gender%3A%20Male%20vs.%20Female&sgv=%3F&cts=Single%20Year&ctss=2022R3&csfj=NP](https://www.nationsreportcard.gov/profiles/stateprofile/overview/NY?cti=PgTab_Findings&chort=2&sub=MAT&csj=NY&fs=Grade&st=MN&year=2022R3&sgv=Gender%3A%20Male%20vs.%20Female&sgv=%3F&cts=Single%20Year&ctss=2022R3&csfj=NP).

61 Kemple, J., Farley C., and Stewart, K. 2019. “How Have ELA and Math Achievement Levels Changed Over Time?” Spotlight on NYC Schools. Research Alliance for New York City Schools, <https://perma.cc/P394-UH3Y>; New York City Department of Education, “New York City Graduation Rates Class of 2022 (2018 Cohort),” February 2023, <https://perma.cc/AJC3-JS5D>.

62 New York City Department of Education, “New York City Graduation Rates Class of 2022 (2018 Cohort),” February 2023, <https://perma.cc/H38A-975R>, *see also* Office of the Mayor, Mayor de Blasio and Chancellor Carranza Announce Record High Graduation Rate, January 30, 2019, <https://perma.cc/H38A-975R>.

63 The Research Alliance for New York City Schools, *Better Evidence for Better Schools: Insights from the First 10 Years of the Research Alliance for New York City Schools* (New York University Steinhardt, March 2021), 2–3, <https://perma.cc/C47X-7XXJ> .

64 Kemple, J., Farley C., and Stewart, K. 2019. “How Have NYC’s High School Graduation and College Enrollment Rates Changed Over Time?” Spotlight on NYC Schools. Research Alliance for New York City Schools, <https://perma.cc/6FYL-4TLC> .

65 Kemple, Farley and Stewart, “High School Graduation and College Enrollment Rates.”

66 Alex Zimmerman, NYC’s 2022 graduation rate rises as state officials relax graduation requirements, Chalkbeat, February 3, 2023, <https://perma.cc/PEC3-JR8J>.

**4-Year Graduation Rate (June) and Dropout Rate by School Year  
All Students**

	<b>Graduation Rate</b>		<b>Dropout Rate</b>	
	<b>NYCDOE</b>	<b>Rest of State</b>	<b>NYCDOE</b>	<b>Rest of State</b>
2007-08	56.4%	78.2%	13.5%	8.2%
2008-09	59.0%	78.6%	11.8%	7.8%
2009-10	61.0%	80.1%	12.1%	7.6%
2010-11	60.9%	81.2%	12.3%	6.8%
2011-12	60.4%	81.6%	11.5%	6.7%
2012-13	61.3%	82.6%	10.6%	6.2%
2013-14	64.2%	83.2%	9.7%	5.8%
2014-15	67.2%	78.9%	9.0%	3.6%
2015-16	70.0%	80.4%	8.5%	3.6%
2016-17	71.1%	80.8%	7.8%	3.6%
2017-18	72.7%	81.1%	7.5%	3.5%
2018-19	73.9%	81.8%	7.8%	3.5%
2019-20	76.9%	84.0%	5.9%	3.1%
2020-21	78.5%	84.3%	4.8%	2.6%
2021-22	81.4%	85.5%	5.4%	3.0%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Four-year graduation rate refers to the percentage of students who receive a Regents or Local diploma within four years of their initial enrollment in ninth grade. Dropout rate refers to the percentage of students that left school before completing their education or obtaining a diploma or degree.  
Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

distributed equitably across city high schools and whether New York City’s graduation rates reflect college readiness.<sup>67</sup> For example, a 2016 New York City Comptroller’s report asserts that graduation outcomes from 2008 to 2015 were deeply uneven across city high schools.<sup>68</sup> While several high-performing schools continued to see graduation and college readiness rates

increase, a number of other high schools’ graduation and/or college readiness rates fell during the same period.<sup>69</sup> At the same time, programs designed to address excellence and equity in improving graduation rates, as well as college enrollment and completion, such as GraduateNYC, have reported progress in terms of improving equity, excellence, and college completion,<sup>70</sup>

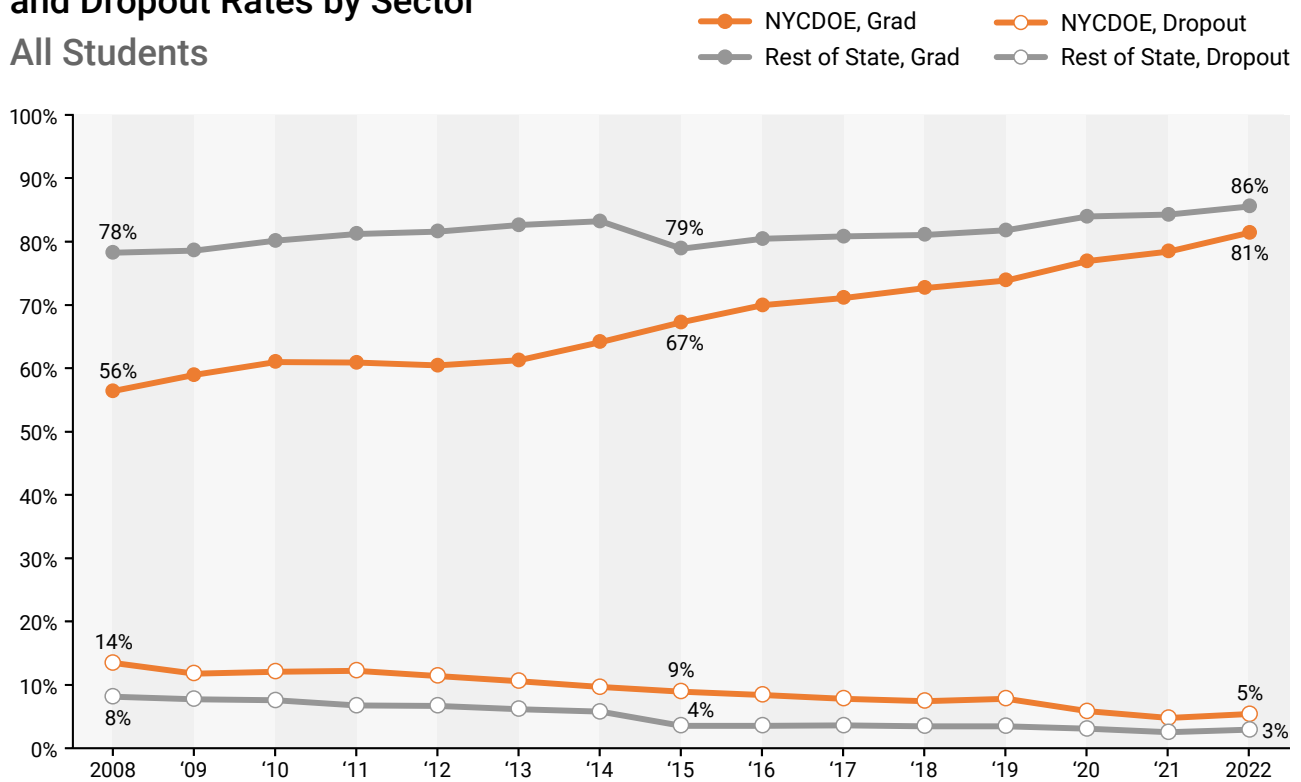
67 See, e.g., Office of New York City Comptroller, Audit, College Readiness–New York City Department of Education, at 3, <https://perma.cc/82KU-8LTH> (finding that NYC DOE should do more to prepare students to be college ready).

68 Office of the New York City Comptroller “Report: Diploma Disparities: High School Graduation Rates in New York City,” September 22, 2016, <https://perma.cc/EZW9-D7LA>.

69 Office of the New York City Comptroller, “Report: Diploma Disparities.”

70 Alex Roland and Melissa Herman, *The State of College Readiness and Degree Completion in New York City* (Graduate NYC, July 2020), <https://perma.cc/4RAN-XDFS>.

## 4-Year Graduation Rates (June) and Dropout Rates by Sector All Students



Source: [www.data.nysed.gov](http://www.data.nysed.gov)

even as gaps persist.<sup>71</sup> Some credit “system-wide experimentation” in New York City during the early years of mayoral control with narrowing racial gaps in NAEP scores and graduation rates as compared to the remainder of New York state and the nation.<sup>72</sup> However, that progress did not continue after 2013.<sup>73</sup>

Some observers question the validity of data citing improved graduation rates, claiming that they are malleable and easy to manipulate based on which students are counted and how they are counted.<sup>74</sup> In

addition, increases in New York City graduation rates could be attributed to relaxed graduation standards.<sup>75</sup> These include the cancellation of Regents exams during the pandemic, an increase in exemptions from Regents exam requirements, the increased use of “credit recovery,” and general pressure to move students forward even in the face of chronic absenteeism and a failure to complete coursework.<sup>76</sup>

As with test scores, analyses of the relationships between trends in New York City graduation, dropout,

71 New York City Department of Education, “New York City Graduation Rates Class of 2022 (2018 Cohort),” February 2023, <https://perma.cc/FEA7-JGQB>; New York State Department of Education, Equity NYC, College Readiness 2011-2020, <https://perma.cc/LL83-JRHY>.

72 James S. Liebman et. al., Mine the Gap: Using Racial Disparities to Expose and Eradicate Racism, 30 S. Cal. Rev. L. & Soc. Just. 1, 55, 57 (2021).

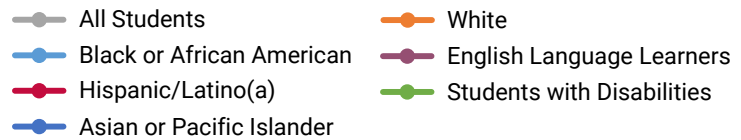
73 Liebman, Mine the Gap at 57 (claiming that the policy of replacing prior systemwide reforms with “resource infusions targeting only the City’s lowest-performing schools” was responsible for reversing progress in reducing racial gaps in test scores and graduation rates).

74 Ravitch, *Death and Life*, 88.

75 Alex Zimmerman, NYC’s 2022 graduation rate rises as state officials relax graduation requirements, Chalkbeat, February 3, 2023, <https://perma.cc/HY4B-9QPQ>.

76 Amanda Geduld, NYC’s rising graduation rates bucked national trends. A little-known grading policy may hold clues, Chalkbeat, July 10, 2023, <https://perma.cc/8JNU-JQUS>; Ravitch, *Death and Life*, 89

## NYCDOE Graduation Rates for Select Subgroups 4-Year Rate (June)



Source: [www.data.nysed.gov](http://www.data.nysed.gov)

and college readiness rates and school governance under mayoral control in the literature draw different conclusions. While some observers have credited high school policy changes and related improvements in graduation rates to mayoral control, such policy changes are distinguishable from governance and are among the many variables cited.<sup>77</sup> As one scholar of mayoral control governance notes, while educational outcome measures such as test scores, graduation, dropout, and attendance rates and other indicators can be useful in determining the success of schools, “assessing the performance of a governance arrangement is a more complex proposition... At best one can establish correlations or associations. Even this can be problematic for the careful researcher.”<sup>78</sup>

### 2. EDUCATIONAL OUTCOMES UNDER MAYORAL CONTROL IN OTHER SELECT CITIES

Academic literature, studies, and other measures in cities other than New York have similarly found that determining the impacts of school governance under mayoral control on educational outcomes and achievement levels is difficult and that the evidence is inconclusive.

Studies of Boston, Massachusetts, have showed initial improvement in student performance under mayoral control, but these results have not been sustained.<sup>79</sup> In addition, challenges ensuring accurate

77 Ray Domanico, Report: The Transformation of Public High Schools in New York City, The Manhattan Institute, January 2022: 13, <https://perma.cc/46MT-9MSP>.

78 Viteritti, Why Governance Matters, 9.

79 For example, a 2013 study found that in Boston, in the preceding 10 years, the percentage of fourth graders proficient in math doubled. For eighth graders, the percentage of students proficient in math more than doubled, jumping from 15% to 34%. The percentage of students proficient in English language arts jumped from 36% to 58%. Despite these results, improvement tapered off after the initial

data collection, along with disparities in student test performance, have made it difficult to assess the impacts of initiatives to improve the curriculum and instruction under mayoral control.<sup>80</sup>

Studies of Chicago, Illinois, show a similarly mixed picture. Historically, Chicago students scored below the national average on NAEP<sup>81</sup> assessments.<sup>82</sup> After 1995, when mayoral control was restored after a period of state control, the city saw improvements in certain subjects, including math, but after the first years of mayoral control, progress tapered off.<sup>83</sup>

According to a 2013 report by Wong and Shen, Chicago students made notable progress in fifth-grade reading and math following the change to mayoral control, but virtually no progress in eleventh-grade reading and math on the Illinois Standards Achievement Test.<sup>84</sup> They reported mixed results in student performance as compared with

their urban-district peers across the country.<sup>85</sup> Other researchers concluded that since 2002, Chicago's NAEP scores have increased only modestly.<sup>86</sup>

A 2011 report by the University of Chicago Consortium challenged previous accounts that had found tremendous progress on elementary math and reading tests.<sup>87</sup> It detailed how, after 1990, graduation rates increased, and students became more academically prepared than they were two decades before.<sup>88</sup> However, despite graduation progress, the majority of students had academic achievement levels that did not indicate readiness for college.<sup>89</sup> The report found that over the previous 20 years, elementary school scores saw only incremental gains in math and almost no gains in reading.<sup>90</sup> Racial gaps steadily increased, with White students making slightly more progress than Latino students and Black students falling behind all other groups.<sup>91</sup> The discrepancies in results have been

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period of mayoral control. Both grade 8 and 10 reading and math scores remained essentially flat between 2008 and 2013 and did not close the gap with statewide averages. See Wong and Shen, "Mayoral Governance," 25–26.

- 80 A 2022 state audit in Massachusetts praised recent initiatives to improve curriculum and instruction but noted ongoing challenges with accurate data collection and performance. Specifically, the report identified ongoing issues in addressing the needs of the district's most vulnerable students, including Black and Brown students, students with disabilities, English language learners, and students at the district's lowest-performing schools. See Massachusetts Department of Elementary and Secondary Education, "District Review Report: Boston Public Schools," May 23, 2022, 2–3. <https://perma.cc/M7VW-YKCT>.
- 81 The NAEP is an educational assessment program mandated by the US Congress and managed by the National Center for Education Statistics (NCES). "Assessments," National Assessment for Educational Progress, last modified September 28, 2023, <https://nces.ed.gov/nationsreportcard/assessments/>. Those assessments are distinct from state assessments, which are developed and administered by each individual state and based on its own set of standards. The NAEP assesses the academic performance of students across the nation, providing a common tool for states to use in measuring student progress. State assessments, on the other hand, measure how well students are meeting the educational standards set by their respective states. See "Special Reports/ NAEP Assessments," National Center for Educational Statistics, accessed December 27, 2023, <https://perma.cc/H83N-F25U>.
- 82 See Mila Koumpilova, "Chicago's NAEP scores fall, wiping out a decade of growth in math," *Chalkbeat Chicago*, October 24, 2022, <https://perma.cc/CBP2-S6AN> (including chart with Chicago NAEP scores over time).
- 83 Wong and Shen, "Mayoral Governance," 50.
- 84 Wong and Shen, "Mayoral Governance," 23.
- 85 Wong and Shen, "Mayoral Governance," 36.
- 86 Lipman et al., "Reviewing the Evidence," 9–10, 14. In addition, the shift to high-stakes testing, which is one of the hallmarks of Chicago's system of mayoral control, benefitted a disproportionate percentage of White and more affluent students while narrowing opportunities to learn and negatively impacting low-income students of color. This report revealed persistent and, in some cases, widening gaps between White students and African American and Latino students. Mayor Daley's retention measures did little to improve the academic performance of the students affected. Lipman et al., "Reviewing the Evidence," 9–10.
- 87 Luppescu et al., "Trends in Chicago's Schools," 5.
- 88 Luppescu et al., "Trends in Chicago's Schools," 78.
- 89 Luppescu et al., "Trends in Chicago's Schools," 7.
- 90 Luppescu et al., "Trends in Chicago's Schools," 5.
- 91 Luppescu et al., "Trends in Chicago's Schools," 5.

attributed to issues with the publicly reported data, including changes in test content and scoring.<sup>92</sup>

A more recent study found that Chicago high school graduation rates steadily increased, from about 73% in 2012 to 84% in 2022.<sup>93</sup> At the same time, the Illinois State Board of Education reported that in 2023, only one-fifth of high school students were reading or completing math problems at grade level.<sup>94</sup> Additionally, nearly 45% of students were chronically absent in 2021–2022, but the COVID-19 pandemic likely impacted attendance.<sup>95</sup>

As in other cities, in Detroit, Michigan, the introduction of mayoral control was anticipated to have positive impacts on academic performance.<sup>96</sup> However, fiscal and educational problems persisted for years, despite various forms of state intervention and Detroit's return to an elected board in 2006.<sup>97</sup> In 2018, Detroit students had the lowest student performance not only among large, urban districts but also as compared to all states in fourth- and eighth-grade math, as well as fourth-grade reading.<sup>98</sup> Nevertheless, observers of Detroit's experience with mayoral and state control

argue that measures of performance should include more than test scores and graduation rates.<sup>99</sup>

Studies seeking to correlate governance with student achievement are similarly inconclusive regarding Philadelphia, Pennsylvania, where schools have always been governed by some form of mayoral control. A 2013 study revealed “steady progress in the percentage of Philadelphia students who were proficient or better across grade levels and subjects.”<sup>100</sup> Fifth- and eighth-grade students “narrowed the district-state gap in average reading and math achievement scores,” although students continued to perform poorly in comparison to students in other states during the same period.<sup>101</sup> However, it is unclear whether those data refer to schools governed solely by the School Reform Commission (SRC) or also include schools governed by outside entities (non-profit and for-profit organizations or universities).<sup>102</sup> Philadelphia students performed poorly as compared to similar cohorts of students in other states.<sup>103</sup> In recent years, declines in academic performance, student and teacher attendance, and overall school climate ratings have been recorded, but these results can be partially attributed to the

92 Luppescu et al., “Trends in Chicago's Schools,” 5.

93 Alexandra Usher, Shelby Mahaffie, and Jenny Nagaoka, *The Educational Attainment of Chicago Public Schools Students: 2022* (Chicago, IL: The To & Through Project, October 2023), 6, <https://toandthrough.uchicago.edu/tool/cps/pai/2022/#>.

94 Hannah Schmid, “Chicago Public Schools Hit Record Graduation Rate as Math, Reading Scores Drop,” *Illinois Policy*, February 9, 2023, <https://perma.cc/WAZ2-S59T>.

95 Schmid, “Chicago Schools Record Graduation Rate.”

96 Jeffrey Mirel, “Detroit: ‘There Is Still a Long Road to Travel, and Success Is Far from Assured,’” in *Mayors in the Middle: Politics, Race, and Mayoral Control of Urban Schools*, ed. by Jeffrey R. Henig and Wilbur C. Rich, (Princeton University Press, 2004), 130, <https://doi.org/10.2307/j.ctv17db3gc.9>.

97 Frederick M. Hess, “Mayoral Control for Detroit Schools?” *American Enterprise Institute*, May 24, 2007, <https://perma.cc/VF6J-CJLY>.

98 Lori Higgins, “Detroit's Schools Score Worst in the Nation Again, but Vitti Vows That Will Change,” *Detroit Free Press*, April 10, 2018, <https://perma.cc/C9UA-T5S9> (For example, in fourth-grade math, 4% of Detroit students scored at or above proficient, as compared with 36% statewide, 31% in large cities, and 40% nationwide for public school students. In fourth-grade reading, 5% of Detroit students scored at or above proficient, as compared with 32% statewide, 28% in large cities, and 35% nationwide for public school students. In eighth-grade math, 5% of Detroit students scored at or above proficient, as compared to 31% statewide, 27% in large cities, and 33% nationwide for public school students. In eighth-grade reading, 7% of Detroit students scored at or above proficient, as compared with 34% statewide, 27% in large cities, and 35% nationwide for public school students.)

99 Hess, “Mayoral Control for Detroit Schools?”

100 Wong and Shen, “Mayoral Governance,” 23.

101 Wong and Shen, “Mayoral Governance” 24, 38.

102 Wong and Shen, “Mayoral Governance,” 38.

103 Wong and Shen, “Mayoral Governance,” 38; *see also* “District Scorecard,” The School District of Philadelphia, last modified May 4, 2023, <https://www.philasd.org/performance/programsservices/spree/district-scorecard/>. (The Philadelphia District Scorecard found that between the years 2012–2013 and 2021–2022 the percent of students in grades 3 through 8 who were proficient or advanced in English language arts decreased from 42% to 34%. In the same period, math proficiency for students in grades 3 through 8 decreased from 47% to 17%.)

COVID-19 pandemic and outdated standards set by the Philadelphia School Board.<sup>104</sup> At the same time, the graduation rate slightly improved from 2019 to 2022.<sup>105</sup>

In Washington, D.C., initial reports appearing to correlate mayoral control with positive educational outcomes, as measured by test scores, were followed by inconclusive findings. Wong and Shen reported that between 2003 and 2011, the percentage of Washington, D.C., fourth graders who were proficient in reading rose from 7% to 23% and that the percentage who were proficient in math rose from 9% to 20%.<sup>106</sup> Eighth graders saw improvements in reading and math as well.<sup>107</sup> Black fourth grade students saw gains of 8%.<sup>108</sup> A 2015 legislatively mandated study found that student test scores increased somewhat but that indicators of proficiency, as well as graduation rates, remained low.<sup>109</sup>

More recently, the DC Policy Center reported an increase in graduation rates in Washington, D.C., public schools in 2022.<sup>110</sup> Seventy-five percent of all students graduated high school in 4 years, which reflected an increase of 7 percentage points from 2019.<sup>111</sup> Nevertheless, one commentator stated that based on academic achievement and school attendance data, fewer D.C. public school students should be graduating high school, raising concerns about the credibility of graduation rates and student preparation.<sup>112</sup> Observers continue to debate whether mayoral control has contributed to improved student educational outcomes in Washington, D.C.<sup>113</sup>

In some cities, such as Yonkers, the achievement gap has widened.<sup>114</sup> Other cities, such as Los Angeles, which has sought school governance change but has not enacted mayoral control, also struggle to improve student achievement.<sup>115</sup>

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104 Carly Sitrin, “Philadelphia student test scores, attendance, school climate ratings decline on district scorecard,” *Chalkbeat Philadelphia*, May 8, 2023, <https://perma.cc/2VNV-9WYD>.

105 Sitrin “Philadelphia student scores,” (Graduation rates rose to 71% in 2021–2022 as compared to 69% in 2018–2019).

106 Wong and Shen, “Mayoral Governance,” 43.

107 Wong and Shen, “Mayoral Governance,” 43.

108 Wong and Shen, “Mayoral Governance,” 43.

109 National Research Council, *An Evaluation*, 5, 190–193.

110 D.C. Policy Center, *State of D.C. Schools, 2021–22: In-Person Learning, Measuring Outcomes, and Work on Recovery*, (Washington, D.C.: D.C. Policy Center, March 2023), 24, <https://perma.cc/BQ9S-AX8L>.

111 D.C. Policy Center, *State of D.C. Schools*, 24.

112 Emma Camp, “D.C. Schools’ Graduation Rate Is Up, Despite Low Test Scores and Attendance,” *Reason*, April 3, 2023, <https://perma.cc/23EH-TVLL>. For example, test scores declined in the 2021–22 school year; as compared to the last year in which a citywide assessment had been conducted (2018–19), the share of students meeting or exceeding expectations in ELA declined from 37% to 31% and declined even more steeply in math, from 31% to 19%. D.C. Policy Center, *State of D.C. Schools*, 5, 7. Absenteeism, the percentage of students absent for more than 10% of the school year, was 48% in the 2021–22 academic year, up from 29% 3 years prior, with the increase being largely attributed to the impacts of the COVID-19 pandemic on school attendance. D.C. Policy Center, *State of D.C. Schools*, 5–6.

113 *Compare, e.g.*, Editorial Board, “The D.C. school system has made enormous progress. These bills would set it back,” *The Washington Post*, September 30, 2018, [https://www.washingtonpost.com/opinions/the-dc-school-system-has-made-enormous-progress-these-bills-would-set-it-back/2018/09/30/a997f016-bda1-11e8-be70-52bd11fe18af\\_story.html](https://www.washingtonpost.com/opinions/the-dc-school-system-has-made-enormous-progress-these-bills-would-set-it-back/2018/09/30/a997f016-bda1-11e8-be70-52bd11fe18af_story.html) (critiquing pending legislation that would reduce the mayor’s authority over public schools), *with* EmpowerEd, “Debunking Myths on DC Education and Mayoral Control with Evidence,” <https://perma.cc/J5BP-2447> (noting debates about whether student performance has improved under mayoral control and noting examples of a culture of passing students who do not meet requirements). In addition, reports of increased test scores indicate some improvements overall, but a closer look reveals that the local achievement gap has been widening between Black and White students and between low- and high-income students; Elizabeth O’Gorek, “What is Mayoral Control of DC Schools? A Primer,” *HillRag*, January 13, 2023, <https://perma.cc/RJ2E-EC2Q>.

114 Wong and Shen, “Mayoral Governance,” 26.

115 In 2019, the average NAEP score for eighth-grade students was lower than the average score in other large cities and lower than L.A.’s average score from 2017, but these scores were higher than those from 2002. The percentage of L.A. students who performed at or above NAEP proficient was 18%, which is lower than in 2017 but higher than in 2002. See National Center for Education Statistics, “The Nation’s Report Card: 2019 Reading Trial Urban District Snapshot Report,” *National Assessment of Educational Progress*, 2019, <https://perma.cc/6HRV-LYWJ>.

## B. Equity Assessments of Mayoral Control: Cause for Concern

As discussed in Section II. B. 2. above, ensuring equitable access to high-quality, well-resourced schools is one of the greatest challenges in US public education. According to the National Equity Project, equity in schooling means that every child receives the resources they need to develop to their full academic and social potential.<sup>116</sup> Some have argued that governance under mayoral control allows the latitude and flexibility to usher in reforms, such as portfolio models and systemwide changes that support equity by expanding educational options and addressing achievement for all students. For example, James Liebman and others claim that mayoral control helped usher in reforms that included “rigorous learning standards, greater autonomy for schools in deciding how to meet standards, more accountability for whether they did, closure of poor-performing schools and intentional ‘portfolios’ of new schools, educator evaluation tied to student outcomes, and rich data and tools for diagnosing student needs and developing strategies to meet them.”<sup>117</sup> In contrast, with respect to the research, some critics of mayoral control assert that the model’s over-reliance on standardized testing as a basis for accountability policies and practices has

“little educational value, narrow[s] education, and [i]s unsupported by research.”<sup>118</sup> Moreover, these data-driven analyses are often used to justify school closings, which have primarily impacted Black, Latino, and low-income students.<sup>119</sup> Moreover, as discussed in Section IV. A. 1. above, mayoral control governance models have not markedly addressed racial student achievement gaps.<sup>120</sup>

The following discussion summarizes assessments of the impact of recent changes to mayoral control of school governance on equity.

### I. EQUITY ASSESSMENTS OF MAYORAL CONTROL IN NEW YORK CITY

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Mayoral control allowed for a significant number of changes in the organization and delivery of public education in New York City. The degree to which those changes have prioritized equity in terms of closing opportunity/achievement gaps and ensuring access to a quality education varies depending on the policies enacted, among other factors. For example, some argue that expanded school choice and school competition<sup>121</sup> can provide more equitable access to quality schools.<sup>122</sup> However, that strategy has not successfully increased opportunity or closed achievement gaps.

Similarly, the elimination of zoned high schools and the introduction of a choice model for New York City public high school admissions have been claimed

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116 “Educational Equity Definition,” National Equity Project, accessed December 27, 2023, <https://perma.cc/MT9S-RJSC>.

117 James S. Liebman, Kayla C. Butler, and Ian Buksunski, “Mine the Gap: Using Racial Disparities to Expose and Eradicate Racism,” *Southern California Review of Law & Social Justice* 30, no. 1 (2021): 40, <https://perma.cc/EA7W-AJLM>.

118 Lipman et al., “Reviewing the Evidence,” 9–10.

119 Lipman et al., “Reviewing the Evidence,” 12–13.

120 See, e.g., Lipman et al., “Reviewing the Evidence,” 10–11 (citing Wong 2009); Elizabeth Chu et al. “Family Moves and the Future of Public Education,” *Columbia Human Rights Law Review* 54, no. 469 (2023): 524, <https://perma.cc/YN2Q-ETXQ> (citing nationwide trends of increased learning gaps and ongoing racial segregation even before the Covid pandemic); Wong and Shen, “Mayoral Governance,” 32 (discussing Cleveland, which saw some improvements in Black and Latino students’ reading but not math scores between 2003 and 2011).

121 Grover Whitehurst and Sarah Whitfield, *School Choice and School Performance in the New York City Public Schools—Will the Past be the Prologue?*, (Brown Center on Education Policy at Brookings, October 2013), 1, <https://perma.cc/4KS3-XLFS>.

122 See Julian R. Betts and Tom Loveless, “School Choice, Equity, and Efficiency” in *Getting Choice Right: Ensuring Equity and Efficiency in Education Policy*, ed. Julian R. Betts and Tom Loveless, (Washington, D.C.: Brookings Institution Press, 2005), 2, 4, <https://perma.cc/5L3H-S4ED>.



to provide socioeconomic equity by facilitating access and leveling the playing field.<sup>123</sup> New York City's high school admissions process under a school choice model ushered in complex procedures, with each school having its own admissions criteria, such as test scores, a single standardized admission test, grades, portfolios, and auditions, as bases for student selection, but this has not yielded broad equity improvements.<sup>124</sup>

Low-income families and students of color face many barriers to exercising true choice: proximity to schools, familiarity with specific schools and school programs, a lack of time and resources to complete a successful search, and a lack of resources to pay high-cost tutors to assist with high-stakes admissions exams or portfolio or audition support. Consequently, the notion of a "choice" as supporting equity is questionable, as students from low-income families often lack the resources to engage with choice models effectively.<sup>125</sup>

Some have found that the choice models introduced in New York City exacerbated inequities among students based on race and class.<sup>126</sup> School choice did not address the scarcity of quality<sup>127</sup> schools in New York City.<sup>128</sup> Instead, it required students to compete against one another for limited spots in the most coveted schools regardless of their circumstances.<sup>129</sup> Several studies have found that students who do not receive sufficient support and simplified information from guidance counselors and those who have special circumstances, such as limited English proficiency or special needs, are much more likely to ultimately attend low-performing schools.<sup>130</sup>

High school choice models did not reduce school segregation in New York City.<sup>131</sup> On the contrary, the extensive and complex high school choice system and the expansion of the share of selective screened high schools implemented under mayoral control may have worsened school segregation and inequity.<sup>132</sup> Scholars

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123 Whitehurst and Whitfield, *School Choice*, 8.

124 Elizabeth A. Harris, Ford Fessenden, "The Broken Promises of Choice in New York City Schools," *The New York Times* (May 5, 2017), <https://www.nytimes.com/2017/05/05/nyregion/school-choice-new-york-city-high-school-admissions.html>.

125 Danielle Cohen, *New York School Segregation: A Report Card from the UCLA Civil Rights Project*, (The Civil Rights Project, June 2021) 26–27.

126 Cohen, *New York School Segregation*, 3.

127 According to the Century Foundation, a high-quality education "ensures that all students master the academic, socioemotional, and career-relevant knowledge and skills they need to be prepared for postsecondary success and lifelong learning, through providing students with rigorous instruction, including coherent, culturally responsive, standards-aligned curricula, and work-based learning experiences; a safe, supporting learning environment; an inclusive school culture; access to physical and mental health resources; a community that fosters trust and respect between teachers, students, and families, working toward the shared goals of improving student outcomes and preparing students for postsecondary success; and scaffolded support to identify and attain a postsecondary path of their choosing." See Halley Potter et al., *Creating High-Quality, Inclusive, and Equitable Educational Experiences for All of New York City's Students* (The Century Foundation, July 22, 2021), 5, <https://perma.cc/Y678-L4EP>.

128 Marco A. Castillo, "Public Participation, Mayoral Control, and the New York City Public School System, *Journal of Public Deliberation*" *Journal of Deliberative Democracy* 9, no.2 (October 2013): 19, <https://perma.cc/H38C-RFBA>, ("While there are high-quality public schools within the New York City limits, demand for seats in the best public schools outstrips supply. One journalist . . . noted, Getting your child into a strong public school in New York City is the kind of thing that can bring otherwise calm parents to blows").

129 Diane Ravitch, "New York Times: The Failure of Michael Bloomberg's Choice Program in New York City," *Diane Ravitch's Blog*, February 24, 2020, <https://perma.cc/8CLG-YDWL>; Whitehurst and Whitfield, *School Choice* 1.

130 Lynch and Mader, *Equity Means All*, 18 (Original research: Sean P. Corcoran et al., "Leveling the Playing Field for High School Choice: Results from a Field Experiment of Informational Interventions," *National Bureau of Economic Research*, (March 2018), <https://doi.org/10.3386/w24471>); Carolyn Sattin-Bajaj et al., "Surviving at the Street Level: How Counselors' Implementation of School Choice Policy Shapes Students' High School Destinations," *Sociology of Education* 91, no. 1 (December 2017): 46–71, <https://doi.org/10.1177/0038040717751443>.

131 Cohen, "New York School Segregation," 22.

132 Matt Barnum, "A Quick Study on Mike Bloomberg's Education Record as Mayor," *The City - NYC News*, April 6, 2020, <https://perma.cc/57H6-67HC>; See also, Lynch and Mader, *Equity Means All*, 18 ("... schools that have academic screens or audition programs tend to admit fewer Black, Latino, English language learners, and students living in poverty compared to the average high school citywide. This is particularly evident in specialized high schools, where Black and Latinx students (who make up 45% of the students who take the entrance exam), are offered only 11% of the available seats.)

warn that school choice contributes to racial and socioeconomic school segregation.<sup>133</sup> As one observer notes, “[t]he combination of residential segregation and extensive screening means New York City essentially operates two school systems. One is predominantly white and Asian, serves mainly middle-class families, and privileges those with resources or information. The other is predominantly Black and Latinx.”<sup>134</sup>

Mayoral administrations in New York City have taken different approaches to achieving greater equity in New York City public schools.<sup>135</sup> For example, proposing legislation eliminating the Specialized High School Admissions Test and, instead, basing admissions decisions on factors such as students ranking in the top 7% of their middle school and the top 25% citywide based on grades and scores on state assessment tests.<sup>136</sup> While there was initial support from equity advocates and some legislators, this proposal also faced strong opposition, was deemed “divisive” and “radioactive,” and ultimately failed.<sup>137</sup> As these examples illustrate, New York City mayoral administrations have used various strategies in their attempts to disrupt systemic inequity, but in the end, these approaches have not succeeded.<sup>138</sup>

## 2. EQUITY ASSESSMENTS OF MAYORAL CONTROL IN OTHER CITIES

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Other cities have struggled with longstanding histories of segregation, contributing to deep socioeconomic and educational inequality. Some have argued that a mayoral control school governance structure allows more latitude to address inequity in public schools.<sup>139</sup> However, there is little evidence that equity initiatives under mayoral control have worked. For example, Boston schools have struggled to address racial segregation and inequality for decades. For the 11-year period between 1995 and 2006, Mayor Thomas Menino and Superintendent Payzant controlled the political and educational arms of Boston’s school governance team.<sup>140</sup> One of their policy initiatives was a 2012 plan that required Boston Public Schools to increase access to high-quality schools closer to students’ homes. In response, Boston Public Schools introduced the Home-Based School Choice Plan, which eliminated school zones.<sup>141</sup> Under this plan, each household was provided with an individualized list of schools located within a 1-mile radius. Each list had to include at least two high-performing schools. Unfortunately, the practice exacerbated existing inequities and worsened segregation, reducing access to high-quality schools for disadvantaged students.<sup>142</sup> The Center for Education and Civil Rights reported there were 33% more intensely segregated schools in

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133 Devan Carlson et al., “Can School Choice Support District-led Efforts to Foster Diverse Schools?,” *The Brookings Institute*, July 27, 2023, <https://perma.cc/955L-7PK2>.

134 Richard R. Buery, Jr., “Public School Admissions and the Myth of Meritocracy: How and Why Screened Public School Admissions Promote Segregation,” *New York University Law Review Online* 95, no. 101 (2020): 115–116. <https://perma.cc/H8NK-VZ95>.

135 Office of the Mayor, “Mayor de Blasio and Chancellor Carranza Announce Plan to Improve Diversity at Specialized High Schools,” June 3, 2018, <https://perma.cc/4MH5-KHDB>.

136 See New York City Independent Budget Office, *Admissions Overhaul: Simulating the Outcome Under the Mayor’s Plan for Admissions to the City’s Specialized High Schools* (New York, NY: Independent Budget Office, Feb 2019), 1, <https://perma.cc/7KW3-5JSH>.

137 Eliza Shapiro and Evelyn Wan, “Amid Racial Divisions, Mayor’s Plan to Scrap Elite School Exam Fails,” *The New York Times*, June 24, 2019, <https://www.nytimes.com/2019/06/24/nyregion/specialized-schools-nyc-deblasio.html>.

138 Lynch and Mader, *Equity Means All*, 18–20.

139 See, e.g., Liebman, Butler, and Buksunski, “Mine the Gap,” 39–41 (arguing that “portfolio” reforms under mayoral control improved achievement and equity).

140 John Portz and Robert Schwartz, “Governing the Lessons in Boston Public Schools: Mayoral Control,” in *When Mayors Take Charge: School Governance in the City*, ed. Joseph P. Viteritti, (Brookings Institution Press eBooks, 2009): 99, 109.

141 Nancy E. Hill, “Good Schools Close to Home,” *Harvard Graduate School of Education*, January 22, 2019, <https://perma.cc/Z2SR-E5TM>.

142 Hill, “Good Schools Close to Home’.

Boston in 2022 than in 2008 and that 60% of schools remained intensely segregated.<sup>143</sup>

Similarly, in Chicago, as of 2015, after 20 years of policy initiatives under mayoral control, Chicago Public Schools (CPS) are more unequal by nearly every measure than when mayoral control was instituted in 1995.<sup>144</sup> Disparities in funding and resources among schools in Chicago's diverse neighborhoods persisted under mayoral control.<sup>145</sup> Resources were directed away from traditional neighborhood public schools, which most CPS students attend, to selective enrollment, charter, and turnaround schools.<sup>146</sup> Neighborhood schools' operating budgets were cut.<sup>147</sup> While some argue that school choice may have

helped to address inequities in terms of expanding the number of high-quality options, the role it played in addressing or perpetuating racial inequities in community investment and residential segregation in Chicago is unclear.<sup>148</sup>

Philadelphia, which has long operated under a mayoral control school governance model, also struggles with educational inequity in the form of intense segregation and unequal access to high-performing schools.<sup>149</sup> Similarly, in Washington, D.C., a 2015 study required by the 2007 legislation shifting control of D.C.'s public schools to its mayor found ongoing challenges in terms of educational equity.<sup>150</sup> That study called for increased data, particularly about

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143 Muskaan Arshad, "Boston Schools: Equality Unfound," *Harvard Political Review*, March 17, 2022, <https://harvardpolitics.com/boston-schools-equality-unfound/>.

144 Pauline Lipman, "The Landscape of Education 'Reform' in Chicago: Neoliberalism Meets Grassroots Movement," *Education Policy Analysis Archives* 25, (June 5, 2017):10. For example, as compared to the overall CPS statistics for the 2010–11 academic year, which showed a student body that was 9% white and 14% non-low-income, the selective enrollment high schools had a much higher percentage of white students (25.3%) and non-low-income students (43.5%). See Lipman, "Landscape of Education," 13.

145 Lipman et al., "Reviewing the Evidence," 11–12.

146 Lipman et al., "Reviewing the Evidence," 11–12.

147 Lipman et al., "Reviewing the Evidence," 11. (Opponents of mayoral control assert that the model's over-reliance on standardized testing as a basis for accountability policies and practices has little educational value, narrows education, and is unsupported by research. Moreover, the data collected are often used to justify the closing of schools, which has primarily impacted Black, Latino, and low-income students. See Lipman et al., "Reviewing the Evidence," 7. One commentator observed that Chicago's mayors did not or could not successfully reduce the inequalities of race and class faced by urban public school students. He found little indication that Chicago's mayoral control improved the school structure experience for most urban students. See also Jim Carl, "Good Politics is Good Government: The Troubling History of Mayoral Control of the Public School in Twentieth-Century Chicago," *American Journal of Education* 115, (February 2009): 330.

148 The To & Through Project, "The Downstream Impacts of School Choice on Chicago's Black Communities," *Medium*, February 16, 2022, <https://perma.cc/9FGC-2P8D>. See also Lipman et al., "Reviewing the Evidence," 7 (the first decade of mayoral control's reliance on standardized testing as a basis for accountability policies and practices has "little educational value, narrow[s] education, and is unsupported by research," but the data collected are often used to justify the closing of schools, which has primarily impacted Black, Latino, and low-income students). One commentator observed that Chicago's mayors "did not or could not reduce the inequalities of race and class" faced by urban public school students. He found "little indication" that Chicago's mayoral control improved the school structure experience for most urban students. See also Jim Carl, "Good Politics is Good Government: The Troubling History of Mayoral Control of the Public School in Twentieth-Century Chicago," *American Journal of Education* 115, (February 2009): 330.

149 Using statewide public school enrollment data from 1989 to 2010, the Civil Rights Project examined changes in school enrollment and segregation in Philadelphia. Over the previous two decades, only two of the ten highest-enrolling districts in the Philadelphia area—North Penn and Upper Darby—transitioned from being predominantly White to diverse or predominantly non-White, while the other seven predominantly White districts in metro Philadelphia remained predominantly White. See Stephen Kotok et al., "Is Opportunity Knocking or Slipping Away? Racial Diversity and Segregation in Pennsylvania," *The Civil Rights Project*, January 16, 2015, at 37, <https://perma.cc/DZL3-UU6F>. In addition, majority-minority schools represented 45% of metro Philadelphia schools; intensely segregated schools represented 31% of metro schools, and in 2010–2011, apartheid schools, where 99% to 100% of students are minorities, represented 17.1% of all metro Philadelphia schools. In 2010–2011, the typical Black student in the metro area attended a school with 18% white students, and the typical Latino attended a school with 30% white students. Meanwhile, the typical White student attended a school that was 77% White. The typical Black student in the Philadelphia metro attended a school with 71% low-income students, and the typical Latino student attended a school with 66% low-income students, more than three times the share of low-income students in schools attended by the typical White student (21%). See also The Civil Rights Project, "Decades of Inaction Lead to Worst Segregation in Pennsylvania Schools in Two Decades," *University of California*, January 16, 2015, <https://perma.cc/LSU8-NDE3>.

150 Specifically, it found that Black and Latino students, those with disabilities, those eligible for free or reduced-price lunches, and English-language learners were more likely than their peers to be in the lowest performance school categories. See National Research Council, *An*

charter schools, in order to evaluate the impact of governance changes on students with the greatest needs, including students with disabilities, English language learners, and students living in poverty.<sup>151</sup>

## C. Efficacy Assessments of Mayoral Control

As discussed more fully in Section II. B. 3. above, a commonly stated rationale supporting mayoral control of schools is that it will increase efficiency, reduce corruption and bureaucracy, and make better use of public resources through centralized budgeting, fiscal management, and labor relations; attract private resources; and make better use of public/private partnerships. Some align this notion with Progressive Era reforms designed to shift governance toward technical expertise and away from political spoils.<sup>152</sup> The mayoral control literature contains examples of these kinds of benefits. Some studies of mayoral control have noted improvements in attracting revenue and focusing expenditures

on schools and students.<sup>153</sup> Another study found that a mayor's strategic priorities may improve bureaucratic efficiency by reducing expenditures on general administrative purposes.<sup>154</sup> Some studies have found that full mayoral control is associated with improvements such as balanced budgets, improved relationships with teachers' unions, and the ability to leverage and combine services for children.<sup>155</sup>

One study of governance structures found that chief administrators and school board members in districts that had adopted mayoral control praised mayors' campaigning on a pro-public education platform and the increased funding and attention those mayors brought to public schools.<sup>156</sup> Those leaders also praised the leadership stability that accompanied mayoral control when superintendents had at least 4 to 5 years in their positions.<sup>157</sup> However, those same administrators noted that mayoral control is "only as good as the mayor."<sup>158</sup>

While several examples in the literature posit that mayoral control has ushered in efficiency and accountability, other reports note examples of mayors and close associates who were convicted on corruption charges.<sup>159</sup> In addition, some observers

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*Evaluation*, 5. Unequal outcomes stem from a school system with unequal opportunities and quality levels, as well as high levels of socioeconomic and racial segregation. See also Jonnea Herman, "Creating High-Quality, Inclusive, and Equitable Educational Experiences for All of New York City's Students," *The Century Foundation*, July 22, 2021, <https://perma.cc/D9SW-9UTV>.

151 National Research Council, *An Evaluation*, 201.

152 Jeffrey Snyder and Sarah Rechow, "The Shifting Landscape of Education Governance," in *The Oxford Handbook of Education Law*, ed. Kristine L. Bowman (Oxford University Press, 2021), 102.

153 For example, one study notes that in 2006–2007, districts with strong mayoral control raised more revenue on a per-pupil basis than other districts, spent more per student, and invested more in support services and smaller class sizes. See Wong and Shen, "Mayoral Governance," 13–14, 49.

154 Kenneth Wong, "Does Mayoral Control Improve Performance in Urban Districts?," in *When Mayors Take Charge: School Governance in the City*, ed. Joseph P. Viteritti, (Brookings Institution Press eBooks, 2009): 82.

155 Augustine et al., *Options for Changing the Governance System*, 60.

156 Moscovitch et al., *Governance*, 69.

157 Moscovitch et al., *Governance*, 71, 114.

158 Moscovitch et al., *Governance*, 70. For example, a 2011 report on return on investments (ROI) and educational productivity found that money matters only if it is spent in effective ways. Wong and Shen et al. analyzed school-district finance and staffing patterns from 1992 to 2003 and found that mayor-led districts were not spending more money as compared to other school districts. See Kenneth K. Wong et al., *The Education Mayor: Improving America's Schools*, (Washington D.C.: Georgetown University Press, 2007), 148–155. These mayor-led districts, however, were spending differently over time, reallocating financial resources toward instruction and instructional support. See Wong et al., *The Education Mayor*, 145–148. See also, Moscovitch et al., "Governance and Urban School Improvement," 114 (noting increased funding associated with shifts to strengthen mayoral control). One way this was achieved was by improving bureaucratic efficiency and reducing expenditures on general administrative costs. See Wong et al., *The Education Mayor*, 153–154.

159 Moscovitch et al., *Governance*, 6, 8, 12, 113–14.

note that mayoral control and similar governance models tend to usher in market-oriented reforms, which outsource significant public education dollars to private entities through contracting, purchasing, and other methods.<sup>160</sup> Some scholars have documented the influences of wealthy political donors and philanthropists in shaping education reform centered on school choice and privatization, as well as how mayoral control governance structures have helped facilitate those efforts.<sup>161</sup> Some critics of mayoral control have labeled the influence of wealthy billionaires in shaping education governance and policy to favor school choice regimes from which some benefit financially as “legal corruption.”<sup>162</sup> This has raised concerns about the proper management and oversight of private influence on and private contracts for public education in an environment in which wealthy interests hold significant sway.<sup>163</sup>

Studies of mayoral control structures that include appointed school boards note the role such boards may play. One study observed that while appointed board members with corporate or nonprofit board experience can reduce the time required for the board to become effective, board members in large urban school districts require training in public school governance and school board operations, which are different from corporate boards and city councils.<sup>164</sup> School boards

require members to engage with educational functions and policies, which requires expertise.<sup>165</sup>

Experts regularly emphasize the importance of necessary checks and balances.<sup>166</sup> Some have questioned whether mayoral control actually brings greater accountability.<sup>167</sup> A mayor can have too much influence over an appointed board, and without checks or balances, a mayor-appointed school board can be reduced to a city agency rubber stamping a mayor’s agenda and not serving parents and students.<sup>168</sup> Some argue that “centralized accountability” and clear educational “standards and templates” are vital to ensuring checks and balances.<sup>169</sup> Others claim that locally focused or mixed models that include oversight at various levels, including parents, educators, and community members, can be more effective. Experts agree that governance systems should be clear about where the lines of responsibility and accountability lie in order to be successful.<sup>170</sup>

#### I. EFFICACY ASSESSMENTS IN NEW YORK CITY

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In New York City, proponents of mayoral control have touted the idea that mayoral control will improve operational efficiency and guard against cronyism and corruption. However, efficiency goals and anti-corruption rules can be in tension. For example,

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160 See, e.g., Natalie Gomez-Velez, “Urban Public Education Reform: Governance, Accountability, Outsourcing,” *The Urban Lawyer* 45, no. 1 (Winter 2013): 51, <https://www.jstor.org/stable/24392340>.

161 See, e.g., Diane Ravitch, *The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education* (Basic Books, 2010), 213–222, (discussing the millions of dollars in private foundation funding provided to support corporate school reforms, including charter schools and mayoral control efforts).

162 See, e.g., Zephyr Teachout and Mohammad Kahn, *Corruption in Education: Hedge Funds and the Takeover of New York’s Schools* (The Washington Park Project, December 2, 2014), 12, <https://perma.cc/5L6M-VSBU>.

163 Wong et al., *The Education Mayor*, 145–148. See also, Moscovitch et al., *Governance*, 114 (noting increased funding associated with shifts to strengthen mayoral control).

164 Moscovitch et al., *Governance*, 71–72.

165 Moscovitch et al., *Governance*, 72.

166 Wong, “Does Mayoral Control Improve Performance,” 79–80.

167 Augustine, *Options for Changing the Governance System*, 64 (citing Ravitch 2006).

168 Diane Ravitch “Advice to the New York State Legislature about Mayoral Control of the City’s Schools,” *Diane Ravitch’s Blog*, January 19, 2019, <https://perma.cc/9YE4-REZP>.

169 Moscovitch et al., *Governance*, 73 (internal quotation marks and citation omitted).

170 The Pew Charitable Trusts, “Governing Urban Schools,” 2.

distinguishing leadership from governance, one observer noted that Mayor Bloomberg and Chancellor Klein adopted a leadership strategy that largely worked around or eliminated governance restraints.<sup>171</sup> Viewing the public education system as a byzantine bureaucracy,<sup>172</sup> Klein created a small leadership team that included people with experience in business, law, education, government, and non-profits.<sup>173</sup> Klein used the power and flexibility granted under mayoral control to change structures and policy while also taking steps to avoid bureaucratic oversight.<sup>174</sup> For example, he established an Office of Strategic Partnerships and hired Caroline Kennedy to reinvigorate the Fund for Public Schools and raise millions of private dollars, avoiding the strings attached to tax dollars to support his initiatives.<sup>175</sup> Bloomberg and Klein were reported to have skirted procurement and oversight rules by first hiring contractors through the Fund for Public Schools and then awarding no-bid contracts at taxpayer expense, noting the firms' prior experience working in the city's schools.<sup>176</sup> One reported example of this was a \$15.8 million contract with a consulting firm hired to cut \$200 million from the city's \$15.4 billion school budget.<sup>177</sup>

Procurement policies and procedures apply to public contracting and are intended to ensure the economical use of public funds in the best interests of taxpayers; guard against favoritism, fraud, and corruption; and ensure that contracts are awarded in compliance with state law.<sup>178</sup> The New York City Department of Education is not subject to NYC Procurement Policy Board rules, because it is governed by New York state law.<sup>179</sup> Instead, the DOE has its own procurement policy and procedures (PPP), which are approved by the Panel for Education Policy (PEP). All DOE contracts should be reviewed and approved by the PEP. The New York City DOE's procurement process requires contracts to be awarded competitively, with some exceptions.<sup>180</sup>

Under mayoral control, the New York City DOE is reported to have frequently circumvented procurement processes. For example, "during the three fiscal years ending June 30, 2008, the DOE is reported to have awarded 3,183 no-bid contracts totaling \$6.2 billion," of which 2,488, totaling \$4.3 billion, could have been awarded competitively.<sup>181</sup> In 2019, the New York City Comptroller noted deficiencies in the DOE's procurement practices,

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171 Paul T. Hill, *Leadership and Governance in New York City School Reform*, in *Education Reform in New York City* (Cambridge, MA: Harvard Education Press, 2011): 17–19.

172 Joel Klein, *Lessons of Hope — How to Fix Our Schools* (Harper Collins, 2014): 127.

173 Hill, *Leadership and Governance*, 23.

174 Klein, *Lessons of Hope*, 126–127.

175 David Herszenhorn, "New York City's Big Donors Find New Cause: Public Schools," *The New York Times*, December 30, 2005, <https://www.nytimes.com/2005/12/30/nyregion/new-york-citys-big-donors-find-new-cause-public-schools.html>, ("So far, the mayor's and the chancellor's collections include more than \$117 million to start new small schools; nearly \$70 million to open an academy for principal training; \$41 million for the nonprofit center supporting charter schools; \$11.5 million to renovate libraries; \$8.3 million to refurbish playgrounds; and \$5.7 million to reshape troubled high schools.")

176 David Herszenhorn, "No-Bid School Contracts Draw City Council's Ire," *The New York Times*, November 22, 2006, <https://www.nytimes.com/2006/11/22/education/22schools.html>.

177 Herszenhorn, "No-Bid School Contracts."

178 Elisheba Lewi, *Procurement Policy and Procedures* (New York City Department of Education, 2010), 4, <https://perma.cc/H6DN-YWJK>.

179 Scott Stringer, "FY 19 Agency Watch List – Department of Education," New York City Comptroller, May 2018, 6, <https://perma.cc/VZ5G-UVHM>.

180 Stringer "FY 19," 6.

181 Thomas DiNapoli, *New York City of Education: Non-Competitively Awarded Contracts* (Office of the New York State Comptroller, May 19, 2008): 7, 9, <https://perma.cc/F37F-43LV>. The State Comptroller's report found that 44 of 289 contracts were exempted from competitive bids due to "other special circumstances." Non-competitive awards are permitted in some prescribed circumstances with full documentation. In seven contracts totaling \$3.6 million, there was no documentation that any effort had been made to meet procurement documentation or justify the notion that these non-competitive bids were cost effective. The DOE's official response was that some of the information was discussed or inferred in the DOE Committee on Contracts meetings. See DiNapoli, *Non-Competitively Awarded Contracts*, 13.

including contracts being presented to the PEP retroactively; PEP access to only minimal information for contract review; incomplete contractor vetting; a lack of vendor performance evaluations; and the overuse of non-competitive and emergency process, even for long-planned goods and services.<sup>182</sup> Critics argue that no-bid contracts should be awarded only after clarifying the circumstances permitting such contracts, public notice, and a review process.<sup>183</sup>

To the extent that the City Board or PEP has authority to approve significant DOE contracts, critics have charged that the PEP has not been provided sufficient advance notice or information regarding contracts and has largely rubber-stamped the contracts brought before it for approval. Observers note that the PEP has rejected DOE contracts in only a handful of situations over the last 20 years.<sup>184</sup>

In addition to irregularities in contracting, New York City's DOE has not avoided instances of alleged cronyism, despite an emphasis, under mayoral control, on the need to root out corruption and patronage in the system.<sup>185</sup> For example, Chancellor Klein's Deputy Chancellor, Diana Lam, was embroiled in a nepotism and conflicts controversy related to the hiring of her husband as a teacher.<sup>186</sup> A DOE official in the de Blasio administration was convicted of participating

in a bribery scheme involving contracts for public school meals.<sup>187</sup> Under Mayor Adams, there have been charges that a DOE official's spouse was hired by the DOE in an alleged instance of nepotism.<sup>188</sup> While it is unclear whether instances of cronyism and corruption are more or less common under mayoral control than other governance structures, mayoral control has not eliminated these concerns.

Finally, given other city priorities, whether and to what extent mayoral control of New York City schools supports sound budget and fiscal determinations is unclear. For example, Mayor Adams has proposed significant budget cuts to public schools, which he claims are related to an unexpected influx of migrants to New York City.<sup>189</sup> Critics have questioned the decision to impose such cuts given reports by the Independent Budget Office of small budget impacts related to migrants,<sup>190</sup> as well as public schools' role in educating migrant children, while also addressing class size reductions and other mandates.<sup>191</sup> A longitudinal analysis of the relative allocation of funds to program, as opposed to administration, would help reveal whether a particular governance structure increases fiscal efficacy.

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182 Stringer, "FY 19," 6.

183 DiNapoli, *Non-Competitively Awarded Contracts*, 15.

184 Veiga, "NYC's education panel rejects contract."

185 Elissa Gootman, "Schools' Top Lawyer Quits in Uproar Over Nepotism," *The New York Times*, March 11, 2004, <https://www.nytimes.com/2004/03/11/nyregion/schools-top-lawyer-quits-in-uproar-over-nepotism.html>.

186 David Herszenhorn and Elissa Gootman, "Top Deputy Resigns Schools Post Over Effort to Get Husband a Job," *The New York Times*, March 9, 2004, <https://www.nytimes.com/2004/03/09/nyregion/top-deputy-resigns-schools-post-over-effort-to-get-husband-a-job.html>; Elissa Gootman and David Herszenhorn, "Deputy Chancellor Is Accused of Nepotism," *The New York Times*, March 6, 2004, <https://www.nytimes.com/2004/03/06/nyregion/deputy-chancellor-is-accused-of-nepotism.html>.

187 Priscilla DeGregory, "Ex-DOE exec convicted of taking bribes, turning blind eye to tainted chicken tenders served to NYC public school kids," *The New York Post*, June 28, 2023, <https://nypost.com/2023/06/28/ex-doe-exec-convicted-in-schools-food-bribery-scheme/>.

188 Susan Edelman, "NYC DOE hires husband of deputy chancellor in secret promotion deal," *The New York Post*, August 26, 2023, <https://nypost.com/2023/08/26/nyc-doe-hires-husband-of-deputy-chancellor-in-secret-deal/>.

189 Jessica Gould, "NYC teachers union sues over Mayor Adams' school budget cuts," *Gothamist*, December 21, 2023, <https://gothamist.com/news/nyc-teachers-union-sues-over-mayor-adams-school-budget-cuts>.

190 Arya Sundaram, "NYC's tab for migrants: Budget watchdog says it'll sting less than forecast," *Gothamist*, December 15, 2023, <https://gothamist.com/news/nycs-tab-for-migrants-budget-watchdog-says-itll-sting-less-than-forecast>.

191 See, e.g., George Sweeting, "Do the Math: As the Budget Ax Falls, NYC Schools Face Major New Costs," *Center for New York City Affairs*, November 21, 2023, <https://perma.cc/T8GB-PJU6>.

Like other cities, Chicago's governance changes were focused on improving effectiveness and efficiency, particularly fiscal efficiency.<sup>192</sup> Visible and practical changes occurred in the first years following Chicago's 1995 reform. Standard and Poor's raised Chicago's bond rating in 1996 and 1997, enabling the appointed board to raise billions of dollars to finance citywide capital improvement projects.<sup>193</sup> At the same time, Chicago's public school system suffered from corruption charges under mayoral control. For example, Chicago Public Schools CEO Barbara Byrd-Bennett, who was selected by former Mayor Rahm Emanuel, was convicted of and imprisoned for providing \$22.5 million in no-bid contract deals to her friends.<sup>194</sup> In 2021, the Chicago Public School's inspector general discovered Byrd-Bennett also orchestrated a plan to deliver another \$10.1 million in public school contracts to her friends' companies.<sup>195</sup>

In 2023, the board of education inspector general reported a sharp increase in extra pay for school staff in recent years.<sup>196</sup> The report indicates that excessive extra pay can be a red flag indicating fraud.<sup>197</sup> In

2021, extra pay reached nearly \$74 million. Over the preceding 5 years, extra pay jumped 74%.<sup>198</sup>

Claims that mayoral control leads to greater managerial efficiency have not been borne out in Chicago. In 2023, an analysis of Chicago City Schools found that the school budget had been growing larger each year despite a drop in student enrollment, worsening student outcomes, and more empty classrooms (290 schools were underutilized, and 25 schools were overcrowded).<sup>199</sup> Supporters of mayoral school governance in Chicago argue that it can "broaden the pool of expertise in public schools in ways that benefit the school system," for example, by assigning top aides to assist CPS's CEO.<sup>200</sup> Mayors and past CEOs have not been required to be education professionals, and some suggest that they lack incentives to share bad news.<sup>201</sup> Despite the central role of accountability in mayoral control proposals, opponents note instances of data manipulation and underreporting, arguing that mayoral control produces less transparency and accountability.<sup>202</sup>

Boston experienced improved labor relations and an influx of resources under mayoral control.<sup>203</sup> In Boston, the "mayor has always influenced the

192 Michael Kirst, "Mayoral Control of Schools: Politics, Trade-offs, and Outcomes," in *When Mayors Take Charge: School Governance in the City*, ed. Joseph P. Viteritti (Brookings Institution Press eBooks, 2009), 52.

193 Wong et al., *The Education Mayor*, 156.

194 Lauren FitzPatrick and Nader Issa, "Disgraced Ex-Schools CEO Byrd-Bennett Steered \$10M More to 'Friends' Than Previously Known: CPS Inspector General," *Chicago Sun Times*, January 6, 2021, <https://chicago.suntimes.com/education/2021/1/6/22216111/cps-ceo-barbara-byrd-bennett-contract-fraud-inspector-general>.

195 FitzPatrick and Issa, "Disgraced Ex-Schools CEO."

196 Will Fletcher, *Fiscal Year 2022 Annual Report* (Chicago Board of Education-Office of Inspector General, January 1, 2023), 10, <https://perma.cc/EJ49-AMFF>.

197 Fletcher, *Fiscal Year 2022 Annual Report*, 9.

198 Fletcher, *Fiscal Year 2022*, 10.

199 Hannah Schmid, "The Policy Shop: More Money, More Problems at Chicago Public Schools," *Illinois Policy*, September 6, 2023, <https://perma.cc/Z7BG-6PCS>.

200 Kenneth K. Wong and Francis X. Shen, "Mayoral Leadership Matters: Lessons Learned from Mayoral Control of Large Urban School Systems," *Peabody Journal of Education* 82, no. (4): 747, <http://www.jstor.org/stable/25594769>.

201 Dorothy Shipp, "Updating Tradition: The Institutional Underpinnings of Modern Mayoral Control in Chicago's Public Schools," in *When Mayors Take Charge: School Governance in the City* ed. Joseph P. Viteritti (Washington, D.C.: Brookings Institution Press, 2009), 135.

202 Kristen McQueary, "Mayoral control of CPS not working," *Chicago Tribune*, September 13, 2015, <https://www.chicagotribune.com/opinion/commentary/ct-cps-school-board-rahm-emanuel-robert-martwick-ctu-perspec-0914-20150913-column.html>.

203 Portz and Schwartz, "Governing the Boston Public Schools," 108.



amount of money spent by the ... school[s].<sup>204</sup> Mayoral control may have helped to facilitate inter-departmental collaboration. For example, including the superintendent in the cabinet under mayoral control helped in developing a coordinating strategy, connecting the schools to other critical services, as well as reducing internal turf disputes.<sup>205</sup> Under the previous elective governance model, there was “little incentive for other department heads to work collaboratively with the school department.”<sup>206</sup>

Boston’s public school system typically uses competitive bidding to purchase goods and services, with some exceptions.<sup>207</sup> Despite this, Boston spends more per student than any other major city according to the US Census Bureau.<sup>208</sup> This increase could be due to reduced enrollment driving the per capita figure higher, staff hiring, and/or capital improvements to some schools.<sup>209</sup>

Despite Boston’s emphasis on accountability and transparency, many believe that the mayoral control model lacks transparency and fails to hold mayors accountable.<sup>210</sup> For example, some report that the school committee tends to unanimously approve pre-packaged proposals after some discussion and little debate, leaving the impression that the real

decision-making takes place behind closed doors, with a strong mayoral influence.<sup>211</sup> Another issue is continuity. Boston Public Schools has experienced a high degree of turnover in superintendents and other high-level staff,<sup>212</sup> contributing to a lack of continuity and stability.<sup>213</sup>

While mayoral control in Detroit seemed to have initially positive impacts in terms of efficiency, underlying concerns about equity, factionalism, and mismanagement continue to spotlight the need for strong and competent leadership.<sup>214</sup> Some opine that Detroit schools’ heavy reliance on local property taxes affects its ability to fund public education effectively.<sup>215</sup>

Philadelphia faces similar fiscal issues impacting effective school management. Although the School Reform Commission (SRC), the governing body for the school district of Philadelphia, which includes appointees from the governor and mayor, was formed to mitigate the financial crisis, the school district has continued to struggle financially, resulting in recurring budget deficits, harsh cuts to staffing, and the closure of schools.<sup>216</sup> Some argue that the financial crises experienced by the Philadelphia school district can be attributed, in part, to the funding structure of the school district. Specifically, funding is provided by the

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204 Kirst “Mayoral Control of Schools,” 54.

205 Portz and Schwartz, “Governing the Boston Public Schools,” 106.

206 Portz and Schwartz, “Governing the Boston Public Schools,” 110.

207 “Business Services/Purchasing,” Boston Public Schools, accessed December 27, 2023, <https://perma.cc/NQ3F-LC2W> (exceptions include professional development services, textbooks or supplies from a vendor with an existing contract).

208 Jonathan Hall, “Boston Public Schools Spending More per Student than Any Other Major City, Report Finds,” *WHDH 7News*, May 31, 2023, <https://perma.cc/SVH9-G9CY>.

209 Hall, “Boston Public Schools.”

210 Max Larkin, “An overwhelming number of Bostonians are ready for an elected school committee. Is Mayor Wu?,” *WBUR*, January 18, 2023, <https://perma.cc/B6UN-39JU>.

211 Larkin, “Bostonians are ready for an elected board.”

212 Kevin Mahnken, “Once a National Model, Boston Public Schools May Be Headed for Takeover,” *The 74*, May 23, 2022, <https://perma.cc/2HP5-RMPW> (noting that Boston named four superintendents between 2012 and 2022 and that “between 2016 and 2019, over three-quarters of high-level staff left the district”).

213 Lisa Green, “Mayor Wu’s School Committee never votes ‘no.’” *Medium*, April 13, 2023, <https://perma.cc/KVQ6-BXVT>.

214 Mirel, “Long Road,” 130–142.

215 Kenneth K. Wong and Francis X. Shen, “Big City Mayors and School Governance Reform: The Case of School District Takeover.” *Peabody Journal of Education* 78, no. 1 (2003): 5–32, <http://www.jstor.org/stable/1493104>.

216 Claudio Sanchez, “Philadelphia Schools: Another Year, Another Budget Crisis,” *NPR*, November 4, 2014, <https://perma.cc/7F53-UTCY>.

federal, state, and city governments, with the most funding coming from the federal government.<sup>217</sup> At each level, several entities play a role in the approval of the school district budget and funding, and each level often expects the other to provide funding, creating uncertainty regarding funds each year.<sup>218</sup> At least one report reviewing Philadelphia's governance structure has observed that state takeovers of local districts may, in some cases, cure the financial ills created by mismanagement.<sup>219</sup>

The efficacy of school management in Washington, D.C., under mayoral control is mixed. Data indicate that D.C. spends more per student than any other municipality, but there are concerns about transparency and whether funds are being put to appropriate uses.<sup>220</sup> There are also concerns about the prevalence of charter schools, which are subject to less oversight than public schools under mayoral control.<sup>221</sup> Some maintain that this leads to less, not more, accountability, particularly because in D.C., as opposed to other cities such as Chicago and New York, there is no other entity responsible for student performance, assessments, and standards.<sup>222</sup> A study of the impact of mayoral control in D.C. found that while some administrative changes implemented in connection with mayoral control show promise, the governance change did not improve interagency coordination or transparency.<sup>223</sup>

Thus, in several cities, governance under mayoral control has shown promise and, in some instances, progress in terms of streamlining management, facilitating coordination, and addressing fiscal challenges. However, it has not eliminated concerns about waste, inefficiency, cronyism, and corruption.

## D. Assessments of Engagement

As discussed more fully in Section II. B. 4. above, governance structures can either facilitate greater public and community involvement and engagement or lessen it by delegating decision-making to government officials or those deemed to have particular types of expertise. Citizen participation is broadly recognized as an intrinsic value and fundamental practice in governance broadly and public school governance specifically.<sup>224</sup> Recognized key stakeholders in public-school policy include educators, school leaders, parents, students, local communities, government leaders, and, recently, the business community.<sup>225</sup>

Some data suggest that the form of governance may also impact representation and public input into school governance. School board elections

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217 John P. Caskey and Mark Kuperburg, "The Philadelphia School District's Ongoing Financial Crisis," *Education Next* 14, no. 4 (Fall 2014): 22, <https://works.swarthmore.edu/fac-economics/354/>.

218 Caskey and Kuperburg, "Ongoing Financial Crisis," 22. In 2022, the Philadelphia school district had a budget surplus of \$515 million due to unexpectedly strong revenue from business and real estate transfer taxes. This is a significant improvement from the persistent financial issues experienced in previous years; however, a budget deficit is forecasted for 2027. Dale Mezzacappa, "Philly schools forecasted to go from budget surplus to deficit in 5 years," *Chalkbeat Philadelphia*, July 15, 2022, <https://philadelphia.chalkbeat.org/2022/7/15/23220051/philly-schools-surplus-deficit-mental-health-services-after-school>.

219 The Pew Charitable Trusts, "Governing Urban Schools," 7.

220 O'Gorek, "What is Mayoral Control."

221 O'Gorek, "What is Mayoral Control."

222 O'Gorek, "What is Mayoral Control."

223 National Research Council, *An Evaluation*, 194–96.

224 Castillo, "Public Participation," 2.

225 To be sure, the notion of who should be included among stakeholders in public education is contested. See, e.g., Oren Pizmony-Levy, Aaron Pallas, and Chanwoong Baek, "Americans' Views of Stakeholders in Education," *Teachers College Columbia University* (June 2018), <https://perma.cc/2VWT-8VDK>.

appear to promote democratic engagement by local communities of parents and educators, but historically, they have had lower turnouts than mayoral elections. Also, those who vote in school board elections are mostly White and do not have children enrolled in local schools.<sup>226</sup> At the same time, an appointed board may lack incentives to seek parental or local community input because board members do not require electoral support.<sup>227</sup> Indeed, some observers note that centralized, general-purpose governance structures, such as mayoral control, tend to “reorder[] the positions of education stakeholders,” for example, by shifting power from the community to the business community and wealthy philanthropists.<sup>228</sup> This can impact the influence of key stakeholders, such as parents, students, community members, and educators, as well as their ability to engage meaningfully in the education policy process.

Parents and community members have critiqued a lack of transparency and insufficient input under strong mayoral control structures.<sup>229</sup> Under mayoral control, there can be a narrowing of the range of voices on the part of parents, teachers, and underrepresented communities, screening out important divergent and pluralistic values and ideas from educational policy.<sup>230</sup> Families, particularly low-income families without the

social resources to ask for special accommodations, may feel left out of key decisions when school boards are no longer open forums for public debate.<sup>231</sup> Teachers’ unions have similarly critiqued appointed boards.<sup>232</sup> Parents and community groups have focused on key policy issues, such as school closings, charter schools, and budget priorities, rather than the governance structure itself.<sup>233</sup>

However, some claim that centralized, appointive governance structures are less politicized than elective ones. A study of school administrators favored having appointed, as opposed to elected, school board members because the former depoliticized public school administration.<sup>234</sup> The impact of political agendas also varies depending on whether the governance structure involves a nominating panel and, if so, who is on this nominating panel.<sup>235</sup> When asked about the extent of debate at public meetings given appointed, as opposed to elected, boards, administrators asserted that the existence of less debate can mean there was effective consensus-building and thoughtfulness.<sup>236</sup> Others argue that such effects on public debate do not necessarily indicate the elimination of politics so much as changes in the balance of power and transparency regarding who exercises decision-making power.<sup>237</sup>

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226 Vladimir Kogan, Stéphane Lavertu, and Zachary Peskowitz, “The Democratic Deficit in U.S. Education Governance,” *American Political Science Review* 115, no. 3 (March 2021):1082–1089, doi:10.1017/S0003055421000162.

227 Portz and Schwartz, “Governing the Boston Public Schools,” 102.

228 Jeffrey Henig, *End of Exceptionalism* (Boston, MA: Harvard Education Press, 2013), see also Natalie Gomez-Velez, “Reimagining Public Education Equity after COVID-19: Will Public Voices from New York’s Epicenter Be Heard over the Siren Song of Billionaires?” *Fordham Urban Law Journal* 48, no. 2 (2021): 358, <https://ir.lawnet.fordham.edu/ulj/vol48/iss2/1> (noting that governance change in New York City under mayoral control “changed the constellation of relevant constituencies, giving greater voice to the business community and wealthy philanthropists.”)

229 Moscovitch et al., *Governance*, 115.

230 Henig, “Mayoral Control,” 32.

231 Shipps, “Updating Tradition,” 117; Moscovitch et al., *Governance*, 75.

232 Moscovitch et al., *Governance*, 75.

233 Moscovitch et al., *Governance*, 78.

234 Moscovitch et al., *Governance*, 71.

235 Moscovitch et al., *Governance*, 71.

236 Moscovitch et al., *Governance*, 71.

237 Henig, *The End of Exceptionalism*, 155–157.

Concerns about a lack of meaningful parental and community engagement have been consistent over the 20 years of mayoral control of New York City's public schools. Ambitious reform initiatives reflecting a corporate paradigm used a top-down management style that many found exclusionary and alienated many key groups.<sup>238</sup> For example, while Mayor Bloomberg defined partnership with parents as one of the core elements of the new school governance under mayoral control, parent leaders and legislators expressed widespread frustration and anger at not having a voice in their children's schools.<sup>239</sup>

Throughout the first 5 years of mayoral control, teachers and principals, union leaders, city and state legislators, parents, and various civic and community organizations have expressed concern that they were not listened to or given the respect they deserved, despite the fact that their expertise would have contributed to making reforms more effective.<sup>240</sup> At least one study concluded that public participation in education is a useful tool with which to improve governance processes, even within a centralized system like New York's.<sup>241</sup> A 2013 New York City Comptroller report cited studies showing that schools in civically engaged communities better

supported school improvement.<sup>242</sup> It noted that 10 years into mayoral control in New York City, there was a need to make governance more collaborative, open, transparent, and inclusive, including changes to the PEP.<sup>243</sup>

During the 2013 mayoral race, public education advocates concerned about the lack of meaningful parent, student, and community engagement under the market-based reforms facilitated under mayoral control organized to communicate the need for more inclusive and equitable education policy.<sup>244</sup> This grassroots mobilization supported the election of Mayor Bill de Blasio, whose education policies differed dramatically from those of Mayor Bloomberg. However, concerns about user, parent, educator, and community engagement persisted.<sup>245</sup>

New York City's mayoral control governance structure restricts the City Board's or PEP's authority to review and approve education policy and contracts because it is comprised of a majority of mayoral appointees, who often vote in line with the mayor's and chancellor's proposals. This has caused some observers to note that the PEP is not a decision-making forum. Rather, it is a "public stage[] to ratify decisions that the city school administration has already made."<sup>246</sup> It does not require democratic processes mandating the participation of users and stakeholders—students, their families, teachers, and school administrators—in

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238 David Rogers, *Mayoral Control of the New York City Schools* (Springer, 2009), 77.

239 Rogers, *Mayoral Control*, 32.

240 Rogers, *Mayoral Control*, 68.

241 Castillo, "Public Participation," 26.

242 John Liu et al., *No more Rubber Stamp, Reforming New York City's Panel for Education Policy* (Office of the New York City Comptroller, January 2013), 3–4, <https://perma.cc/755R-TBPT>. (citing Anthony Bryk and Barbara Schneider, *Trust in Schools: A Core Resource for Improvement* (Russell Sage Foundation, 2002), as discussed in Karen Mapp and Mark Warren, *A Match on Dry Grass: Community Organizing as a Catalyst for School Reform* (Oxford University Press, 2011).

243 Liu et al., *No More Rubber Stamp*, 4.

244 Billy Easton, "Changing Course on School Reform: Strategic Organizing around the New York City Mayoral Election," *Annenberg Institute for School Reform* 9, no. 39, <https://perma.cc/NP45-EKYL>.

245 Reema Amin, *Parents, advocates, and some state senators weigh limits to mayoral control of New York City schools*, Chalkbeat, March 15, 2019, <https://perma.cc/TE3G-4WWW>.

246 Norm Fruchter and Christina Mohktar, "Mayoral Control and the Panel for Educational Policy," *New York University Steinhardt Metropolitan Center for Research on Equity and the Transformation of Schools*, accessed December 27, 2023, <https://perma.cc/95LL-VSRK>.

key schooling decisions.<sup>247</sup> The process frustrates key public school users and stakeholders because though a board vote within a public process is required, it is not actually participatory for users and stakeholders. Indeed, with a few notable exceptions, the PEP has maintained a narrow policy approval role for the past 20 years.<sup>248</sup>

The governance structures established to facilitate community input have limited policy-making authority. For example, community education councils (CECs), which were established under state law in lieu of the prior community school districts, have very limited roles with respect to school zoning, school boundary decisions, and determining school locations and co-locations, and they have very little policy authority.<sup>249</sup> At the school level, school leadership teams (SLTs), which are composed of the school principal, the parents' association or PTA president, the United Federation of Teachers (UFT) chapter chair, and elected parents and teachers, develop school educational development plans and evaluate principals' shared decision-making relationships.<sup>250</sup> However, the SLTs have no role in school-level administrative, fiscal, and policy decisions and only a vague consultative role in the appointment of principals and assistant principals.<sup>251</sup> The role of school-level PTAs is limited by principals' authority to determine the extent of collaboration between parents, teachers, and administrators in shaping school policy and culture.<sup>252</sup>

In 2017, a Quinnipiac Poll found that 68% of New York City voters did not want mayors to retain complete control of public schools (up from 60% in 2015).<sup>253</sup>

## 2. ENGAGEMENT ASSESSMENTS IN OTHER CITIES

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Debate concerning public school governance structures in other cities also reflects concerns about user, stakeholder, and public engagement. Under Boston's elected school committees, discussions about public education were contentious and long lasting.<sup>254</sup> Racial divisions proved to be prominent.<sup>255</sup> Public interaction has shifted under an appointed committee, leading to more unanimous voting and streamlined decision-making.<sup>256</sup> At the same time, critics of mayoral control believe the School Committee acts as a rubber stamp, and they have raised concerns about limited meaningful debate on core education issues.<sup>257</sup> With most votes being unanimous, the community is left to wonder what decisions have been made behind closed doors.<sup>258</sup> Compared to an elected school board model, there has been less public interaction and discourse, particularly regarding positions that may conflict with those of the mayor, superintendent, and other key actors.<sup>259</sup> In the absence of meaningful input through the School Committee, community activists and parents have turned to the Boston City Council's Committee on Education, which holds public hearings on public education as a venue in which

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247 Fruchter and Mohktar, "Panel for Educational Policy."

248 Fruchter and Mohktar, "Panel for Educational Policy."

249 Fruchter and Mohktar, "Panel for Educational Policy." ("CECs can only weigh in on school zoning, school sitings and school boundary decisions.")

250 Fruchter and Mohktar, "Panel for Educational Policy."

251 Fruchter and Mohktar, "Panel for Educational Policy."

252 Fruchter and Mohktar, "Panel for Educational Policy."

253 Quinnipiac Poll, "NYC Voters Don't Want Mayoral Control of Schools," June 22, 2017, <https://poll.qu.edu/images/polling/nyc/nyc06222017.pdf>.

254 Portz and Schwartz, "Governing the Boston Public Schools," 101.

255 Portz and Schwartz, "Governing the Boston Public Schools," 101.

256 Portz and Schwartz, "Governing the Boston Public Schools," 102.

257 Portz and Schwartz, "Governing the Boston Public Schools," 102; Portz, "Boston, Agenda Setting and School Control," 104, 105.

258 Lisa Green, "Mayor Wu's School Committee never votes 'no'," *Schoolyard News*, April 14, 2023, <https://perma.cc/2XU9-J962>.

259 Portz and Schwartz, "Governing the Boston Public Schools," 103.

they can raise issues or grievances.<sup>260</sup> In 2021, almost 80% of voters supported a nonbinding proposal to switch from an appointed Boston School Committee to an elected one. Mayor Wu did not support the change and has been criticized that her stance violated democratic norms.<sup>261</sup>

In Chicago, mayoral control proponents touted it as facilitating a stronger public voice in educational leadership because mayoral elections generally bring out greater numbers of voters than school board elections.<sup>262</sup> In that city, LSCs, consisting of parents, community members, teachers, staff members, and the school principal, were to offer parents a voice.<sup>263</sup> Although the LSCs' power to operate independently was diminished in 1995, the LSCs are still active today. They continue to be responsible for hiring principals and awarding their performance contracts.<sup>264</sup> They underpin Chicago's mayoral control model as the representative voice of engaged parents, but with constrained school improvement and budgetary powers.<sup>265</sup>

Even though LSCs in Chicago play a role in educational governance, mayoral control has been critiqued for limiting the input of parents, teachers, and community members.<sup>266</sup> Low-income families

note they are left out of decision-making because school board discussions and determinations were often not open to community debate.<sup>267</sup> Despite the low turnout for council elections, they were a means of altering the implementation of the mayor's changes by individual schools.<sup>268</sup> Chicago is currently in the process of transitioning from mayoral control to an elected central school board based largely on concerns about meaningful user and stakeholder participation in education policymaking.<sup>269</sup>

Detroit and Philadelphia have faced similar challenges with stakeholder engagement under mayoral control. Community members in Detroit, particularly those from communities of color, felt they had less control over the direction of their schools than they did with an elected board.<sup>270</sup> In Philadelphia, where the latest version of the Philadelphia School Board, in which the mayor appoints board members, has been in place for just 5 years, academic performance has declined, and some have expressed feeling unheard by the school board.<sup>271</sup> Various community leaders and some city council officials had previously argued that an elected school board would be more fair and transparent than an appointed one.<sup>272</sup>

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260 Portz and Schwartz, "Governing the Boston Public Schools," 103.

261 Max Larkin, "Wu Vetoes Elected Boston School Committee after Proposal Squeaks by City Council Earlier in Week" *WBUR*, February 17, 2023, <https://perma.cc/U6T5-C59D>.

262 Libby Stanford, "A fading school reforms? Mayoral control is ending in another city," *Education Week*, June 28, 2023, <https://perma.cc/6WDE-5M2E>.

263 §105 Ill. Comp. Stat. 5/34-2.3 (1988); *See also* Civic Federation, *Chicago Public Schools Governance*, at 4.

264 Moscovitch et al., *Governance*, 19.

265 Shipps, "Updating Tradition," 127.

266 Shipps, "Updating Tradition," 138.

267 Shipps, "Updating Tradition," 117; Lipman et al., "Reviewing the Evidence," 27.

268 Shipps, "Updating Tradition," 138.

269 *See* Libby Stanford, *A Fading School Reform? Mayoral Control Is Ending in Another City*, *Education Week*, June 27, 2023, <https://perma.cc/EYG5-H96S>.

270 Hess, "Mayoral Control for Detroit Schools."

271 Carly Sitrin, "Philadelphia student test scores, attendance, school climate ratings decline on district scorecard," *Chalkbeat Philadelphia*, May 8, 2023, <https://perma.cc/2VTV-34GP>.

272 Harrison Cann, Philly's Board of Education mayoral appointment process: A City & State analysis, City & State, February 16, 2023, <https://perma.cc/NA56-T2W6>; Claire Sasko, "Helen Gym on Championing Philly Public Schools and What's Next," *Philadelphia*, March 24, 2018, <https://perma.cc/N4UL-K5HE>; City Council Philadelphia, "Councilmember Oh Introduces Education Reform Proposal to Establish a Majority-Elected Board of Education," *City Council Philadelphia*, March 18, 2021, <https://perma.cc/5LMD-734A>.

As in other cities, in Washington, D.C., proponents of mayoral control argue that it holds the mayor responsible for school performance, but critics argue that it has confused and disengaged parents, who do not know who to turn to when they need to get things done.<sup>273</sup> With respect to Los Angeles, structurally, the Los Angeles Unified School District ( LAUSD) may not be suited to mayoral control, because the district incorporates twenty-seven other

cities, which may oppose giving power to the Los Angeles mayor.<sup>274</sup>

While there remain differences of view when assessing mayoral control of school governance, “[t] here is broad agreement on at least one conclusion: Governance systems that produce uncertainty, distrust, and ambiguous accountability can impede districts’ progress on any front.”<sup>275</sup>

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273 O’Gorek, “What is Mayoral Control?”

274 Augustine et al., *Options for Changing the Governance System*, 75.

275 The Pew Charitable Trusts, “Governing Urban Schools.”





# Summary of the Research Process & Remaining Questions

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This section summarizes the process of developing the preceding literature review. On September 22, 2023, NYSED and CUNY School of Law entered into a memorandum of understanding (MOU) under which Professor Natalie Gomez-Velez agreed to conduct the first phase of the legislatively mandated review of New York City’s school governance system. That phase involved a literature review of school governance focused on New York City under mayoral control from 2002 to the present, placed in the context of New York City and State legal structures, and a study of school governance models and best practices, including comparative examples of mayoral control governance structures in seven selected cities.

As soon as the MOU was executed, Project Director Professor Natalie Gomez-Velez worked with RF-CUNY, the entity that would facilitate the administration of the project, to set up the systems necessary to post job vacancy notices, hire research staff, and administer payments and other aspects of the project. On September 25, 2023, Professor Gomez-Velez hired Professor Julie Goldscheid as a project manager. They drafted and posted job vacancy notices for research staff and circulated them as widely as possible to attract suitable candidates. After reviewing thirty-two resumes and conducting nine interviews, they hired four research assistants and one research associate to assist with the research and drafting necessary to conduct the literature review.

Subsequently, the research team commenced the literature review. The team reviewed publicly available materials, including the following: (i) governmental reports and reports drafted by non-governmental organizations and other oversight entities; (ii) books, studies, and other commentary by academics and other experts, including studies available through academic databases such as JSTOR and legal databases such as Westlaw and Lexis; (iii) sources available through searchable databases such as Google; and (iv) recordings and transcripts of select public hearings. The team was assisted by the New York State Library, which has shared journal and newspaper articles, book chapters, and books.

As research staff members were hired, they were assigned sections of the report based on the Outline/Scope of Report for New York State Legislature Reviewing Mayoral Control of New York City Public Schools, which was submitted to the NYSED on September 29, 2023. Each research staff member studied their respective sections and developed drafts that were exchanged among team members. Each section was cite checked by the research staff and reviewed by the project director and project manager.

## Limitations

Extensive literature has surfaced throughout the research process developed to address the question of the mayoral control of public education and public education governance more generally. The team was assembled, after which it researched and drafted the report between September 22, 2023, when the MOU was executed, and December 31, 2023. While the first researcher was hired on October 6, 2023, the final staff member was not hired until November 16, 2023.

The research focused on published reports that have distilled primary source data, such as test scores, graduation rates, and accounts of the efficiency and effectiveness of various models of public-school governance. The report is based on publicly available written materials. It did not include independent or original empirical research on student performance metrics, measures of equity, measures of the efficiency of school board functioning, or the extent of engagement of stakeholders such as parents, teachers, community members, union members, or business leaders. While the research team reviewed key transcript recordings and testimony, it did not systematically analyze each of the many hearings held on the mayoral control of public schools since 2002. Additionally, the research team did not investigate or compare the funding structures and sources employed in other cities with the funding structure employed in New York.

The research team noted a drop-off in the volume of studies and commentary about the mayoral control of schools after the mid-2010s. As a result, there is less literature about and analysis of the longer-term impact of governance reform in cities that adopted strong or moderate mayoral control models in the 1990s. Mayoral control started strong when it was a new form of governance and the mayor was attuned to it. However, in later years, the momentum slowed with later administrations. In addition, most researchers note that a given mayor's policy preferences for education reform should be distinguished from the question of what governance form to adopt, because mayoral policy preferences may or may not align with policy preferences that an elected board or other governance entity might also adopt. Finally, the impacts of the COVID-19 pandemic on schools complicate efforts to discern the effectiveness of the mayoral control of public schools compared with other governance structures during the literature review period.

## Project Team

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# Part Two: Analysis of Public Feedback on Mayoral Control





# Key Themes From the Analysis of Public Comments

From December 2023 through January 2024, the New York State Education Department (NYSED) held a public comment period to solicit community input on the governance of New York City public schools under mayoral control. The purpose of the public comment period was to ensure that the state-required review of the current governance model incorporated the feedback of interested and affected community members in New York City. As stated on the NYSED website, “All members of the public—including students, parents, teachers, school administrators and staff, and individuals with experience and expertise in education policy and school governance—were invited to provide feedback on their experiences, assessments, and/or review of the mayoral control system of New York City schools.”<sup>1</sup>

NYSED provided two mechanisms for members of the public to voice their feedback. First, NYSED held a series of five in-person public hearings, one in each borough, during December and January, each of which was livestreamed and recorded. During these events, members of the public provided oral testimony for up to 3 minutes per speaker. Second, NYSED collected written testimony through an online form accessible by QR code and on the NYSED website; written testimony was accepted through January 31, 2024. Hereafter, we refer to these two sources as the *public hearings* and the *written testimony*, respectively. Together, the testimony from each source formed the

data used to conduct the analysis in this section of the report.

The remainder of this section is organized as follows. First, we describe the chief characteristics of the data upon which the analysis is based (“Data and Methodology”). This section includes a description of the methods used to systematically code, analyze, and synthesize the data to produce the findings. Second, we present those findings in terms of how unique constituent groups perceived the current governance model (“Variation in Constituent Testimony”). Third, we present the most common sentiments expressed across data sources, locales, and speaker characteristics (“Themes from Constituents’ Perceptions of Mayoral Control”). Fourth, we summarize the most commonly voiced suggestions and priorities that constituents identified as alternatives to the current governance model (“Themes from Constituents’ Desired Changes to Mayoral Control”). We conclude with a brief discussion of the results.

## Data and Methodology

From December 2023 through January 2024, 261 public comments were offered at one or more of the five public hearings. During the same period, NYSED received 434 submissions through the

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1 NYSED. (n.d.). *New York City mayoral control hearings*. <https://www.nysed.gov/new-york-city-mayoral-control-hearings>

WestEd followed a three-step process to analyze the public comment data. First, WestEd developed an a priori codebook based on the review of the literature of school governance under mayoral control in Section 1 and informed by the key issues raised in the review (e.g., accountability, checks and balances). Using this initial codebook, a four-person research team independently coded a sample of excerpts and then calibrated coding decisions as a team, resolving discrepancies in code application where necessary and expanding the codebook to accommodate new codes based on the trends in the data. A glossary of the final codes used in analysis is included in Appendix C. In the second step of the analysis, the research team systematically analyzed all 675 screened comments using the final codebook. This step involved analyzing individual excerpts by documenting the main sentiments expressed by the constituent and the constituent's stated characteristics and affiliations. In the third step of the analysis, the research team synthesized the trends observed across all coded excerpts using a process of thematic analysis to identify key themes in the data. Identified themes were examined at different levels of aggregation to determine the extent to which they varied in prevalence or importance based on testimony format (spoken or written), associated borough, and constituent role (e.g., teacher, member of a community organization). WestEd distilled the resulting observations to the set of findings presented here.

written testimony form. Upon conclusion of the public comment period, NYSED provided the WestEd research team with the transcribed text from the public hearings and the text from all submissions received through the written testimony form. The WestEd team entered these data into a qualitative analysis program database and screened for analysis. Of the initial 695 unique records of testimony received across both sources, 20 (or 3%) were excluded from the analysis either because the testimony was an exact duplicate of a previous submission or because the testimony contained content unrelated to the mayoral control policy. This screening process resulted in a final analytic data set of 675 unique records, 261 (or 38%) of which came from the public hearings, and 414 (or 61%) of which came from the written testimony.

There are several considerations to keep in mind when interpreting the results of the following analysis. First, while the public comment period yielded a large volume and diversity of submissions, it is difficult to know the extent to which the testimony represents the views of all New York City public school constituents. Second, while NYSED provided multiple well-publicized avenues for constituents to provide feedback, the voices and viewpoints of some constituent groups may figure more prominently in the data than those of others. For example, preexisting work or familial obligations may have precluded some individuals from participating in the public hearings. Finally, students represent the smallest constituent group in the public comment data; thus, the viewpoints of students are underrepresented in the data. Considered within this context, the



**Table A. Glossary of Constituent Roles Used in the Analysis**

<b>Role</b>	<b>Description</b>
<i>Administrator</i>	District or school level administrators, including principals, directors, etc.
<i>Education Interest Group Member</i>	Individuals with a stated membership in a group or organization other than NYC public schools. This includes all types of organizations, including advocacy, nonprofit, foundation, or vendor. It does not include union members not speaking as an official representative.
<i>Community Member</i>	Members of the community that do not belong to other speaker groups, including parents of individuals who have graduated from NYC public schools, residents of the borough, members of the local business community, etc. Community members may be double coded with Education Interest Group Member.
<i>Local Leadership Team</i>	Members of the School Leadership Team (SLT) and or a Community Education Council (CEC).
<i>Parent</i>	Individuals who indicated that their children currently attend NYC public schools.
<i>Student</i>	Individuals who indicated that they currently attend NYC public schools.
<i>System Leader</i>	This includes system leaders such as the chancellor, elected union representatives, and Panel for Educational Policy PEP members. It also includes other noneducation elected or appointed officials (i.e., state or district representatives, assemblypersons).
<i>Teacher</i>	This refers to individuals who indicated that they were currently employed as teachers or non-administrative school personnel in NYC public schools.

675 individual testimonies included in the analysis nonetheless encompass a broad and nuanced range of opinions about the current governance structure in the New York City public school system.

Table A contains a glossary of the codes used by the research team to group individuals who submitted written and/or spoken testimony into discrete constituent<sup>2</sup> roles. WestEd identified eight constituent groups: administrators, education interest group members, community members, local leadership teams, parents, students, system leaders, and teachers. Constituents who provided spoken testimony identified their role when introducing themselves. During analysis, WestEd researchers assigned each speaker a single primary role based on the content of their testimony to further differentiate

among speakers. For example, speakers who self-identified as current teachers working in a New York City public school were coded primarily as teachers even if they also self-identified as parents of a school-aged child. Wherever possible, WestEd followed the same process for the written testimony given that constituents were able to select all roles with which they identified when submitting written testimony. Borough codes were applied based on the location of the public hearing at which the spoken testimony was provided. However, some speakers attended multiple meetings, and local residency was not a requirement to speak or attend. Similarly, when submitting written testimony, constituents were able to select multiple boroughs to indicate their primary residence and/or location of employment.

<sup>2</sup> Note that we use the term *constituent* in this analysis to refer both to individuals who provided oral testimony at the public hearings and to individuals who submitted written comments.

**Table B. Testimony by Format and Constituent Role**

Role	Spoken Testimony		Written Testimony		Total	
	n = 261		n = 414		n = 675	
	#	%	#	%	#	%
<i>Administrator</i>	13	(5%)	16	(4%)	29	(4%)
<i>Community Member</i>	30	(11%)	109	(26%)	139	(21%)
<i>Local Leadership Team</i>	25	(10%)	19	(5%)	44	(7%)
<i>Parent</i>	37	(14%)	230	(56%)	267	(40%)
<i>Student</i>	11	(4%)	15	(4%)	26	(4%)
<i>System Leader</i>	27	(10%)	24	(6%)	51	(8%)
<i>Teacher</i>	118	(45%)	57	(14%)	175	(26%)
<i>Education Interest Group Member</i>	20	(8%)	69	(17%)	89	(13%)

*Note.* Cell counts represent the total number of spoken or written testimony received; percentages represent the percent of spoken or written testimony submissions out of the total submissions for each format. Individuals could have submitted more than one written testimony or spoken at more than one hearing. Individuals coded as part of a “Named Education Interest Group Member” were in some instances double-coded with another constituent characteristic (e.g., “Community Member”) if they identified themselves as such.

**Table C. Testimony by Format and Borough**

Role	Spoken Testimony		Written Testimony		Total	
	n = 261		n = 414		n = 675	
	#	%	#	%	#	%
<i>Bronx</i>	45	(18%)	49	(12%)	94	(14%)
<i>Brooklyn</i>	74	(28%)	221	(53%)	295	(44%)
<i>Manhattan</i>	66	(25%)	138	(33%)	204	(30%)
<i>Queens</i>	44	(17%)	80	(19%)	124	(18%)
<i>Staten Island</i>	31	(12%)	21	(5%)	52	(8%)
<i>Outside NYC</i>	0	(0%)	4	(1%)	4	(1%)

*Note.* Cell counts represent the total number of spoken or written testimony received; percentages represent the percent of spoken or written testimony submissions out of the total submissions for each format. Individuals could have submitted more than one written testimony or spoken at more than one hearing. Individuals coded as part of a “Named Education Interest Group Member” were in some instances double-coded with another constituent characteristic (e.g., “Community Member”) if they identified themselves as such.

Tables B and C summarize the features of the data in terms of constituent role and associated borough. Educators made up more than half of the speakers at the public hearings, with the next largest speaking group being parents of school-aged children who were not otherwise involved in the education system. Parents made up the largest number of constituents who submitted written comments, followed by community members (i.e., residents of New York City who were not a parent of a school-aged child, an educator, or a system leader). Students were the least represented group across both written and spoken testimony, followed by school administrators. While the majority of testimony was provided in English, interpreters provided synchronous translation in a variety of languages at each public hearing.

The following sections describe the findings from WestEd’s analysis of the public comment data. The findings are organized into three categories: (I.) Variation in Public Hearing Testimony and Written Comments; (II.) Key Themes from Constituents’ Perceptions of Mayoral Control; and (III.) Key Themes From Constituents’ Desired Changes to Mayoral Control.

## I. Variation in Public Hearing Testimony and Written Comments

**There were no discernible differences in constituent perceptions based on testimony format or borough; however, there was some variation in opinion by constituents’ stated roles.**

The major themes that emerged in the analysis were consistent across all five boroughs and by both spoken and written testimony. Analysis does suggest some differences based on constituent role; however, precise differences are difficult to measure given the

heavy representation of educators and parents and the limited representation of students, administrators, and system leaders. Nevertheless, the following patterns emerged in the sentiments expressed by distinct role groups.

**Teachers tended to be in favor of ending or significantly altering mayoral control to enable more distributed decision-making and representation than the current governance structure allows.**

Teachers represented the largest role group in the public hearings data. Their voices were less prevalent in the written testimony, but regardless of testimony type, they often spoke to missed opportunities to share expertise that can be directly applied to instructional strategies and opportunities for their students in their schools. Teachers were particularly concerned with the cascading impacts of budget-related decisions, such as the loss of programs and services, inequitable allocation of resources, staff recruitment and retention, and school closings. Teachers also spoke about the lack of consistency and educator input into decisions around the curriculum and its impact on instructional quality, pacing, culturally sensitive instructional approaches, and personalized learning strategies.

*Under mayoral control, we have continuously seen the closing of some schools that created overcrowding in others. We have seen the creation of new schools that had the same programs that were in the schools that were closed instead of investing in the revitalization of those schools and the programs that they had. We have seen budget cuts with the expectation of better results and test scores and graduation rates while successful programs were cut. We have not seen an investment in the support and success of our schools but instead the failed bright ideas of people who know nothing about education and what it takes to ensure success for all our children.*

—Spoken testimony, teacher,  
Brooklyn

“The challenges of effective leadership of all public schools is indeed an unenviable role.”

**Parents also tended to side against extending mayoral control, mentioning their lack of representation and meaningful input in decision-making processes.**

Parents were the largest group represented in the written comments. They often shared concerns similar to those of teachers, with their focus being on the provision of services, quality educational opportunities, meaningful engagement in decision-making, and school closings and colocation.

*We need a system that directly incorporates the voices of parents, teachers, administrators, and community members on school issues. We also need a system that creates direct accountability for school outcomes. Most voters are probably not thinking about educational issues when they vote for a mayor. A better system will more directly engage parents, schools and the community in making decisions that affect our curriculum and policies and allow for more focused accountability to whether those policies are working.*

—Written testimony, parent/caregiver,  
Manhattan/Brooklyn

**System leaders and school administrators were the group most likely to speak in favor of continuing mayoral control, with many pointing to traditional educational outcome measures or specific initiatives as reasons for their support.**

System leaders were more likely to refer to measures such as graduation rates and standardized test scores as evidence of success. Some school leaders also spoke about increased individual autonomy in the current system, and they praised mayoral initiatives such as NYC Reads and the pre-K program.

*Many have spoken about New York City Reads and the science of reading, and I'm here to tell you this: There is no perfect curriculum, but what I'm here to tell you is this: that mayoral control helps us to figure this out. Before mayoral control, students were struggling with reading. What this mayor is committed to doing is finding a way for us to make the problem decline. What I'm saying here today is this: There are no simple answers to fixing the issues of education. But the way we fix it is not by fighting with each other. The way we fix it is by looking at the system that we have now and making it better. I can tell you that underneath this mayor that scores have improved by 12% in math and by over 4% in literacy. And in my district the numbers are even higher: by 16% in math and by 4% in literacy. I can tell you that would not have happened without mayoral control.*

—Spoken testimony, school administrator,  
Brooklyn

**Community members voiced their support of mayoral control more often than did the other speaker types.**

The main argument for mayoral control that arose from community members' testimony was increased visibility into who was making key decisions affecting schools relative to prior local control models. In these community members' views, visibility into decision-making processes translated into a stronger sense of accountability in contrast to prior models in which community members struggled to identify key decision-makers.

*With the transition to mayoral control, at least it became clear to parents who was to be held accountable. The mayor and his appointed schools chancellor are responsible for the well-being of our public schools, and I know exactly where to focus my time and efforts when advocating for meaningful changes and reforms.*

—Written testimony, community member,  
Brooklyn

**Education Interest Group members expressed both support for and opposition to mayoral control with approximately equal frequency.**

Education interest group members, meaning constituents who identified as belonging to a specific organization or advocacy group, were split in their opinion of mayoral control. Those in support tended to echo the views of community members, pointing to enhanced visibility, accountability, and efficiency under mayoral control.

*[M]ayoral control has provided a unified and accountable leadership structure for our schools. Under the mayor's authority, there is a clear chain of command that ensures effective decision-making and implementation of policies. This has resulted in more streamlined and efficient administration, allowing for quicker responses to challenges and the ability to implement necessary reforms.*

—Written testimony, Education Interest Group Member, Manhattan

By contrast, those in opposition critiqued the history of mayoral control as a failed experiment in school governance. Opponents pointed out that the model had been given enough time to become viable but had failed to prove itself to be an effective solution in addressing the inequities of the existing system.

*Since the creation of mayoral control in 2002 under Bloomberg, the promise of increased accountability, reduced corruption, and addressing inequity has not materialized. Instead, we now have a public school system that not only lacks transparency and oversight, but also is also now led, Mayor ill-equipped to make sound educational decisions [sic], and has disenfranchised the City Council, the City's governing body. There is no checks and balances.*

—Written testimony, Education Interest Group Member, Brooklyn

## II. Themes from Constituents' Perceptions of Mayoral Control

THE MAJORITY OF CONSTITUENTS EXPRESSED OPPOSITION TO THE CURRENT MAYORAL CONTROL MODEL

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**The reasons cited for opposition to mayoral control were varied but tended to coalesce around themes of equitable representation in decision-making, accountability, transparency, locus of control in decision-making, and the perceived inequitable impacts of decisions across such a diverse school system.**

Specifically, constituents raised questions about the ability of the current governance structure to adequately meet the goals of a diverse education system and equitably address the needs of all constituents. Their perspectives were most often rooted in their experiences as teachers, parents, and members of the community in relation to their nearby school or the schools with which they had interacted directly on behalf of their children. Most speakers attributed the shortcomings of the current governance structure not to any one mayor or administration; rather, they characterized those failings as a core structural issue with the mayoral control model itself.

*The challenges of effective leadership of all public schools is indeed an unenviable role. Being charged with the education of an extraordinarily diverse population of students and ensuring that the policies and programs are designed to lift all students to realize their potential, such leadership must be defined by accountability, transparency, and collaboration with the core constituency being served. Mayoral control in its current form, and by design, falls short of these three key components of good governance.*

—Spoken testimony, teacher, Staten Island

Many who testified against continuation of mayoral control emphasized educational opportunities and experiences over formal outcome measures, such as access to student services, after-school programming, and a well-rounded curriculum that includes access to the arts as well as core subjects.

*Data shows students learn better when instruction is delivered in smaller settings. Students get the individualized attention they need, and it's also [associated with] less behavioral disruptions. Essential programs such as arts, music, physical education has been cut and taken away, depriving students of opportunities of holistic development. What's alarming is that support services and resources of students with special needs and ENL has been taken away. This affects the students to the point where they don't want to come to school because they have nothing to look forward to.*

—Spoken testimony, teacher, Bronx

**By contrast, those who spoke in favor of continued mayoral control tended to point to improvements in educational outcome measures as justification for continuing the policy.**

Some of these arguments focused on traditional metrics of school accountability, such as standardized test scores and graduation rates. They also tended to attribute improved outcomes to the centralized structure of the mayoral control model:

*I support mayoral accountability because it has replaced a decentralized governance model with an approach that ensures oversight and has achieved results. Under the first two years of the Adams Administration, New York City public schools have achieved high school graduation rates of 80% and significantly improved student proficiency. Last year, students' math proficiency rates increased by 12 percentage points and English and Language Arts proficiency rates increased by 3 percentage points. Put simply, mayoral accountability is working for our students.*

—Written testimony, parent/caregiver,  
Manhattan

Other arguments in favor of mayoral control included linking the policy to improved equalization of opportunities across the city. Constituents pointed to the consistency in approach afforded by such a model, claiming that it has resulted in more equitable and efficient distribution of resources, and they highlighted that the policy creates a central point of responsibility to which constituents can appeal. However, even among those in favor of continuing mayoral control, many acknowledged that the current model of mayoral control is flawed and could benefit from instituting improved avenues for teacher, student, parent, and community input on decision-making.

**Representation in decision-making—including equitable membership in leadership councils, strength of school and community leadership teams, and the makeup of the Panel for Educational Policy (PEP)—were some of the most frequently identified concerns across both written and spoken testimony.**

The need for more authentic representation in decision-making emerged as a key concern among opponents to mayoral control. In particular, the most frequently cited concern with respect to representation was the structure of the PEP. Many constituents expressed dissatisfaction with the imbalance between mayoral appointees and elected members on the panel, the former of whom they felt wielded outsized control over decision-making. Constituents also raised concerns about the lack of requirements or qualifications for mayoral appointees to the panel, especially when it came to a perceived lack of expertise in education.

*We believe that the composition of the PEP needs to be rebalanced to reflect a broader spectrum of voices. Currently, the majority of the PEP members are mayoral appointees, often voting in unison, rendering the process a mere formality. We propose a shift towards a more representative PEP with fewer mayoral appointees and additional members who represent the community. This change will foster diversity of thought and perspectives, allowing for a more robust decision-making process that truly considers the needs of all stakeholders. Moreover, this reformed PEP should play a more influential role in decisions, especially regarding the selection*

*of the chancellor. The PEP should be empowered to participate actively in the selection process, ensuring that educational leadership aligns with the collective vision of our schools.*

—Spoken testimony, teacher, Brooklyn

**Many speakers also felt that there are not enough meaningful opportunities for interest holders to provide feedback in the current system.**

Constituents pointed to the lack of meaningful opportunities to engage with the PEP, the lack of transparency and time to review information prior to panel votes, and the limitations of a system in which they could speak at meetings but saw little to no impact on the outcome of voting on major decisions. Speakers frequently raised concerns about instances of major decisions such as school closings and budget allocations where, despite fierce community-based opposition, mayoral appointees voted as a block and were perceived as disregarding the needs of the community.

*Overall, the dangers of mayoral control over public schools lies in the concentration of power, the potential for a uniform approach that overlooks local nuances, and the diminished role of the key stakeholders. Those are the parents, those are the teachers, and those are the students. We need a more democratic system where our voices can be heard and our concerns are taken into consideration. We deserve a more democratic system of checks and balances where no one person can ever again wield the rubber stamp, another policy that we all know will never benefit the children of New York City public schools.*

—Spoken testimony, teacher, Brooklyn

In addition to concerns regarding the balance of mayoral appointees on the PEP, multiple speakers raised the issue of student representation. Currently, the PEP is designed to include two appointed student representatives. However, these students are not allowed to vote on major decisions and are often left out of important discussions. Students and adults testified in favor of greater inclusion of students in

decision-making, noting that to disregard student voice meant leaving out the population who was most directly and immediately impacted by policy decisions, as well as missing an opportunity for engaging young people in civic action.

*The decisions made by the officials appointed by the mayor affects students today and for the rest of their lives. There are supposed to be two students who sit on the Panel for Educational Policy. The one student who remains doesn't have any voting power. We deserve to have self-determination. Every year we protest and make demands to the mayor and chancellor, who continue to show us that our opinion does not matter. Please end mayoral control for the sake of decentralizing power and creating space for students to elect and sit on real school boards. Our suggestions include increase youth on the Panel for Educational Policy and give them voting power.*

—Spoken testimony, student, Manhattan

ACCOUNTABILITY, OR THE PERCEIVED LACK THEREOF, EMERGED AS A MAJOR THEME IN THE SPOKEN AND WRITTEN TESTIMONY—AND WAS INVOKED AS AN ARGUMENT BOTH FOR AND AGAINST MAYORAL CONTROL

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**Those opposed to mayoral control frequently cited a lack of public oversight of and visibility into decision-making processes.**

Oftentimes, this sentiment was expressed as a lack of “checks and balances” in the current policy, with the phrase “one size fits all” frequently invoked in a pejorative sense to describe the inflexible approach embodied by the mayoral control model. The precise components of “checks and balances” in testimony often referred to broader representation in decision-making processes related to school site-level considerations. Other constituents went further, characterizing the policy as a threat to achieving equity within a diverse public education system.

*Mayoral control of public schools must change because under the current model, it poses significant dangers*

*to the educational system. One primary concern is the concentration of power in the hands of a single individual, and in this case that would be the mayor of New York. This centralization often leads to a lack of checks and balances, raising questions about accountability and the ability to address the diverse needs of all our schools and our school communities. Anyone in the New York City public school system knows a one-size-fits-all model and approach does not work and has never worked.*

—Spoken testimony, teacher, Brooklyn

**Those in favor of mayoral control tended to view the policy as a legitimate form of democratic governance, with the mayor accountable to the people through the electoral process.**

Contrary to opposition sentiment, proponents argued that mayoral control has a built-in accountability mechanism: that individuals can vote the mayor out of office if they do not like the results. Under this view, mayoral control is a safeguard against the inconsistencies and inequities of a less centralized system. One speaker summed up this sentiment as follows:

*Mayoral control has brought transparency and accountability to our public schools. Before mayoral control, local school boards had inconsistent curricula, inexperienced leaders, and sometimes outright corruption stealing public resources from our children. Today, though our schools aren't perfect, the Mayor and Chancellor are accountable. If parents don't like the results, they know who to call.*

—Written testimony, community member, Queens

**Continuity and consistency of the education system between administrations and the lack of ability to commit to long-term planning were major concerns for opponents of mayoral control**

A frequent concern among constituents opposed to mayoral control was the issue of educational policies being tied to 4-year election cycles. This was seen as a potential obstruction of educational policy implementation processes because these policies

may be overridden by new mayors and because large swaths of the education system leadership could be replaced after each election. Constituents also raised concerns about leadership using the education system as a political tool rather than focusing on long-term planning and addressing the needs of students. Concerns regarding the risks of potential corruption in a system that disincentivizes long-term planning and oversight underpinned much of the provided testimony, as described by one local leader:

*...a system that is rooted in chaos because policies change with every new mayor and chancellor, of which we've had three just since the start of COVID...schools need planning beyond just the next election cycle. Mayoral control has led to budget cut after budget cut, harming the most vulnerable students and the most marginalized communities most often. It's led to the scapegoating of asylum-seeking families. And when paired with the new and inhumane 60-day shelter eviction rule, it harms so many of our newest students and families even more. A question I get from parents who elected me to CEC 13 is how this system that so clearly does not work for our students can be allowed to continue, and I've often been left wondering the same. For a system such as mayoral control to work, it requires a very specific sort of person: one who doesn't use our students as political props, one who doesn't play exclusively to the wishes of the donor class, and one who doesn't always believe themselves to be the smartest person in the room. And that's exactly the problem with this school governance system. We can never guarantee such a unicorn of a politician would be in place for long enough to make a difference.*

—Spoken testimony, local leadership team member, Brooklyn

Additionally, many constituents indicated that the inconsistency of policy implementations leads to time lost in the classrooms because both classroom educators and students need to adjust to curriculum and policy changes. According to opponents of the model, this often engenders a sense of initiative fatigue among educators and normalizes a culture of policy churn in which there is little patience for new initiatives to flourish before they are replaced by the next reform.



*[M]ayoral control, for better or for worse, ties educational initiatives to wide-scale and massively funded mayoral campaign cycles. Not everyone votes for a mayor on educational issues. School accountability during mayoral elections is hardly accountability at all. Educators, understandably, grow weary of constant changes in school initiatives and policies, new initiatives often ending before they can even truly make an impact in the case of small areas of administrative focus that might not make much of a difference from administration to administration. But in the case of something as pertinent as reading instruction, the politics of our schools can make or break the most essential urgent reform in our system.*

—Spoken testimony, teacher, Bronx

Some constituents underscored the real impact on schools that result from a model so closely bound to the prevailing politics of the moment. They described an education policy landscape in which shortsighted and politically motivated changes to leadership and programming took precedence over evidence-based decision-making, leading to a significant amount of wasted effort and resources.

*Whenever there is a new Mayor, the complete DOE leadership is removed and replaced by supporters of the new Mayor. Programs that were started during the previous administration are not guaranteed to be continued even if they are successful. Lots of money, expertise and resources are lost during this process. I am saddened how pre-k programs are struggling and underfunded despite the overwhelming success. I am even more saddened that 3-K programs may never fully take off.*

—Written testimony, parent/caregiver,  
Manhattan/Queens

Many opponents expressed dismay at the sense of whiplash they experienced from such changes, and they often cited specific examples of where its effects were most acutely felt, as in the following two examples related to school budgets and class sizes.

## TWO EXAMPLES: CONSTITUENT PERCEPTIONS OF THE IMPACT OR RESULT OF EDUCATIONAL POLICIES ENACTED UNDER MAYORAL CONTROL

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### I. BUDGET

**Constituents pointed to specific policy decisions when speaking about the impact of mayoral control on students, teachers, and the broader school community. Decisions made regarding school budgets was a frequently cited concern.**

Educators, parents, and students spoke about the disproportionate impact of increasing budget cuts, leading to the loss of key student support services, staff positions, and student and family wraparound supports. Of greatest concern was the loss of programs intended to support high-need students, such as academic supports, counselors, 3K and Pre-K programs, and after-school programming.

*We need more social workers, more guidance counselors, more services that meet the needs of the students. With the budget cuts, these students will not get the help that they need and will fall through the cracks in the education system. There are many classrooms like me, like mine across New York City public schools. The class sizes are too big. Students are not receiving the proper services that they need because we don't have the budget to hire more personnel. Students are crying for help, but where is the help? Instead, the mayor is going to cut education funding so that our most vulnerable students can continue to suffer due to lack of resources.*

—Spoken testimony, teacher, Queens

Students also spoke to the impacts that budget cuts had had on their educational experiences. In the following quotation, one student described how such cuts had affected the capacity of their school to provide needed services for students with disabilities.

*I'm asking you to allow mayoral control to end. Mayoral Control is responsible for the fact that for the last 2 years my friends and I started school with no speech teacher. The budget cuts Mayor Adams made*

“Have you attempted to simultaneously meet the needs of 27 five- and six-year-olds? Well, my child’s teacher does it every day.”

*would not allow my school to hire the staff needed. And, as a student with autism, I have experienced having to do more with less than my general education students because students like me are an afterthought. I have been testifying since I was 12 years old. Since I was 12 years old against policies that affect students with disabilities. That puts us in harm’s way and that puts our teachers in harm’s way. And where did it get us? In a city as rich as New York City, students like me should not have to fight for scraps that are at the hands of this mayor or all the mayors before him. I’m successful in spite of mayoral control, but not all students like me are that lucky. Under mayor control, more families had to sue the DOE to get more services. Mayoral Control has not made our school systems like a place where students like me can thrive. Our disability community cannot afford another year of staffing shortages, budget cuts, and learning loss. Give us a fighting chance and end mayoral control now.*

—Written testimony, student

## 2. CLASS SIZE

**A large number of constituents brought up concerns over the distribution of funds intended for addressing class sizes in schools;** they also highlighted the perceived lack of accountability of the mayor’s office in following the new state-mandated class size regulations. Opponents of mayoral control viewed this as an example of disenfranchisement of key interest group holders in forming and implementing education-related policies.

*Adams’ actions, especially his reluctance to fill the class size mandate, raise concerns about his commitment to aligning with broader state educational goals. The lack of willingness to adhere to essential mandates jeopardizes the equitable distribution of resources and quality of education. It underscores the urgency of reforming the current model to ensure a more collaborative and responsible approach to governance. We must learn from the shortcomings of mayors Adams, de Blasio, and Bloomberg. ... The challenges we face are not isolated incidents but part of a broader issue with the mayor control model. It is time to move toward a system that appropriately addresses the needs of the communities with transparency, inclusivity, and evidence-based decision-making, incorporating essential checks and balances for the betterment of New York City’s public education.*

—Spoken testimony, teacher, Manhattan

Constituents who testified about the need for reduced class sizes also often perceived the lack of movement on reducing class size as evidence of education being given a lower priority than other departments in the city and as an example of how inequitable distribution of resources negatively impacts the highest need students in the city by reducing schools’ abilities to meet their needs.

*Last fall, I had the pleasure of doing an art project with a 1st grade class. Have you attempted to simultaneously meet the needs of 27 five- and six-year-olds? Well, my child’s teacher does it every day. Of course, this issue could be corrected by the class size reduction bill that was overwhelming passed by the state legislature and signed by the governor in Sept 2022, but the mayor has done nothing but obstruct it at every turn. We need funding to decrease class sizes and increase school staffing. Anyone who cared even the slightest bit about education would not only fully fund schools, but advocate for increased funding. The mayor has made his priorities crystal clear by increasing police and decreasing teachers and counselors.*

—Written testimony, parent/caregiver, Manhattan

### III. Themes from Constituents' Desired Changes to Mayoral Control

**Most constituents called for a more distributed approach to public school governance but recognized that the previous hyperlocalized approach could exacerbate existing inequities in the system.**

Throughout the spoken and written testimony, there was a clear preference for revising the current system to support greater distribution of leadership and representation from educators, families, and students in decision-making. These sentiments were shared by members of each constituent group regardless of whether they supported or opposed the continuation of mayoral control.

*Under the current structure of mayoral control, the Panel for Educational Policy is heavily influenced by the 13 mayoral appointees, which centralizes too much control. Instead, we should aim for a balance where the mayor provides oversight and direction but also empowers the diverse voices of our educational community. To enhance the effectiveness of mayoral control in our schools, I propose three simple reforms: one, restructuring the current stacked PEP for fair representation; two, staggering the chancellor's tenure for continuity beyond the 4-year mayoral term; and three, decentralizing decision-making, especially when it comes to funding, which will empower local CECs and our superintendents. This approach, much like an air traffic control system, allows for a more democratic, responsive, and effective governing structure. It ensures that while the mayor sets the broader course, the voices and expertise of our educators and communities play a crucial role in navigating the complex skies of New York City's educational system.*

—Spoken testimony, teacher, Manhattan

Regardless of the specific governance model suggested, constituents agreed that broadening participation and ensuring a diversity of viewpoints in educational decision-making should be a primary goal of the new governance structure. Several constituents recommended a review of policies and practices in similarly large cities that have moved away from mayoral control.

*Simply put, one person controlling New York City public schools does not allow students, parents, and community members, to truly have a say in decisions related to our schools. Other cities like Chicago, Los Angeles, Detroit, and Oakland, are moving away or have moved away from mayoral control models. I understand the transition to school governance will not happen overnight, but the legislature has a responsibility to put in place an inclusive plan for transition informed by the public, to create a more democratic school governance. To achieve that, I'm asking the legislature to convene and fund an independent and community-led school governance commission, that includes parents, caregivers, educators, and other education stakeholders to a transition plan, a fully elected board by New York City public schools by 2026. Start building community power by reducing the mayoral control appointees by five, and replace them with five elected parents. Give student panel members a vote.*

—Written testimony, system leader, Brooklyn

**A frequent suggestion involved making improvements to the structure of the current PEP regardless of whether mayoral control continues.**

A significant number of constituents both for and against the continuance of mayoral control recommended revising the balance of the PEP to reduce the number of mayoral appointments and strengthen representation from education leaders and the communities they serve. Many constituents viewed this as a potential step in revising, revamping, or phasing out mayoral control, and one that could begin to address issues of equity in representation in decision-making. Constituents also viewed this as an opportunity to address concerns about the politicization of the PEP; the main concern is that

members appointed by the mayor frequently vote as a block regardless of community and non-mayoral appointee preferences. One speaker summed up this sentiment as follows:

*Mayoral control of schools was first implemented in New York City in 2002 with the intention of bringing increased accountability and efficiency. However, we cannot ignore the flaws within the current system. One significant concern is the lack of equal representation within the Panel for Education Policy. Presently, the mayor appoints 13 of the 23 members, leaving little room for unbiased decision-making. To address this issue, we must strive for a more balanced PEP with representation from parents, teachers, and community members. By including diverse perspectives, we can ensure that decisions made are truly in the best interest of our students.*

—Spoken testimony, teacher, Queens

### **Constituents also recommended strengthening the roles of CECs and SLTs in relation to both local decision-making and the collaboration with the PEP.**

A large number of speakers voiced frustration with the lack of current collaboration among these bodies in the current system and the concentration of sole decision-making power at the PEP and mayoral level. Constituents raised concerns regarding the lack of transparency in information sharing, timeliness of communication, and disregard for local context or community needs when making decisions.

*In regards to our Panel for Education Policy, it's evident that the current composition with the majority of members appointed by the mayor undermines the very concept of checks and balances in our democratic system. The PEP should serve as a representative body that considers the perspectives of all stakeholders, parents, teachers, and community members. Yet, when the majority of its members are handpicked by the mayor, it becomes an extension of mayoral influence, stifling diverse voices and sidelining community input. Additionally, the impact*

*of school leadership teams cannot be overlooked. These teams comprised of parents, teachers, and administrators play a crucial role in decision-making at the school level. However, under mayoral control, the autonomy and the effectiveness of SLTs may be compromised as they navigate decisions dictated, centralized authority. A more decentralized approach would empower SLTs to address the unique needs of their schools, fostering a collaborative environment that engages the entire school community.*

—Spoken testimony, teacher, Brooklyn

### **As noted elsewhere, considerations of equity figured prominently in constituents' calls for reform.**

Constituents commonly envisioned an alternative system that equitably centers community voice in key decisions such as the allocation of resources. According to this view, placing local needs at the center of decision-making is paramount to supporting broader state education goals rather than representing an obstacle to achieving those goals.

*I advocate for a reformed PEP makeup to establish a more balanced and equitable body to safeguard against increased influence on decisions, including chancellor's selection. Strengthening CECs and SLTs is paramount to giving school communities the voice they deserve, ensuring decisions are made collaboratively and reflect their unique needs. We must not overlook the issue of supplanting state education funds, however, a problem that transcends individual administrations. Education is a shared responsibility, and state funds must be allocated equitably. The mayor's control should not lead to a concentration or lack of resources that undermines the broader state education agenda.*

—Spoken testimony, teacher, Manhattan

# Summary

The findings from WestEd’s analysis of public comment data suggest that the majority of participating constituents want to see changes to the current policy of mayoral control of public schools. While opinions about the extent of desired changes vary, most constituents oppose the policy in its current form, citing a lack of accountability and checks and balances in the system, particularly regarding the structure of the PEP. Those opposed to mayoral control frequently lament the perceived lack of equitable representation in decision-making under the current model, the inflexibility of the model to meet the needs of a diverse system, inconsistencies in specific approaches and policies across administrations, and opacity around how decisions are made under such a centralized model. Frequently, constituents’ concerns

are framed as issues of equity related to specific decisions that impact schools.

Many constituents also expressed their desired alternatives to the current policy. Foremost in the mind of constituents is a desire to expand representation and incorporate a broader diversity of viewpoints in educational decision-making. Among the concrete suggestions offered are a reduction in the number of mayoral appointees to the PEP and/or a reimagining of the PEP as an elected representative council. Regardless of the specific model adopted, constituents suggested that the new governance model should prioritize increasing avenues for teachers, parents, students, and other constituent groups to voice their opinions on education policies.



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# Appendices A–F





APPENDIX A: NYS GRADE 3-8 ELA & MATH PROFICIENCY PERCENTAGES FOR SELECT STUDENT SUBGROUPS FOR NYCDOE AND REST OF STATE SCHOOLS

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The following tables display New York State grade 3-8 ELA (English language arts) and mathematics proficiency percentages for select student subgroups in the New York City public school system (NYCDOE), and Rest of State schools. For the purposes of this report, Rest of State schools are defined as all public schools in New York State excluding NYCDOE schools. Proficiency percentages refer to the proportion of students participating in the New York State grade 3-8 ELA or math state assessments that achieved a score of Level 3 or higher.

Please note—student proficiency data should always be evaluated in the context of external and global factors such as changes in federal law, changes in state and local testing practices, and global events such as the COVID-19 pandemic. Additionally, modifications in New York State learning standards, test construction and administration, assessment measures, etc., may require any analysis solely based on annual comparisons to be interpreted with caution. The aim of the following tables is to provide insight into NYCDOE student performance compared to students in Rest of State schools.

SELECT STUDENT SUBGROUPS:

All Students..... 216

Black or African American..... 217

Hispanic/Latino(a)..... 218

Asian or Native Hawaiian/Pacific Islander ..... 219

White ..... 220

Economically Disadvantaged ..... 221

English Language Learner ..... 222

Students with Disabilities..... 223

# All Students

## Grade 3–8 Proficiency Percentages by School Year All Students

	<i>ELA</i>		<i>Math</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2005–06	50.6%	67.1%	57.0%	70.8%
2006–07	51.1%	70.1%	65.4%	76.8%
2007–08	57.6%	74.4%	74.4%	84.2%
2008–09	68.8%	81.9%	81.8%	88.9%
2009–10	42.4%	58.9%	54.1%	64.8%
2010–11	44.0%	57.6%	57.4%	66.6%
2011–12	46.8%	59.6%	60.0%	67.4%
2012–13	26.5%	33.6%	29.7%	31.8%
2013–14	28.5%	31.8%	34.3%	37.4%
2014–15	30.4%	32.0%	35.2%	40.4%
2015–16	38.0%	37.8%	36.5%	41.2%
2016–17	40.6%	39.2%	37.8%	42.0%
2017–18	46.7%	44.2%	42.7%	45.9%
2018–19	47.4%	44.0%	45.6%	47.5%
2019–20				
2020–21				
2021–22	49.1%	45.2%	38.0%	38.9%
2022–23	51.8%	45.9%	50.0%	50.5%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Proficiency percent refers to the proportion of students participating in the New York State grade 3–8 ELA or math state assessments that achieved a score of Level 3 or higher. All testing was cancelled in 2019–20 school due to COVID–19 closures. Data for 2020–21 is omitted as tests were only administered to students able to safely test in-person (approximately 39% of students). Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

## Black or African American Students

### *Grade 3–8 Proficiency Percentages by School Year Black or African American*

	<i>ELA</i>		<i>Math</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2005-06	41.7%	43.5%	46.5%	44.8%
2006-07	43.9%	47.3%	55.7%	53.5%
2007-08	51.2%	55.1%	66.0%	66.0%
2008-09	62.9%	66.1%	75.0%	74.9%
2009-10	32.6%	36.6%	40.5%	41.6%
2010-11	34.8%	35.2%	44.3%	43.7%
2011-12	36.9%	37.6%	46.2%	46.0%
2012-13	16.4%	16.0%	15.3%	15.3%
2013-14	18.1%	16.8%	18.6%	21.0%
2014-15	19.0%	17.8%	19.1%	23.7%
2015-16	26.6%	25.8%	20.0%	26.2%
2016-17	28.9%	29.0%	20.7%	28.2%
2017-18	34.0%	34.9%	25.4%	33.0%
2018-19	35.0%	35.5%	28.3%	35.5%
2019-20				
2020-21				
2021-22	35.9%	36.6%	20.6%	26.4%
2022-23	40.3%	39.0%	34.4%	39.1%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Proficiency percent refers to the proportion of students participating in the New York State grade 3–8 ELA or math state assessments that achieved a score of Level 3 or higher. All testing was cancelled in 2019–20 school due to COVID-19 closures. Data for 2020–21 is omitted as tests were only administered to students able to safely test in-person (approximately 39% of students). Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

# Hispanic/Latino(a) Students

## *Grade 3–8 Proficiency Percentages by School Year Hispanic/Latino(a)*

	<i>ELA</i>		<i>Math</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2005–06	42.7%	53.8%	49.8%	55.8%
2006–07	42.1%	53.6%	59.2%	63.9%
2007–08	49.1%	59.9%	69.6%	74.3%
2008–09	62.0%	70.2%	78.5%	81.5%
2009–10	33.7%	42.5%	46.2%	49.4%
2010–11	34.7%	41.5%	49.2%	52.0%
2011–12	37.5%	44.1%	52.3%	54.4%
2012–13	16.6%	19.3%	18.6%	18.3%
2013–14	18.3%	18.9%	23.2%	23.7%
2014–15	19.8%	19.4%	23.7%	26.0%
2015–16	27.3%	26.2%	24.3%	28.0%
2016–17	29.7%	28.5%	25.3%	29.7%
2017–18	36.0%	33.9%	30.3%	34.0%
2018–19	36.5%	34.5%	33.2%	36.6%
2019–20				
2020–21				
2021–22	36.9%	35.8%	23.3%	27.7%
2022–23	39.4%	37.1%	35.7%	39.2%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Proficiency percent refers to the proportion of students participating in the New York State grade 3–8 ELA or math state assessments that achieved a score of Level 3 or higher. All testing was cancelled in 2019–20 school due to COVID–19 closures. Data for 2020–21 is omitted as tests were only administered to students able to safely test in-person (approximately 39% of students). Source: [www.data.nysed.gov](http://www.data.nysed.gov)*



## Asian or Native Hawaiian/Pacific Islander Students

### *Grade 3–8 Proficiency Percentages by School Year Asian or Native Hawaiian/Pacific Islander*

	<i>ELA</i>		<i>Math</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2005-06	75.0%	82.8%	84.0%	87.8%
2006-07	72.2%	82.8%	88.5%	90.3%
2007-08	76.4%	85.9%	92.5%	93.7%
2008-09	84.6%	90.6%	94.9%	94.9%
2009-10	64.3%	74.8%	81.7%	81.5%
2010-11	64.2%	73.1%	83.6%	83.1%
2011-12	67.1%	75.3%	85.6%	84.1%
2012-13	47.8%	54.5%	61.0%	57.7%
2013-14	49.2%	52.8%	66.0%	62.0%
2014-15	52.0%	53.6%	66.8%	64.5%
2015-16	58.8%	59.6%	67.2%	64.9%
2016-17	61.0%	60.3%	67.8%	65.7%
2017-18	67.2%	65.6%	72.2%	69.0%
2018-19	67.9%	65.6%	74.4%	71.3%
2019-20				
2020-21				
2021-22	70.6%	67.4%	68.4%	64.8%
2022-23	72.4%	67.5%	77.7%	73.6%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Proficiency percent refers to the proportion of students participating in the New York State grade 3–8 ELA or math state assessments that achieved a score of Level 3 or higher. All testing was cancelled in 2019–20 school due to COVID-19 closures. Data for 2020–21 is omitted as tests were only administered to students able to safely test in-person (approximately 39% of students). Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

# White Students

## Grade 3–8 Proficiency Percentages by School Year

### White

	<i>ELA</i>		<i>Math</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2005–06	72.4%	71.8%	77.3%	76.3%
2006–07	73.5%	75.7%	83.0%	82.0%
2007–08	77.5%	79.2%	88.4%	88.3%
2008–09	84.9%	86.1%	92.2%	92.3%
2009–10	64.2%	64.9%	74.6%	70.7%
2010–11	66.1%	64.0%	78.0%	72.8%
2011–12	69.1%	66.1%	79.2%	73.4%
2012–13	47.0%	39.0%	50.3%	36.5%
2013–14	49.5%	36.9%	56.0%	43.1%
2014–15	51.3%	38.1%	56.7%	48.1%
2015–16	58.9%	43.1%	57.8%	48.2%
2016–17	61.0%	44.0%	59.0%	48.4%
2017–18	66.5%	48.7%	63.6%	52.1%
2018–19	66.6%	48.1%	66.6%	53.2%
2019–20				
2020–21				
2021–22	67.4%	49.4%	58.5%	44.6%
2022–23	69.6%	49.3%	70.2%	56.5%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Proficiency percent refers to the proportion of students participating in the New York State grade 3–8 ELA or math state assessments that achieved a score of Level 3 or higher. All testing was cancelled in 2019–20 school due to COVID–19 closures. Data for 2020–21 is omitted as tests were only administered to students able to safely test in-person (approximately 39% of students). Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

# Economically Disadvantaged Students

## Grade 3–8 Proficiency Percentages by School Year Economically Disadvantaged

	<i>ELA</i>		<i>Math</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2005-06	54.1%	45.7%	60.5%	50.1%
2006-07	47.3%	49.6%	62.9%	59.2%
2007-08	54.1%	56.2%	72.5%	70.5%
2008-09	66.5%	67.8%	80.7%	79.1%
2009-10	39.1%	39.1%	51.5%	45.8%
2010-11	40.3%	37.6%	54.5%	47.8%
2011-12	42.4%	39.5%	56.7%	49.3%
2012-13	21.3%	16.3%	24.9%	15.7%
2013-14	23.1%	16.2%	29.5%	21.3%
2014-15	24.1%	17.1%	29.4%	24.4%
2015-16	31.4%	23.0%	30.3%	25.9%
2016-17	33.7%	25.1%	31.1%	27.4%
2017-18	40.0%	30.9%	36.3%	31.8%
2018-19	40.5%	31.2%	39.1%	34.0%
2019-20				
2020-21				
2021-22	42.2%	32.3%	31.0%	25.0%
2022-23	45.0%	33.6%	43.2%	36.7%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Proficiency percent refers to the proportion of students participating in the New York State grade 3–8 ELA or math state assessments that achieved a score of Level 3 or higher. All testing was cancelled in 2019–20 school due to COVID-19 closures. Data for 2020–21 is omitted as tests were only administered to students able to safely test in-person (approximately 39% of students). Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

# English Language Learners

## *Grade 3–8 Proficiency Percentages by School Year English Language Learners*

	<i>ELA</i>		<i>Math</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2005–06	11.1%	29.8%	37.4%	41.8%
2006–07	16.7%	24.0%	46.7%	46.9%
2007–08	22.6%	29.7%	58.3%	57.2%
2008–09	34.8%	39.4%	67.7%	65.2%
2009–10	13.5%	16.3%	32.3%	27.3%
2010–11	12.4%	12.9%	34.5%	27.3%
2011–12	11.6%	11.9%	37.0%	28.8%
2012–13	3.4%	2.8%	11.4%	6.5%
2013–14	3.6%	2.7%	14.0%	8.4%
2014–15	4.4%	3.1%	14.6%	9.0%
2015–16	4.4%	3.2%	13.0%	8.6%
2016–17	5.6%	4.5%	14.7%	10.4%
2017–18	9.9%	8.2%	18.0%	13.1%
2018–19	9.3%	7.8%	18.9%	14.0%
2019–20				
2020–21				
2021–22	15.5%	10.9%	16.8%	12.2%
2022–23	11.1%	9.7%	21.5%	17.9%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Proficiency percent refers to the proportion of students participating in the New York State grade 3–8 ELA or math state assessments that achieved a score of Level 3 or higher. All testing was cancelled in 2019–20 school due to COVID–19 closures. Data for 2020–21 is omitted as tests were only administered to students able to safely test in-person (approximately 39% of students). Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

## Students with Disabilities

*Grade 3–8 Proficiency Percentages by School Year  
Students with Disabilities*

	<i>ELA</i>		<i>Math</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2005-06	15.2%	23.2%	24.8%	33.7%
2006-07	17.1%	26.1%	32.6%	40.1%
2007-08	24.8%	30.9%	45.2%	50.8%
2008-09	35.0%	42.0%	55.6%	60.5%
2009-10	13.4%	16.6%	24.2%	25.0%
2010-11	14.3%	14.8%	27.4%	26.6%
2011-12	15.8%	15.2%	30.4%	27.1%
2012-13	5.4%	4.5%	8.1%	5.9%
2013-14	6.3%	4.3%	10.9%	8.4%
2014-15	6.9%	4.4%	11.3%	9.8%
2015-16	9.3%	6.1%	11.4%	10.2%
2016-17	10.7%	7.7%	11.8%	11.0%
2017-18	15.8%	11.6%	15.4%	13.7%
2018-19	16.1%	11.6%	17.5%	14.9%
2019-20				
2020-21				
2021-22	18.3%	13.2%	14.5%	12.0%
2022-23	21.7%	14.3%	24.5%	19.1%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Proficiency percent refers to the proportion of students participating in the New York State grade 3–8 ELA or math state assessments that achieved a score of Level 3 or higher. All testing was cancelled in 2019–20 school due to COVID-19 closures. Data for 2020–21 is omitted as tests were only administered to students able to safely test in-person (approximately 39% of students). Source: [www.data.nysed.gov](http://www.data.nysed.gov)*



APPENDIX B: NYS GRADUATION AND DROPOUT RATES FOR SELECT STUDENT SUBGROUPS FOR NYCDOE AND REST OF STATE SCHOOLS

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The following tables display four-year high school graduation rates (June cohort) and dropout rates for select student subgroups in the New York City public school system (NYCDOE), and Rest of State schools. For the purposes of this report, Rest of State schools are defined as all public schools in New York State excluding NYCDOE schools. Four-year high school graduation rate refers to the percentage of students

who receive a Regents or Local diploma within four years of their initial enrollment in ninth grade. Dropout rate refers to the percentage of students that left school before completing their education or obtaining a diploma or degree. The aim of the following tables is to provide insight into NYCDOE student graduation outcomes compared to students in Rest of State schools.

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## All Students

### *4-Year Graduation Rate (June) and Dropout Rate by School Year All Students*

	<i>Graduation Rate</i>		<i>Dropout Rate</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2007-08	56.4%	78.2%	13.5%	8.2%
2008-09	59.0%	78.6%	11.8%	7.8%
2009-10	61.0%	80.1%	12.1%	7.6%
2010-11	60.9%	81.2%	12.3%	6.8%
2011-12	60.4%	81.6%	11.5%	6.7%
2012-13	61.3%	82.6%	10.6%	6.2%
2013-14	64.2%	83.2%	9.7%	5.8%
2014-15	67.2%	78.9%	9.0%	3.6%
2015-16	70.0%	80.4%	8.5%	3.6%
2016-17	71.1%	80.8%	7.8%	3.6%
2017-18	72.7%	81.1%	7.5%	3.5%
2018-19	73.9%	81.8%	7.8%	3.5%
2019-20	76.9%	84.0%	5.9%	3.1%
2020-21	78.5%	84.3%	4.8%	2.6%
2021-22	81.4%	85.5%	5.4%	3.0%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Four-year graduation rate refers to the percentage of students who receive a Regents or Local diploma within four years of their initial enrollment in ninth grade. Dropout rate refers to the percentage of students that left school before completing their education or obtaining a diploma or degree. Source: [www.data.nysed.gov](http://www.data.nysed.gov)*



## Black or African American Students

### *4-Year Graduation Rate (June) and Dropout Rate by School Year Black or African American*

	<i>Graduation Rate</i>		<i>Dropout Rate</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2007-08	51.4%	58.4%	13.1%	15.7%
2008-09	53.9%	58.5%	12.0%	15.5%
2009-10	55.9%	60.3%	12.7%	16.0%
2010-11	55.3%	63.0%	13.0%	12.9%
2011-12	55.0%	62.8%	12.0%	13.4%
2012-13	56.0%	65.1%	10.9%	11.8%
2013-14	58.8%	65.4%	9.6%	10.9%
2014-15	61.7%	65.7%	9.3%	4.4%
2015-16	65.3%	69.1%	8.7%	4.2%
2016-17	66.5%	70.3%	7.9%	4.2%
2017-18	68.5%	71.4%	7.6%	4.1%
2018-19	69.7%	72.7%	8.3%	3.9%
2019-20	73.8%	76.7%	5.9%	3.3%
2020-21	75.7%	77.5%	5.2%	2.7%
2021-22	78.4%	79.5%	5.3%	2.7%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Four-year graduation rate refers to the percentage of students who receive a Regents or Local diploma within four years of their initial enrollment in ninth grade. Dropout rate refers to the percentage of students that left school before completing their education or obtaining a diploma or degree.  
Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

# Hispanic/Latino(a) Students

## *4-Year Graduation Rate (June) and Dropout Rate by School Year Hispanic/Latino(a)*

	<i>Graduation Rate</i>		<i>Dropout Rate</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2007-08	48.7%	59.9%	17.6%	15.1%
2008-09	51.8%	61.4%	15.0%	13.8%
2009-10	53.9%	64.8%	15.2%	13.5%
2010-11	53.9%	66.7%	15.4%	11.5%
2011-12	52.7%	67.9%	14.7%	11.4%
2012-13	53.6%	69.4%	13.7%	10.3%
2013-14	56.6%	70.3%	12.7%	9.5%
2014-15	60.4%	65.0%	11.9%	3.7%
2015-16	63.9%	68.3%	11.2%	3.9%
2016-17	64.7%	68.6%	10.7%	4.3%
2017-18	66.2%	69.4%	10.5%	4.3%
2018-19	68.2%	71.1%	10.6%	4.3%
2019-20	72.1%	74.8%	8.0%	4.0%
2020-21	75.0%	76.9%	6.7%	3.0%
2021-22	77.0%	78.3%	7.9%	3.6%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Four-year graduation rate refers to the percentage of students who receive a Regents or Local diploma within four years of their initial enrollment in ninth grade. Dropout rate refers to the percentage of students that left school before completing their education or obtaining a diploma or degree. Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

## Asian or Native Hawaiian/Pacific Islander Students

### *4-Year Graduation Rate (June) and Dropout Rate by School Year Asian or Native Hawaiian/Pacific Islander*

	<i>Graduation Rate</i>		<i>Dropout Rate</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2007-08	74.1%	88.0%	7.4%	3.4%
2008-09	76.8%	88.4%	5.9%	2.7%
2009-10	78.9%	90.8%	6.2%	2.9%
2010-11	79.3%	89.4%	6.0%	2.8%
2011-12	79.1%	87.1%	5.6%	3.9%
2012-13	77.4%	87.5%	6.4%	3.1%
2013-14	79.4%	88.4%	5.8%	3.0%
2014-15	82.5%	85.3%	4.6%	1.0%
2015-16	83.5%	86.5%	4.6%	0.8%
2016-17	85.0%	87.5%	4.0%	1.0%
2017-18	85.4%	87.8%	3.7%	0.8%
2018-19	85.5%	88.1%	4.1%	0.8%
2019-20	87.8%	89.9%	3.5%	0.7%
2020-21	88.8%	90.6%	2.7%	0.5%
2021-22	90.0%	91.6%	2.8%	0.5%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Four-year graduation rate refers to the percentage of students who receive a Regents or Local diploma within four years of their initial enrollment in ninth grade. Dropout rate refers to the percentage of students that left school before completing their education or obtaining a diploma or degree. Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

## White Students

### *4-Year Graduation Rate (June) and Dropout Rate by School Year*

#### *White*

	<i>Graduation Rate</i>		<i>Dropout Rate</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2007-08	71.5%	82.9%	9.8%	6.4%
2008-09	73.9%	83.5%	8.4%	6.0%
2009-10	75.5%	84.9%	8.0%	5.6%
2010-11	75.6%	86.0%	7.9%	5.2%
2011-12	75.1%	86.7%	7.3%	5.0%
2012-13	76.4%	87.6%	5.9%	4.6%
2013-14	77.8%	88.3%	6.1%	4.3%
2014-15	80.1%	88.4%	5.2%	3.6%
2015-16	80.1%	89.0%	4.8%	3.6%
2016-17	81.2%	89.2%	4.4%	3.4%
2017-18	82.3%	89.1%	4.0%	3.3%
2018-19	82.9%	89.6%	4.0%	3.4%
2019-20	82.6%	90.6%	3.0%	2.9%
2020-21	79.4%	89.5%	2.3%	2.7%
2021-22	87.2%	90.8%	2.5%	3.1%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Four-year graduation rate refers to the percentage of students who receive a Regents or Local diploma within four years of their initial enrollment in ninth grade. Dropout rate refers to the percentage of students that left school before completing their education or obtaining a diploma or degree. Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

# Economically Disadvantaged Students

## *4-Year Graduation Rate (June) and Dropout Rate by School Year Economically Disadvantaged*

	<i>Graduation Rate</i>		<i>Dropout Rate</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2007-08	54.4%	63.5%	13.4%	12.0%
2008-09	59.3%	65.6%	10.2%	10.6%
2009-10	61.9%	67.0%	10.2%	11.5%
2010-11	61.2%	68.7%	10.7%	10.1%
2011-12	59.8%	68.0%	11.0%	11.1%
2012-13	60.7%	69.4%	10.0%	10.5%
2013-14	63.4%	70.9%	9.6%	9.8%
2014-15	66.8%	70.4%	8.8%	4.6%
2015-16	70.2%	73.2%	8.2%	4.8%
2016-17	71.9%	74.1%	7.2%	4.9%
2017-18	71.7%	73.7%	7.2%	4.7%
2018-19	72.5%	74.5%	8.1%	4.8%
2019-20	76.4%	78.1%	6.0%	4.2%
2020-21	78.6%	78.7%	5.1%	3.6%
2021-22	80.4%	80.1%	5.7%	4.1%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Four-year graduation rate refers to the percentage of students who receive a Regents or Local diploma within four years of their initial enrollment in ninth grade. Dropout rate refers to the percentage of students that left school before completing their education or obtaining a diploma or degree. Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

# English Language Learners

## *4-Year Graduation Rate (June) and Dropout Rate by School Year English Language Learners*

	<i>Graduation Rate</i>		<i>Dropout Rate</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2007-08	35.8%	35.1%	21.7%	24.2%
2008-09	39.7%	35.0%	19.4%	25.5%
2009-10	41.5%	36.2%	19.8%	25.9%
2010-11	39.4%	34.4%	20.1%	22.8%
2011-12	35.4%	30.9%	20.4%	24.3%
2012-13	32.3%	28.9%	21.5%	23.8%
2013-14	32.5%	27.9%	22.4%	23.5%
2014-15	36.5%	34.6%	21.6%	7.9%
2015-16	27.2%	27.2%	27.0%	10.7%
2016-17	27.5%	26.6%	27.2%	13.4%
2017-18	29.1%	28.8%	26.6%	12.1%
2018-19	34.7%	33.4%	25.6%	12.5%
2019-20	42.5%	42.1%	22.9%	13.3%
2020-21	55.7%	55.7%	15.8%	7.4%
2021-22	64.3%	61.5%	15.5%	7.7%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Four-year graduation rate refers to the percentage of students who receive a Regents or Local diploma within four years of their initial enrollment in ninth grade. Dropout rate refers to the percentage of students that left school before completing their education or obtaining a diploma or degree. Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

## Students with Disabilities

### *4-Year Graduation Rate (June) and Dropout Rate by School Year Students with Disabilities*

	<i>Graduation Rate</i>		<i>Dropout Rate</i>	
	<i>NYCDOE</i>	<i>Rest of State</i>	<i>NYCDOE</i>	<i>Rest of State</i>
2007-08	22.5%	50.6%	21.6%	13.4%
2008-09	24.7%	50.9%	21.0%	13.4%
2009-10	27.9%	52.8%	20.9%	13.4%
2010-11	27.2%	54.6%	20.9%	12.5%
2011-12	27.6%	55.4%	19.9%	12.9%
2012-13	33.2%	57.0%	17.6%	12.0%
2013-14	36.6%	58.0%	15.8%	11.3%
2014-15	37.6%	50.6%	15.4%	6.9%
2015-16	41.8%	53.5%	14.4%	6.8%
2016-17	43.4%	54.8%	13.8%	6.4%
2017-18	46.9%	56.6%	12.8%	6.2%
2018-19	49.0%	58.5%	13.3%	6.0%
2019-20	50.7%	60.8%	8.5%	4.9%
2020-21	54.2%	61.8%	7.0%	4.3%
2021-22	61.1%	66.5%	7.8%	5.0%

*Note: Rest of State is defined as all public schools in New York State excluding NYCDOE schools. Four-year graduation rate refers to the percentage of students who receive a Regents or Local diploma within four years of their initial enrollment in ninth grade. Dropout rate refers to the percentage of students that left school before completing their education or obtaining a diploma or degree.  
Source: [www.data.nysed.gov](http://www.data.nysed.gov)*

APPENDIX C: CONTENT CODES USED IN THE QUALITATIVE ANALYSIS OF SPOKEN AND WRITTEN TESTIMONY DATA

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This glossary specifies how the WestEd research team defined the codes used in the qualitative analysis of the public comment data. Content codes were used to identify the themes and sentiments represented in the content of the spoken and written testimony.

<i>Accountability</i>	References to the need for individuals and groups to take responsibility or to whom to attribute outcomes. Also included references to who should be held accountable for certain actions and how they should be held accountable.
<i>Budget</i>	References to decisions made regarding budgets, including reduction and distribution of funds and the allocation of resources and staff.
<i>Charter schools</i>	References to charter schools, including but not limited to issues related to colocation, facilities, and distribution of resources between traditional public schools and charter schools.
<i>Checks and balances</i>	Mentions of the importance of shared power between different parts of the governance structure, often used in conjunction with accountability and considerations of who is represented in decision-making.
<i>Class size</i>	References to increases or decreases in class sizes. Also contains references to the state class-size mandate.
<i>Continuity</i>	Mentions of the ability for a form of governance to provide consistency in terms of programming or policy between administrations.
<i>Contracts</i>	Mentions of contracts, how they are awarded, and who determines who they are awarded to.
<i>CTE</i>	References to career and technical education offerings.
<i>Curriculum</i>	Comments made in relation to curricular materials, including who authorizes curricular changes, the content of curricula, and the frequency of curricular shifts.
<i>Educational leadership</i>	References to the need to have individuals in leadership who have experience in education.
<i>Educator expertise</i>	References to the need to listen to or engage the voices of educators in the decision-making process.
<i>Enrichment programs</i>	References to enrichment programming.
<i>Equity</i>	Mentions of the opportunity to access programs and distribution of resources, representation in decision-making, and the impact of decisions about such matters as budget and class size.



<i>Local control</i>	Mentions of the consequences or benefits of putting decision-making power back at the local school site level.
<i>PEP</i>	Direct or indirect mentions of the Panel for Educational Policy (PEP).
<i>Politicization</i>	References to the impact of politics on decision-making, the use of education resources and decisions in political strategy, and the impact of a governance structure that puts education leadership solely in the hands of an elected official.
<i>Preschool and after-school programming</i>	References to preschool and/or after-school programming.
<i>Programming and wraparound services</i>	References to new, emerging, or unmet student needs in schools. Also includes comments regarding the impact of decisions on the ability to provide programming and services. Includes academic and nonacademic programming. Four major programming areas are described in the codes below.
<i>Representation in decision-making</i>	Mentions of who does, does not, or should have a voice in the decision-making process.
<i>Special Education</i>	Mentions of special education, including compliance issues, staffing, or policies around the provision of special education services.
<i>Suggested changes</i>	Explicit suggestions for how to change the governance structure of the NYC public school system.



This section provides a brief overview of the timeline, steps, communication, and materials that facilitated the New York State Education Department’s mayoral control hearings and final report. Pages 238–241 provide a timeline of major events from September 2023 and April 2024 leading up to this report’s release. The project summary on page 242 offers a behind-the-scenes look at the Department’s efforts deconstructed using focal metrics. Examples of correspondence between NYSED, NYCDOE, and Mayor’s Office staff are

displayed on pages 246–257. Artwork proofs for the signage and materials procured to streamline the mayoral control hearings are displayed on pages 258–263. And collages of the speakers that participated in the five hearings are showcased on pages 265–269.

The Department extends its sincere gratitude to all the parents, teachers, students, administrators, and other members of the public that sacrificed their personal time to participate in one of the five hearings or provide written feedback directly to NYSED.

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# Project Timeline

## September 2023

- 13 Commissioner Betty A. Rosa issues a letter to the chairs of the Assembly and Senate education committees requesting funds to support the costs of the five public hearings on mayoral control.
- 22 NYSED and Professor Natalie Gomez-Velez of the CUNY School of Law enter into a Memorandum of Understanding to conduct the comprehensive review of governance of the New York City Department of Education, and study school governance models and best practices. This work forms the foundation of Part One of this report.
- 27 NYSED shares the legislative responsibilities assigned to the Department pursuant to Chapter 364 of the Laws of 2022 and the anticipated timeline of NYSED's mayoral control deliverables with the NYC Mayor's Office.

## October 2023

- 12 Initial discussions begin between NYSED, the New York City Mayor's Office, and NYCDOE on using large, public high school auditoriums as the venues for the five mayoral control hearings.
- 26 NYSED proposes five hearing dates and locations to the New York City Mayor's Office and NYCDOE.

## November 2023

- 7 NYSED conducts the initial venue inspection of DeWitt Clinton High School for the mayoral control hearing in the Bronx; NYSED publicly announces the dates and venues for the five mayoral control hearings.
- 8 NYSED conducts the initial venue inspection of Thomas A. Edison CTE High School for the mayoral control hearing in Queens.
- 14 NYSED conducts the initial venue inspection of Boys and Girls High School for the mayoral control hearing in Brooklyn.

## November 2023

- 15 NYSED conducts the initial venue inspection of the Martin Luther King Jr. Educational Complex for the mayoral control hearing in Manhattan. Due to accessibility concerns, however, NYSED announces in early January the relocation of the Manhattan hearing venue to the High School of Fashion Industries.
- 16 NYSED is notified by the New York State Division of Budget that funding from the Legislature for the mayoral control hearings has been approved and suballocated;  
NYSED conducts the initial venue inspection of New Dorp High School for the mayoral control hearing in Staten Island;  
NYSED initiates discussions with vendors to livestream and record all five hearings, as well as provide live translation of each hearing into eleven languages.
- 20 NYSED begins discussions with a vendor to arrange audio and live video projection services for all five hearings.
- 27 NYSED issues a press release announcing speaker registration details for the Bronx mayoral control hearing. This information is also distributed directly to all Bronx district superintendents, principals, legislators, councilmembers, PEP members, and other relevant stakeholders;  
NYSED launches the written testimony portal for public engagement and feedback.
- 30 NYCDOE and NYSED conduct a safety inspection of DeWitt Clinton High School for the mayoral control hearing in the Bronx.

## December 2023

- 5 The Bronx mayoral control hearing takes place at DeWitt Clinton High School.
- 7 NYSED issues a press release announcing speaker registration details for the Queens mayoral control hearing. This information is also distributed directly to all Queens district superintendents, principals, legislators, councilmembers, PEP members, and other relevant stakeholders.

## Project Timeline (cont'd.)

### December 2023

- 13 NYCDOE and NYSED conduct a safety inspection of Thomas A. Edison CTE High School for the mayoral control hearing in Queens.  
  
NYSED conducts the initial venue inspection of the proposed alternate location for the mayoral control hearing in Manhattan: the High School of Fashion Industries.
- 18 The Queens mayoral control hearing takes place at Thomas A. Edison CTE High School.

### January 2024

- 2 NYSED contracts with WestEd, a leading education organization, to conduct the qualitative analysis of all oral and written testimonies submitted by the public.
- 3 NYSED issues a press release announcing speaker registration details for the Brooklyn mayoral control hearing. This information is also distributed directly to all Brooklyn district superintendents, principals, legislators, councilmembers, PEP members, and other relevant stakeholders.
- 5 NYCDOE and NYSED conduct safety inspections of Thomas A. Edison CTE High School and the High School of Fashion Industries for the mayoral control hearings in Brooklyn and Manhattan, respectively.
- 10 NYSED issues a press release announcing speaker registration details for the Manhattan mayoral control hearing. This information is also distributed directly to all Manhattan district superintendents, principals, legislators, councilmembers, PEP members, and other relevant stakeholders.
- 11 The Brooklyn mayoral control hearing takes place at Boys and Girls High School.
- 18 The Manhattan mayoral control hearing takes place at the High School of Fashion Industries

## **January 2024**

- 22 NYSED issues a press release announcing speaker registration details for the Staten Island mayoral control hearing. This information is also distributed directly to all Staten Island district superintendents, principals, legislators, councilmembers, PEP members, and other relevant stakeholders.
- 26 NYCDOE and NYSED conduct a safety inspection of New Dorp High School for the mayoral control hearing in Staten Island.
- 29 The Staten Island mayoral control hearing takes place at New Dorp High School.
- 31 The written testimony portal for public engagement and feedback closes.

**February 2024** WestEd conducts thematic analyses of all oral and written testimonies submitted by the public.

**March 2024** Compilation of the final report integrating research conducted by Professor Natalie Gomez-Velez's team and thematic analyses of public testimony conducted by WestEd.

**April 2024** Commissioner Betty A. Rosa submits the final report on mayoral control of New York City Schools to Governor Kathy Hochul, Majority Leader Andrea Stewart-Cousins, and Speaker Carl Heastie.

# Project Summary

## 1 *Final Report*

2,570 *Emails*  
102 *Meetings*  
Numerous *Phone Calls*

13 *Researchers*  
593 *Research Sources*  
1,376 *Footnotes*  
2 *Copyeditors*  
2 *Printing Services*  
450 *Hard Cover Prints*  
150 *Soft Cover Prints*

414 *Written Testimonies*  
261 *Oral Testimonies*

5 *In-Person Hearings*  
5 *Vendors*  
11 *Translated Languages*  
11 *Pre-Hearing Site Visits*

2,300 *Direct Invitations*  
10 *Press Releases*  
45 *Social Media Posts*  
7 *Website Pages*  
30,700 *Total Website Visits*

675 *Event Badges*  
4 *Large Sidewalk Signs*  
4 *Medium Sidewalk Signs*  
4 *Logo Table Cloths*  
2 *Retractable Banners*  
4 *Reams of Paper*

100 *NYSED Volunteers*  
40 *Large Pizzas*  
13 *Cases of Water*



# Mayoral Control Hearing Calendar Development

Several factors were considered when selecting the dates of the mayoral control hearings. These included holidays and winter break, Board of Regents meetings, and the administration of Regent exams, which made scheduling all five mayoral control hearings in December 2023 and January 2024 challenging.

December 2023						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	1 Shabbat	2 Shabbat
3	4	5 Bronx	6	7 Hanukkah	8 Hanukkah	9 Hanukkah
10 Hanukkah	11 Regents Hanukkah	12 Regents Hanukkah	13 Hanukkah	14 Hanukkah	15 Hanukkah	16 Shabbat
17	18	19 Queens	20	21	22 Shabbat	23 Shabbat
24/31	25 Winter Break	26 Winter Break	27 Winter Break	28 Winter Break	29 Winter Break	30 Winter Break

January 2024						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1 Winter Break	2	3	4	5 Shabbat	6 Shabbat
7	8 Regents	9 Regents	10	11 Brooklyn	12 Shabbat	13 Shabbat
14	15 MLK Day	16 NYS Budget (Anticipated)	17	18 Manhattan	19 Shabbat	20 Shabbat
21	22	23 Regent Exam Administration	24 Regent Exam Administration	25 Regent Exam Administration	26 Shabbat	27 Shabbat
28	29 Staten Island NYCDOE Prof Dev Day	30	31	1 Make-Up Day 1		

The cells shaded in pink indicate the chosen dates for the five mayoral control hearings. In the event of inclement weather, February 1 was reserved as the makeup date.

# September 13, 2023 Letter from Commissioner Betty A. Rosa to Senate and Assembly Education Chairs

*On September 13, 2023, NYSED sent the following two-page letter to the education chairs in the Assembly and Senate to request \$600K in additional funding to support the costs of the five mayoral control hearings in New York City—one in each borough.*

*The additional funding would support rental space for all hearings, security services, accommodations for persons with disabilities, translation services for non-English speakers, livestream and broadcast services, etc.*



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Commissioner of Education  
President of the University of the State of New York  
89 Washington Avenue, Room 111  
Albany, New York 12234

E-mail: [commissioner@nysed.gov](mailto:commissioner@nysed.gov)  
Twitter: @NYSEDNews  
Tel: (518) 474-5844

September 13, 2023

Dear Chairs Mayer, Liu, and Benedetto,

I write to you today to provide a status update on the Department's implementation of Chapter 364 of the Laws of 2022 related to mayoral control of the New York City Department of Education. As you know, §8 of the enacted legislation (see attached) charges the Department with the following three (3) distinct responsibilities:

1. Contract with an institution of higher education to conduct (a) a comprehensive review of the governance of the New York City Department of Education, and (b) a study of school governance models and best practices utilized by other large school districts across the country.
2. Hold public hearings in each borough of New York City to engage and solicit input from a broad array of stakeholders—including students, parents, teachers, administrators, district and school staff, and experts of the public with expertise in education policy and school governance—with respect to their experiences with mayoral control of the New York City school system.
3. Issue a final report synthesizing findings from the comprehensive studies and the public hearings to the Governor and Legislature.

As envisioned by the Legislature, a thorough examination of the New York City Department of Education—the largest school district in the nation, educating nearly one million children—is a considerable undertaking, and requires sufficient resources to complete with the fidelity and rigor necessary to ensure public trust in the process and findings.

As communicated to both Houses in our ten-day memos and in follow-up correspondence with legislators and staff in preparation for the Enacted Budget, the Department estimated the full implementation cost of all components of §8 of the mayoral control legislation to be approximately \$1 million. This estimate was based on the Department's experience conducting studies of a similar magnitude, along with insight gained from conversations with institutions of higher education. The FY24 Enacted Budget, however, provided only partial funding of \$250,000 for these purposes.

With this initial funding, after consulting with legislative leadership, the Department has begun partnering with researchers at the City University of New York (CUNY) School of Law to complete the first component of the legislation (i.e., the comprehensive review of the

mayoral control system of the New York City Department of Education, and a study of school governance models and best practices used in other large school districts across the country).

The funding allocated to date, however, is insufficient to perform all of the responsibilities outlined above. As my staff and I have communicated over the past weeks and months, absent additional funding the Department will be unable to perform the other components of the legislation, even with “in-kind” support from Departmental staff. This includes the important work of engaging the public and soliciting feedback from education stakeholders with respect to mayoral control.

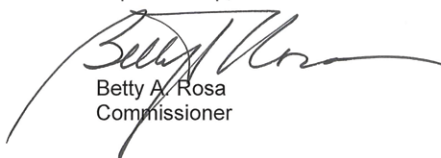
The Department supports the intent and spirit of the enacted legislation and is eager to continue fulfilling all aspects of the legislation as envisioned by the Legislature. Given the prominence of this issue and the anticipated widespread participation and interest from the public in the proceedings, the Department estimates that an additional \$600,000 is needed to complete this work. The additional \$600,000 will be necessary to complete the following:

- Rent meeting space in each borough for the required public hearings;
- Hire security services to ensure public safety at each hearing;
- Ensure appropriate accommodations for persons with disabilities;
- Provide translation services for non-English speakers;
- Provide the IT infrastructure for each hearing;
- Provide janitorial services—if necessary—before, after, and during each hearing;
- Lead conversations and memorialize public comments obtained at the hearings;
- Conduct thematic data analyses of public comments after each hearing; and
- Produce a final synthesis of all information and issue a report.

Please note, the funding estimate above already reflects approximately \$150,000 of Department staff time and resources that will be provided in-kind to effectuate this work. In addition, all of the funding provided by the Legislature for the purposes outlined in this letter will be used by the Department to contract with external entities to operationalize the work. The funding will not be used to hire additional staff or benefit the Department in any way.

We look forward to continuing to work with you and your staff to secure the additional funding. On behalf of the Department and Board of Regents, thank you for your continued dedication and commitment to the well-being of our children and families. New York State’s education system can ask for no greater champions than the three of you.

In partnership,



Betty A. Rosa  
Commissioner

*In mid-November, NYSED was notified by the Division of Budget that the \$600K in additional funding from the Legislature had been suballocated.*

*In exchange for the funding, NYSED agreed to conduct all five hearings and publish its mayoral control report by Spring 2024.*

# September 27, 2023 Email Between NYSED & Mayor's Office Outlining Mayoral Control Report Deliverables

*On September 27, 2023, NYSED shares the legislative responsibilities assigned to the Department and the anticipated timeline of deliverables with the New York City Mayor's Office.*

*The mayoral control hearings could not have taken place without the incredible support, partnership, and collaboration of NYCDOE and Mayor's Office staff.*

## Mayoral Control Deliverables/Timeline

Michael Mastroianni <Michael.Mastroianni@nysed.gov>

Wed 9/27/2023 4:15 PM

To:SWright@cityhall.nyc.gov <SWright@cityhall.nyc.gov>

Cc:Kitasei, Yume <YKitasei@cityhall.nyc.gov>;Laura Walker <Laura.Walker@nysed.gov>

Deputy Mayor Wright,

In addition to my previous email, below is an overview of the three deliverables/tasks assigned by the Legislature to NYSED with respect to Mayoral Control. Also included in the table below are the anticipated due dates for each phase.

If you have any questions, please do not hesitate to let me know.

### NYSED Mayoral Control Study and Report Deliverables and Timeline

Phase	Description	Due Date
1. Comprehensive Study	Contract with an institution of higher education to conduct (a) a comprehensive review of governance of the New York City Department of Education, and (b) a study of school governance models and best practices utilized by other large school districts across the country.	Final Draft Due 12/31/23
2. Public Hearings	Hold public hearings in each borough of New York City to engage and solicit input from a broad array of stakeholders—including students, parents, teachers, administrators, district and school staff, and experts of the public with expertise in education policy and school governance—with respect to their experiences with mayoral control of the New York City school system.	Hearings are anticipated to take place beginning December 2023, and finishing in January 2024.
3. Final Report	Issue a final report synthesizing findings from the comprehensive studies and the public hearings to the Governor and Legislature.	The Department has agreed with the Legislature to submit the final report by March 31, 2024.

Thank you,

Mike Mastroianni

# October 12, 2023 Email Between NYSED & Mayor's Office on Potential Hearing Venues

## Mayoral Control Hearings

Michael Mastroianni <Michael.Mastroianni@nysed.gov>

Thu 10/12/2023 7:20 PM

To: Wright, Sheena <SWright@cityhall.nyc.gov>

Cc: Kitasei, Yume <YKitasei@cityhall.nyc.gov>; Laura Walker <Laura.Walker@nysed.gov>; Chen, Meagan <MChen1@fdm.nyc.gov>; Brown, Meaghan <MBrown@cityhall.nyc.gov>

Deputy Mayor Wright,

I hope this email finds you well. Internally at NYSED, we've selected potential dates for the five mayoral control hearings which will take place this December and January. My understanding is that your team and Commissioner Rosa have spoken about potentially using large auditoriums in NYCDOE buildings as the hearing sites.

If possible, who on your team can I connect with as a point of contact to discuss potential hearing sites and logistics moving forward?

Thank you so much in advance for your time and consideration,

Mike Mastroianni

---

**From:** Wright, Sheena <SWright@cityhall.nyc.gov>

**Sent:** Thursday, September 28, 2023 11:51 AM

**To:** Michael Mastroianni <Michael.Mastroianni@nysed.gov>

**Cc:** Kitasei, Yume <YKitasei@cityhall.nyc.gov>; Laura Walker <Laura.Walker@nysed.gov>; Chen, Meagan <MChen1@fdm.nyc.gov>; Brown, Meaghan <MBrown@cityhall.nyc.gov>

**Subject:** Re: [EXTERNAL] Mayoral Control Bill

Thanks Mike.

Copying members of my team.

Sent from my iPhone

On Sep 27, 2023, at 1:04 PM, Michael Mastroianni <[Michael.Mastroianni@nysed.gov](mailto:Michael.Mastroianni@nysed.gov)> wrote:

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to [phish@oti.nyc.gov](mailto:phish@oti.nyc.gov) as an attachment (Click the More button, then forward as attachment).

Deputy Mayor Wright,

Per your discussion with the Commissioner, attached is the full Mayoral Control bill that was passed in 2022. I've highlighted in yellow the portion of the bill relating to the Department's study of the mayoral control system.

If you have any questions, please do not hesitate to let me know.

Thank you,

Mike Mastroianni  
Senior Policy Advisor

*On October 12, 2023, initial discussions begin between NYSED and the New York City Mayor's Office on using large, public high school auditoriums as the venues for the five mayoral control hearings.*

# October 13, 2023 Email Between NYSED, Mayor's Office, and NYCDOE on Potential Hearing Venues

*The following day, the conversation continued with key NYCDOE staff on using large, public high school auditoriums as the venues for the five mayoral control hearings.*

## Re: Mayoral Control Hearings

Michael Mastroianni <Michael.Mastroianni@nysed.gov>

Fri 10/13/2023 11:43 AM

To: Treyger Mark <MTreyger3@schools.nyc.gov>; Kitasei, Yume <YKitasei@cityhall.nyc.gov>

Cc: Laura Walker <Laura.Walker@nysed.gov>; Chen, Meagan <MChen1@fdm.nyc.gov>; Brown, Meaghan <MBrown@cityhall.nyc.gov>; Maro, Katherine <KMaro@cityhall.nyc.gov>; Arnaud Rachel <RArnaud@schools.nyc.gov>; Okezie Nnennaya <NOkezie@schools.nyc.gov>

Mark,

City Hall could not have connected me with anyone better! I look forward to working with you again. Do you have time early next week to chat?

Thank you all in advance,

Mike

---

**From:** Treyger Mark <MTreyger3@schools.nyc.gov>

**Sent:** Friday, October 13, 2023 9:11 AM

**To:** Kitasei, Yume <YKitasei@cityhall.nyc.gov>

**Cc:** Michael Mastroianni <Michael.Mastroianni@nysed.gov>; Laura Walker <Laura.Walker@nysed.gov>; Chen, Meagan <MChen1@fdm.nyc.gov>; Brown, Meaghan <MBrown@cityhall.nyc.gov>; Maro, Katherine <KMaro@cityhall.nyc.gov>; Arnaud Rachel <RArnaud@schools.nyc.gov>; Okezie Nnennaya <NOkezie@schools.nyc.gov>

**Subject:** Re: Mayoral Control Hearings

++

Sent from my iPhone

On Oct 13, 2023, at 9:08 AM, Kitasei, Yume <YKitasei@cityhall.nyc.gov> wrote:

Hi Mike,

I'm connecting you here with Mark Treyger from the Department of Education who can work with you on this.

Thank you!  
Yume

Yume Kitasei (she/her)  
[ykitasei@cityhall.nyc.gov](mailto:ykitasei@cityhall.nyc.gov)

# October 13, 2023 Email Exchange (cont'd.)

## Re: Mayoral Control Hearings

Michael Mastroianni <Michael.Mastroianni@nysed.gov>

Fri 10/13/2023 3:05 PM

To: Arnaud Rachel <RArnaud@schools.nyc.gov>; Treyger Mark <MTreyger3@schools.nyc.gov>  
Cc: Laura Walker <Laura.Walker@nysed.gov>; Okezie Nnennaya <NOkezie@schools.nyc.gov>; Barbagallo Joy <JBarbag@schools.nyc.gov>

Hi Rachel,

Thank you for your email. It's my understanding that Deputy Mayor Wright's team and Commissioner Rosa have spoken about potentially using large auditoriums in NYCDOE buildings as the sites for this winter's Mayoral Control hearings.

Internally at SED, we've identified potential dates for the hearings, and I wanted to have a kickoff conversation about possible locations. Eventually down the road, if the stars align, we want to discuss costs, agreements, logistics, etc. Given the meeting topic, I think we can spare Jen's calendar for this first conversation.

I can be available at any time on Tuesday or Wednesday if that works for this group. What would work best for you?

Thank you again! I look forward to connecting.

Mike

---

**From:** Arnaud Rachel <RArnaud@schools.nyc.gov>

**Sent:** Friday, October 13, 2023 2:32 PM

**To:** Michael Mastroianni <Michael.Mastroianni@nysed.gov>; Treyger Mark <MTreyger3@schools.nyc.gov>

**Cc:** Laura Walker <Laura.Walker@nysed.gov>; Okezie Nnennaya <NOkezie@schools.nyc.gov>; Barbagallo Joy <JBarbag@schools.nyc.gov>

**Subject:** Re: Mayoral Control Hearings

Hi Michael,

We would love to schedule some time to meet next week, do you have any dates that work for you?

I have also worked closely with Jennifer Trowbridge, should she be looped as well?

All the best,

**Rachel Arnaud**

State and Federal Legislative Director, Office of Intergovernmental Affairs  
Division of Community Empowerment, Partnerships, and Communications

**New York City Public Schools**

119 Washington Ave, Albany, NY 12210

[RArnaud@schools.nyc.gov](mailto:RArnaud@schools.nyc.gov) | 347-563-5092

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*"Eventually down the road, if the stars align, we want to discuss costs, agreements, logistics, etc."*

*The stars did align. NYSED extends its sincere gratitude to the NYCDOE and Mayor's Office staff that assisted in the coordination of the Department's mayoral control hearings.*

# October 26, 2023 Email Between NYSED, Mayor's Office, and NYCDOE on Proposed Hearing Venues

*On October 26, 2023, NYSED proposes the dates and locations for the five mayoral control hearings.*

*Except for Manhattan, the proposed sites in the 10/26 email would serve as the final venues for the mayoral control hearings.*

*In early January 2024, due to accessibility concerns, NYSED announced the relocation of the Manhattan venue to the High School of Fashion Industries.*

## Re: Mayoral Control Hearings

Michael Mastroianni <Michael.Mastroianni@nysed.gov>

Thu 10/26/2023 5:13 PM

To: Arnaud Rachel <RArnaud@schools.nyc.gov>; Treyger Mark <MTreyger3@schools.nyc.gov>; Kitasei, Yume <YKitasei@cityhall.nyc.gov>

Cc: Laura Walker <Laura.Walker@nysed.gov>; Chen, Meagan <MChen1@fdm.nyc.gov>; Brown, Meaghan <MBrown@cityhall.nyc.gov>; Maro, Katherine <KMaro@cityhall.nyc.gov>; Okezie Nnennaya <NOkezie@schools.nyc.gov>; Ellis, Christopher <ChEllis@cityhall.nyc.gov>

NYCDOE team—thank you so much again for your help and suggestions! The document you put forward was very helpful.

Yume—after conferring internally, below are the Department's proposed sites and dates for the hearings.

If there are any local/logistical reasons why a specific site isn't feasible or is unavailable on a certain date, please let us know. If the dates and locations seem reasonable, I'd like to set up a tour of the locations as soon as possible. Our preference would be to at least tour the Bronx and Queens sites by the end of next week.

Thank you again to everyone for your continued help!

Mike

### **Bronx (December 5, 2023)**

DeWitt Clinton High School  
100 W Mosholu Pkwy S  
Bronx, NY 10468

### **Queens (December 18, 2023)**

Thomas A. Edison Career and Technical HS  
165-65 84th Avenue,  
Jamaica, NY 11432

### **Brooklyn (January 11, 2024)**

Boys and Girls High School  
1700 Fulton Street  
Brooklyn, NY 11213

### **Manhattan (January 18, 2024)**

Martin Luther King Jr. Educational Complex  
122 Amsterdam Avenue  
New York NY 10023

### **Staten Island (January 29, 2024)**

New Dorp High School  
465 New Dorp Ln  
Staten Island, NY 10306



# Example: Email Notifying Key Constituent Groups of Registration Period for Mayoral Control Hearing

**Michael Mastroianni**

---

**From:** MayoralControlHearings  
**Sent:** Wednesday, January 3, 2024 2:01 PM  
**Subject:** Brooklyn Mayoral Control Hearing—January 11, 2024 at 6:00pm

Good Afternoon,

We ask that you disseminate the following information to any relevant members or stakeholders in your organization/agency that may be interested.

On **Thursday, January 11, 2024**, the New York State Education Department will be hosting a public hearing on the effectiveness of mayoral control of New York City Schools at **Boys and Girls High School in Brooklyn from 6:00pm to 9:00pm**. All members of the public—including students, parents, teachers, school administrators and staff, and individuals with experience and expertise in education policy and school governance—are invited to provide feedback on their experiences, assessments, and/or review of the mayoral control system of New York City schools. (Please note: The dates and times of future hearings in Manhattan and Staten Island can be found here: <https://www.nysed.gov/new-york-city-mayoral-control-hearings>)

To provide feedback on the mayoral control system, members of the public can:

- Register and request to provide in-person oral testimony at the hearing (**advanced online registration to present oral remarks is required; [click here to register](#)**); and/or
- Submit [written electronic testimony](#) to the New York State Education Department by January 31, 2024 at 5:00pm.

For individuals interested in providing in-person remarks:

- **Oral remarks from members of the public that live or work in Brooklyn will be prioritized.**
- **Advanced online registration to present oral remarks is required ([click here to register](#)).**
- The registration form will close on January 9, 2024 at 6:00pm, or whenever all available speaking slots have been filled, whichever comes first.
- Oral testimony will be limited to three (3) minutes per speaker. Longer statements can be submitted via the [written electronic testimony form](#).
- Presenters will testify in the order in which they arrive at the hearing.
- This public hearing will be conducted in-person and will be livestreamed and recorded.
- Translation services will be provided on-site.

For more information on the mayoral control hearings, or to watch the livestream of the Brooklyn mayoral control hearing on January 11, please visit: <https://www.nysed.gov/new-york-city-mayoral-control-hearings>

**Brooklyn Mayoral Control Hearing Date, Time, and Location**

*NYSED's efforts to solicit public input for each mayoral control hearing were extensive. In addition to 10 press releases and media advisories announcing opportunities for public participation, NYSED specifically invited the following groups to each hearing with requests to forward the hearing information to relevant stakeholders: (a) the New York City Mayor's Office, (b) NYCDOE leadership and staff, (c) labor and stakeholder organizations including UFT, CSA, Big Five, NYSPTA, NYSUT, and SAANYS, (d) each borough president's office, (e) institutions of higher education, and (f) community-based organizations in each borough.*

*Direct invitations were also sent to (a) PEP members and CEC committees, (b) all Assemblymembers and Senators in each borough, and (c) all New York City Councilmembers in each borough.*

# Example: Email Notifying Principals and Superintendents of Registration Period for Mayoral Control Hearing

*In addition, prior to each hearing, NYSED emailed every NYCDOE principal and superintendent in each borough with the request to forward the hearing information to the relevant staff, parent, and student groups in their schools.*

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**From:** MayoralControlHearings  
**Sent:** Wednesday, January 10, 2024 2:00 PM  
**Subject:** Manhattan Mayoral Control Hearing—January 18, 2024 at 6:00pm

Dear Principals and Administrators,

**We ask that you disseminate the following information to the relevant staff, parent, and student groups in your schools.**

On **Thursday, January 18, 2024**, the New York State Education Department will be hosting a public hearing on the effectiveness of mayoral control of New York City Schools at the **High School of Fashion Industries in Manhattan from 6:00pm to 9:00pm**. All members of the public—including students, parents, teachers, school administrators and staff, and individuals with experience and expertise in education policy and school governance—are invited to provide feedback on their experiences, assessments, and/or review of the mayoral control system of New York City schools. (Please note: The date and time of the last hearing in Staten Island can be found here: <https://www.nysed.gov/new-york-city-mayoral-control-hearings>)

To provide feedback on the mayoral control system, members of the public can:

- Register and request to provide in-person oral testimony at the hearing (**advanced online registration to present oral remarks is required; [click here to register](#)**); and/or
- Submit [written electronic testimony](#) to the New York State Education Department by January 31, 2024 at 5:00pm.

For individuals interested in providing in-person remarks:

- **Oral remarks from members of the public that live or work in Manhattan will be prioritized.**
- **Advanced online registration to present oral remarks is required ([click here to register](#)).**
- The registration form will close on January 16, 2024 at 6:00pm, or whenever all available speaking slots have been filled, whichever comes first.
- Oral testimony will be limited to three (3) minutes per speaker. Longer statements can be submitted via the [written electronic testimony form](#).
- Presenters will testify in the order in which they arrive at the hearing.
- This public hearing will be conducted in-person and will be livestreamed and recorded.
- Translation services will be provided on-site.

For more information on the mayoral control hearings, or to watch the livestream of the Manhattan mayoral control hearing on January 18, please visit: <https://www.nysed.gov/new-york-city-mayoral-control-hearings>

## **Manhattan Mayoral Control Hearing Date, Time, and Location**

**Date:** Thursday, January 18, 2024

# March 21, 2024 Letter from Mayor Eric Adams to Commissioner Betty A. Rosa



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

March 21, 2024

Dr. Lester W. Young, Jr.  
Chancellor  
New York State Education Department  
89 Washington Avenue  
Albany, New York 12234

Dr. Betty A. Rosa  
Commissioner Of Education and President of  
the University of the State of New York  
89 Washington Avenue  
Albany, New York 12234

Dear Chancellor Young and Commissioner Rosa:

Thank you very much for taking time to speak with me, Chancellor Banks, and our teams last week and thank you for your leadership and long and distinguished records of advocacy for children in New York City (NYC) and across the state.

I am following up on our meeting to reiterate my deep concerns with how New York State Education Department (NYSED) is carrying out its mandate under Section 8 of Chapter 364 of the Laws of 2022 of the NYS Education Law.

This year, the Governor and State Legislature will make decisions that will have a profound impact on the children and families of NYC for many years to come. They will determine whether to maintain the current system under which the Mayor is accountable for our public schools, or alter the system of public-school governance. As I have said publicly and reiterated to you in our meeting, our system of Mayoral Accountability has led to unprecedented improvements in student learning and family engagement under Chancellor Banks and our Administration and has led to significant progress compared to the prior governance system under past administrations as well. My Administration has implemented initiatives for dyslexia screenings, reading, healthy eating, and mental health for all NYC public school students, while also welcoming tens of thousands of new migrant students into the system.

Further, thanks to Mayoral Accountability, we have improved reading and math test scores over the last two years, outpacing the state, while closing racial disparities. Previous high school graduation rates stagnated at 50 percent — they are now over 80 percent. Again, all of this is possible because of Mayoral Accountability.

*On March 21, 2024, New York City Mayor Eric Adams issued the following letter to Commissioner Betty Rosa concerning the forthcoming Mayoral Control report.*

## Letter from Mayor Eric Adams (cont'd.)

*Per Mayor Eric Adams, "I am following up on our meeting to reiterate my deep concerns with how New York State Education Department (NYSED) is carrying out its mandate...."*

Additionally, we launched New York City Reads, a nation-leading curriculum that teaches our kids the fundamentals of reading. This is more than a curriculum change — it is a reading revolution. New York City Reads is already being implemented in more than 90 percent of our early childhood system and across nearly half of our K-5 classes. And recently, Governor Hochul announced that she is following our model and bringing the science of reading to every school district statewide. Without Mayoral Accountability, our plan would have encountered months, if not years, of delay, which our families cannot afford. Additionally, Mayoral Accountability allowed us to launch a first-in-the-nation systemwide dyslexia screening program to make sure no child falls through the cracks, launch gifted and talented programs in every neighborhood, and hire full-time mental health professionals for every school. If we don't extend Mayoral Accountability, we risk going backwards with test scores and declining graduation rates again.

Your role under the Education Law is an important one: You are charged with conducting "a comprehensive review and assessment of the overall effectiveness of the city of New York's school governance system." The law specifies that the review "shall include a study of school governance models and best practices utilized by other school districts." I understand that legislative leaders are eagerly awaiting your report and indicate that they will place significant weight on its analysis. For that reason, I was dismayed to hear from you that instead of including a study of school governance models as the law dictates, you intend to examine only districts that use Mayoral Accountability systems. The operative question is not how effective Mayoral Accountability has been in isolation, or when compared to perfection, but, rather, how it compares to other governance systems that policymakers might substitute for the current system. These alternatives have been tested in our city and other districts, and their performance should be analyzed. I therefore call on you to ensure your report analyzes the effectiveness of Mayoral Accountability in NYC *compared to other systems*, including, among others:

- The system of shared (and fractured) governance that existed prior to Mayoral Accountability in NYC, with a Board of Education and Community School Boards;
- A system of elected school board members, one used by many districts in New York and around the country; and
- A system where the superintendent is elected.

Additionally, the report should include an analysis of the innovative programs Chancellor Banks and this Administration have implemented over the past two years. It should identify the data sources used to develop this analysis and the conclusions reached in the report. This includes specifying which education professionals, advocates, scholars, parent groups, and others were solicited to provide testimony and input. The report should also detail the outreach efforts for each of the five public hearings held in New York City.

Such a comparative analysis will be far more useful and telling than your plan to examine districts, all of which have Mayoral Accountability. A comparison will reflect that our current system has produced markedly better outcomes for students and families than what came before, with high school graduation rates rising from ~50 percent to over 80 percent and student proficiency rates rising from far below the rest of the state to meeting or exceeding the rest of the state, though we serve a far higher percentage of students in poverty in NYC.

In any event, as such an analysis is required under the law, I call upon you to change your plans to ensure legal compliance even if these changes require a further delay in issuing the report.

A final point: The law provides that you will contract with an institute of higher education to assist with your report. I am concerned that you chose to contract with CUNY Law School to conduct the review and write the report. As you may be aware, there was a public protest that occurred last year at CUNY Law when I spoke at Commencement. At the very least, this creates a perception of a lack of objectivity regarding Mayoral Accountability when there should be no questions regarding bias on the part of the higher education institution conducting the review.

Again, I thank you for your time and leadership. I request a response to this letter as soon as possible, and certainly before any final decisions are made regarding the content of your report.

Sincerely,



Eric Adams  
Mayor

cc: Governor Kathy Hochul  
Honorable Andrea Stewart-Cousins, Majority Leader, New York State Senate  
Honorable Carl Heastie, Speaker, New York State Assembly  
Honorable Shelley Mayer, Chair, Senate Education Committee  
Honorable Michael Benedetto, Chair, New York State Assembly Education Committee

*Mayor Adams requested Commissioner Rosa respond to his letter as soon as possible.*

*Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senate Education Chair Shelley Mayer, and Assembly Education Chair Michael Benedetto were copied on the correspondence.*

# March 28, 2024 Response Letter from Commissioner Betty A. Rosa to Mayor Eric Adams

*On March 28, 2024, Commissioner Rosa responded to Mayor Adams.*



## THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Commissioner of Education  
President of the University of the State of New York  
89 Washington Avenue, Room 111  
Albany, New York 12234

E-mail: [commissioner@nysed.gov](mailto:commissioner@nysed.gov)  
Twitter: @NYSEDNews  
Tel: (518) 474-5844

March 28, 2024

Eric Adams  
The City of New York  
Office of the Mayor  
New York, NY 10007

Mayor Adams:

I received your letter dated March 21, 2024 addressed to Chancellor Young and myself.

As you note, recent legislation<sup>1</sup> required the New York State Education Department (NYSED or "the Department") to "conduct a comprehensive review and assessment of the overall effectiveness of the city of New York's school governance system."<sup>2</sup> The legislation charged NYSED with three distinct responsibilities:

1. Contract with an institution of higher education to conduct a comprehensive review of governance of the New York City Department of Education, and study school governance models and best practices utilized by other districts;
2. Hold public hearings in each borough of New York City to engage and solicit input from a broad array of stakeholders—including students, parents, teachers, administrators, district and school staff, and experts of the public with expertise in education policy and school governance—with respect to their experiences with mayoral control of the New York City school system; and
3. Issue a final report synthesizing findings from the studies and the public hearings to the Governor and Legislature.

The design of this study was carefully chosen to align with these requirements. Here is how the Department implemented these requirements:

1. The Department contracted with the City University of New York (CUNY) Law School. The team at CUNY, led by Professor Natalie Gomez-Velez, was selected based on their expertise and extensive knowledge of New York City education. The final report will both provide an extensive review of New York City school governance, with a focus on mayoral control from 2002 to the present, as well as examine school governance models and best practices

<sup>1</sup> Ch 364, L 2022.

<sup>2</sup> Ch 364, L 2022.

including comparative examples of mayoral control governance structures in other large cities across the United States.

2. The Department collaborated with New York City in selecting hearing locations in each borough that were centrally located and accessibility via public transportation. Your office was specifically invited to attend each of these meetings and share the invitation with any interested parties. In addition, the Department solicited, and received, written testimony.
3. The report, which is being finalized, will analyze the studies of New York City/other school districts and the public hearings in separate sections.

The Department has faithfully implemented the requirements of the statute. I request that you reserve judgment until you review the final report.

Finally, I am unaware of any actions by CUNY administrators or employees that would impugn the institution's objectivity or the appearance thereof.





Sincerely,



Betty A. Rosa  
Commissioner

*As written by the  
Commissioner,  
"[t]he Department has  
faithfully implemented  
the requirements of the  
statute. I request that  
you reserve judgment  
until you review the  
final report."*

# Artwork Proof

Project Details	Proof Symbols	Designer Comments
<p><b>Product:</b> Event Badges</p> <p><b>Estimate:</b> E1086578</p> <p><b>Width:</b> 3.5"</p> <p><b>Height:</b> 5.5"</p> <p><b>Print:</b> 4/4</p> <p><b>Corners:</b>  1/4"</p>	<p><b>Bleed Line:</b>  --- Artwork must bleed (go past) 1/8" over the cut line, to ensure no white borders after cutting.</p> <p><b>Cut Line:</b>  --- Final cut of your product.</p> <p><b>Safe Line:</b>  --- All critical elements (text, images, logos, etc.) must be kept inside the green box. Anything left outside may be cut during trimming.</p>	

**PLEASE CHECK CAREFULLY:** Proofs are provided for checking layout, spelling, sizing, features and color. Please check for errors and indicate any corrections needed upon reviewing the files. If no changes are necessary, reply with "Approved as is". After approval, we can no longer make adjustments or take cancellations. Production will not start until proof is approved. Client approval stands as authority to proceed. Delay in response may delay delivery of items or production. Client assumes all risk for compliance, federal, state, and local packaging, advertising, label laws, regulations, and rules.



Variable | 1-75



Final Look After Cut



# Artwork Proof

## Project Details

**Product:** Double Sided Retractable Banner

**Estimate:** E1086573

**Width:** 33"

**Height:** 81"

**Print:** 4/0

## Proof Symbols

**Bleed Line:** - - - - -

Artwork must bleed (go past) 1/8" over the cut line, to ensure no white borders after cutting.

**Cut Line:** - - - - -

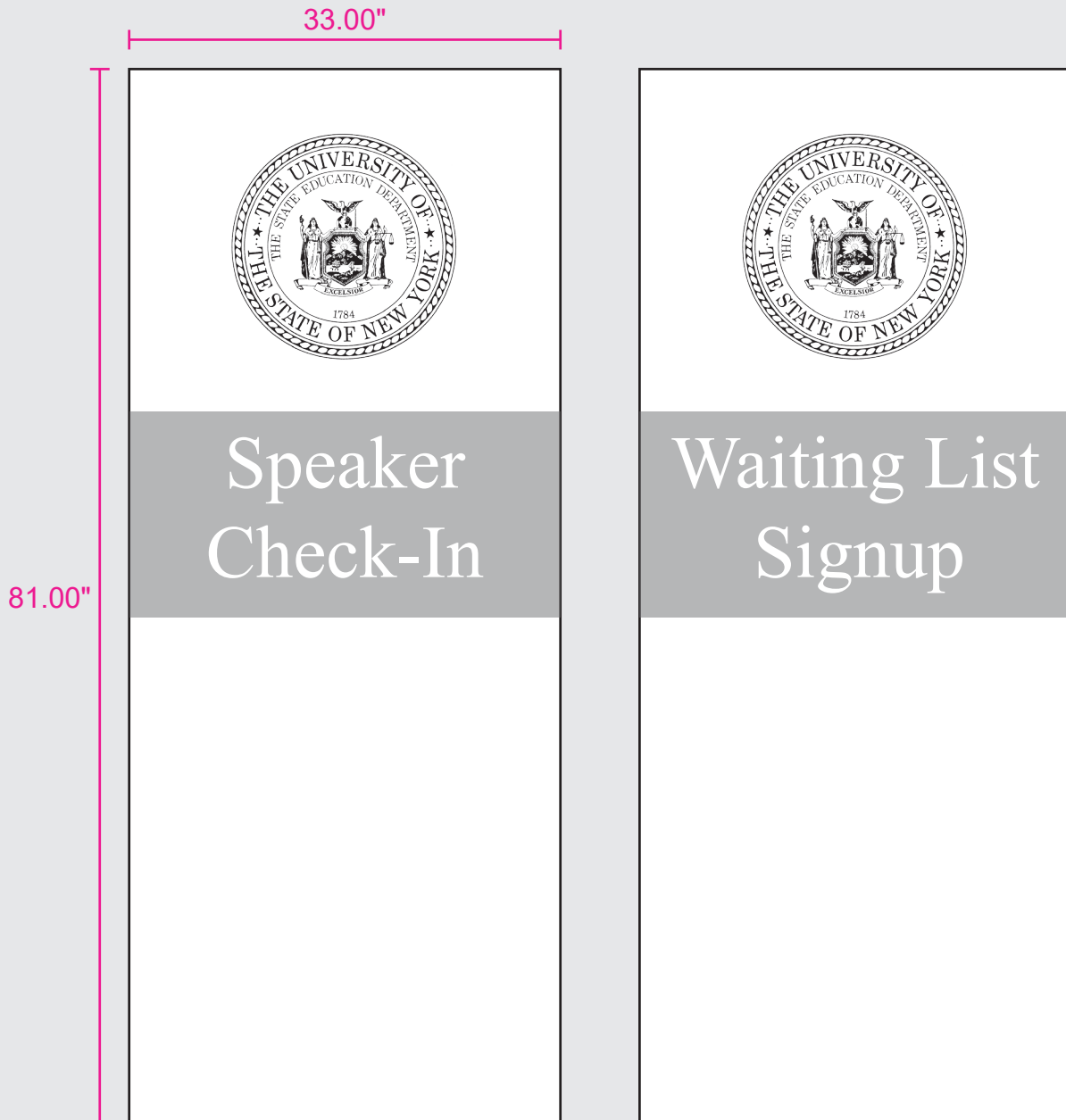
Final cut of your product.

**Safe Line:** - - - - -

All critical elements (text, images, logos, etc.) must be kept inside the green box. Anything left outside may be cut during trimming.

## Designer Comments

**PLEASE CHECK CAREFULLY:** Proofs are provided for checking layout, spelling, sizing, features and color. Please check for errors and indicate any corrections needed upon reviewing the files. If no changes are necessary, reply with "Approved as is". After approval, we can no longer make adjustments or take cancellations. Production will not start until proof is approved. Client approval stands as authority to proceed. Delay in response may delay delivery of items or production. Client assumes all risk for compliance, federal, state, and local packaging, advertising, label laws, regulations, and rules.



# Artwork Proof

Project Details	Proof Symbols	Designer Comments
<p><b>Product:</b> Table Throw</p> <p><b>Estimate:</b> E1086575</p> <p><b>Width:</b> 8ft"</p> <p><b>Height:</b> -"</p> <p><b>Print:</b> 4/0</p>	<p><b>Bleed Line:</b> - - - - - Artwork must bleed (go past) 1/8" over the cut line, to ensure no white borders after cutting.</p> <p><b>Cut Line:</b> - - - - - Final cut of your product.</p> <p><b>Safe Line:</b> - - - - - All critical elements (text, images, logos, etc.) must be kept inside the green box. Anything left outside may be cut during trimming.</p>	

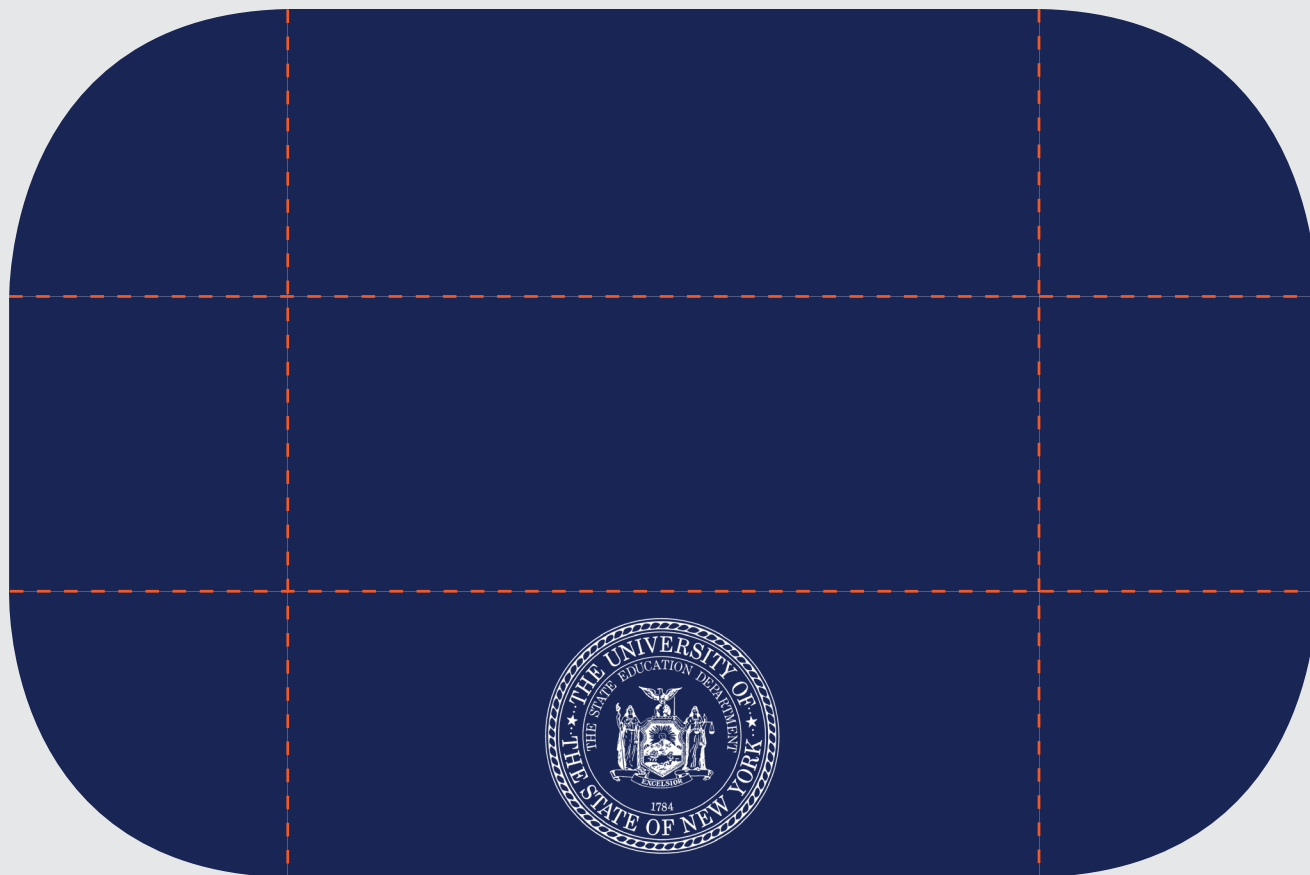
**PLEASE CHECK CAREFULLY:** Proofs are provided for checking layout, spelling, sizing, features and color. Please check for errors and indicate any corrections needed upon reviewing the files. If no changes are necessary, reply with "Approved as is". After approval, we can no longer make adjustments or take cancellations. Production will not start until proof is approved. Client approval stands as authority to proceed. Delay in response may delay delivery of items or production. Client assumes all risk for compliance, federal, state, and local packaging, advertising, label laws, regulations, and rules.



# Artwork Proof

Project Details	Proof Symbols	Designer Comments
<p><b>Product:</b> Table Throw</p> <p><b>Estimate:</b> E1086574</p> <p><b>Width:</b> 6ft"</p> <p><b>Height:</b> -"</p> <p><b>Print:</b> 4/0</p>	<p><b>Bleed Line:</b> - - - - - Artwork must bleed (go past) 1/8" over the cut line, to ensure no white borders after cutting.</p> <p><b>Cut Line:</b> - - - - - Final cut of your product.</p> <p><b>Safe Line:</b> - - - - - All critical elements (text, images, logos, etc.) must be kept inside the green box. Anything left outside may be cut during trimming.</p>	

**PLEASE CHECK CAREFULLY:** Proofs are provided for checking layout, spelling, sizing, features and color. Please check for errors and indicate any corrections needed upon reviewing the files. If no changes are necessary, reply with "Approved as is". After approval, we can no longer make adjustments or take cancellations. Production will not start until proof is approved. Client approval stands as authority to proceed. Delay in response may delay delivery of items or production. Client assumes all risk for compliance, federal, state, and local packaging, advertising, label laws, regulations, and rules.



# Artwork Proof

Project Details	Proof Symbols	Designer Comments
<p><b>Product:</b> Aluminum Sidewalk Sign</p> <p><b>Estimate:</b> E1086580</p> <p><b>Width:</b> 24"</p> <p><b>Height:</b> 36"</p> <p><b>Print:</b> 4/4</p>	<p><b>Bleed Line:</b> - - - - - Artwork must bleed (go past) 1/8" over the cut line, to ensure no white borders after cutting.</p> <p><b>Cut Line:</b> - - - - - Final cut of your product.</p> <p><b>Safe Line:</b> - - - - - All critical elements (text, images, logos, etc.) must be kept inside the green box. Anything left outside may be cut during trimming.</p>	

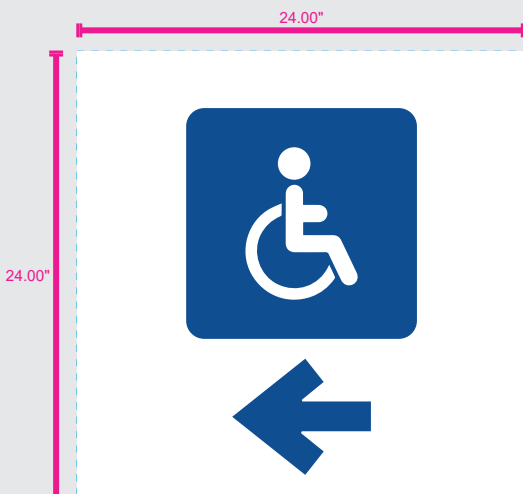
**PLEASE CHECK CAREFULLY:** Proofs are provided for checking layout, spelling, sizing, features and color. Please check for errors and indicate any corrections needed upon reviewing the files. If no changes are necessary, reply with "Approved as is". After approval, we can no longer make adjustments or take cancellations. Production will not start until proof is approved. Client approval stands as authority to proceed. Delay in response may delay delivery of items or production. Client assumes all risk for compliance, federal, state, and local packaging, advertising, label laws, regulations, and rules.



Sign 1



Sign 2



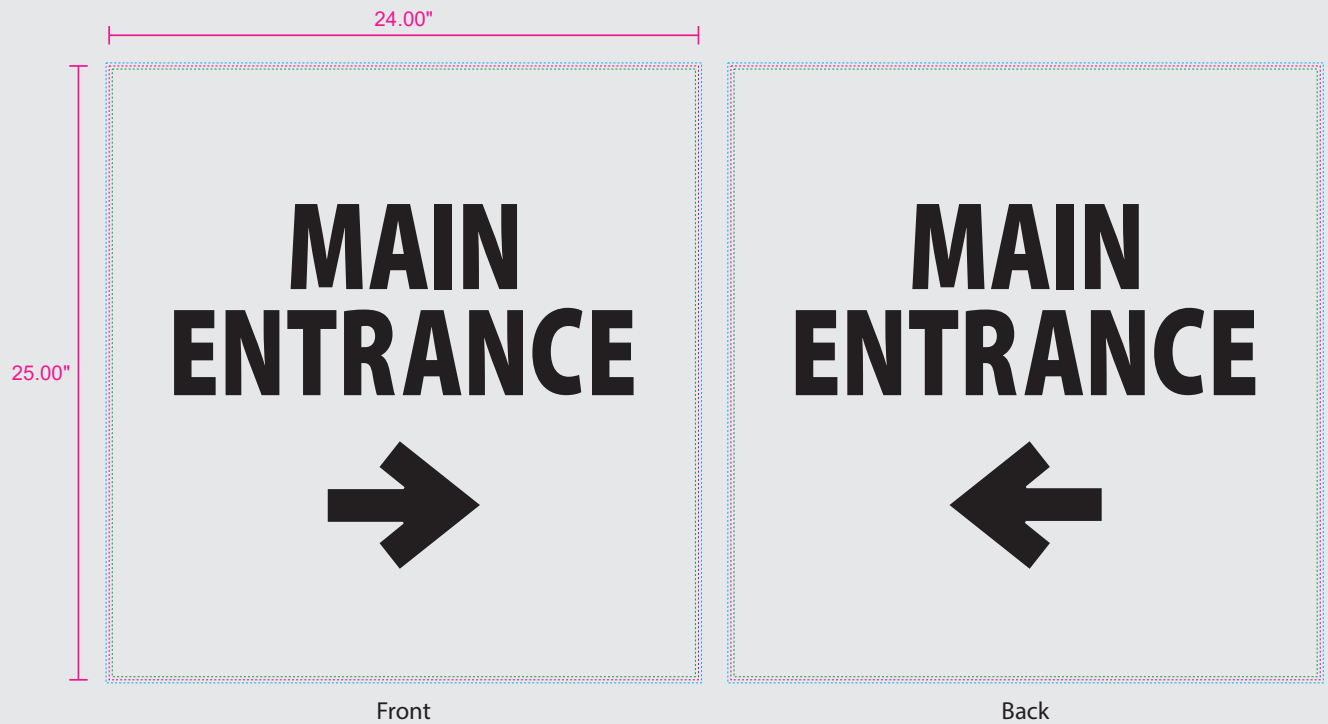
Sign 3 Side 1



Sign 3 Side 2

# Artwork Proof

Project Details		Designer Comments
<b>Estimate #:</b> E1089075	<b>Company:</b> The New York State Education Department	Designer: Tinna N/A
<b>Size:</b> 24" w x 24" h	<b>Product:</b> Aluminum Sidewalk Sign	
<b>Sides:</b> Double Sided	<b>Substrate:</b> 1/8" White PVC	
Legend		Additional Treatments
<b>Bleed*</b> ..... <b>Cut Line</b> ..... <b>Safe Zone*</b> .....		
<small>*Artwork should <b>bleed</b> at least 1/8 inch past the <b>cut line</b> if you want it to print to the edge of the finished product. *All critical elements (text, images, logos, etc.) must be kept inside the <b>safe zone</b>. Anything left outside may be cut.</small>		
<b>PLEASE CHECK CAREFULLY:</b> Proofs are provided for checking layout, spelling, sizing, features and color. Please check for errors and indicate any corrections needed upon reviewing the files. If no changes are necessary, reply with "Approved as is". After approval, we can no longer make adjustments or take cancellations. Production will not start until proof is approved. Client approval stands as authority to proceed. Delay in response may delay delivery of items or production. Client assumes all risk for compliance, federal, state, and local packaging, advertising, label laws, regulations, and rules.		



# NYSED's Mayoral Control Website

*NYSED's mayoral control website as of April 1, 2024.*

**NYS ED** New York State  
EDUCATION DEPARTMENT  
Knowledge > Skill > Opportunity

Select Language | Disclaimer

NYSED Education Areas Standards and Instruction Assessments Certification & Licensing School Business Data & Reporting

## New York City Mayoral Control Hearings


Pursuant to Chapter 364 of the Laws of 2022, the New York State Education Department shall conduct a comprehensive review and assessment of the overall effectiveness of mayoral control of New York City schools. This winter, all members of the public—including students, parents, teachers, school administrators and staff, and individuals with experience and expertise in education policy and school governance—were invited to provide feedback on their experiences, assessments, and/or review of the mayoral control system of New York City schools. Members of the public could participate (a) by providing oral testimony at one of five public hearings and/or (b) by submitting written electronic testimony to the Department (the submission window for written testimony ended on January 31, 2024). Full recordings of the five public hearings are available below.

### Table of Contents

- [Recordings of Past Hearings](#)

## Recordings of Past Hearings

**Bronx**  
**Tuesday, December 5, 2023**  
6:00–9:00pm  
DeWitt Clinton High School  
100 W Mosholu Pkwy S  
Bronx, NY 10468

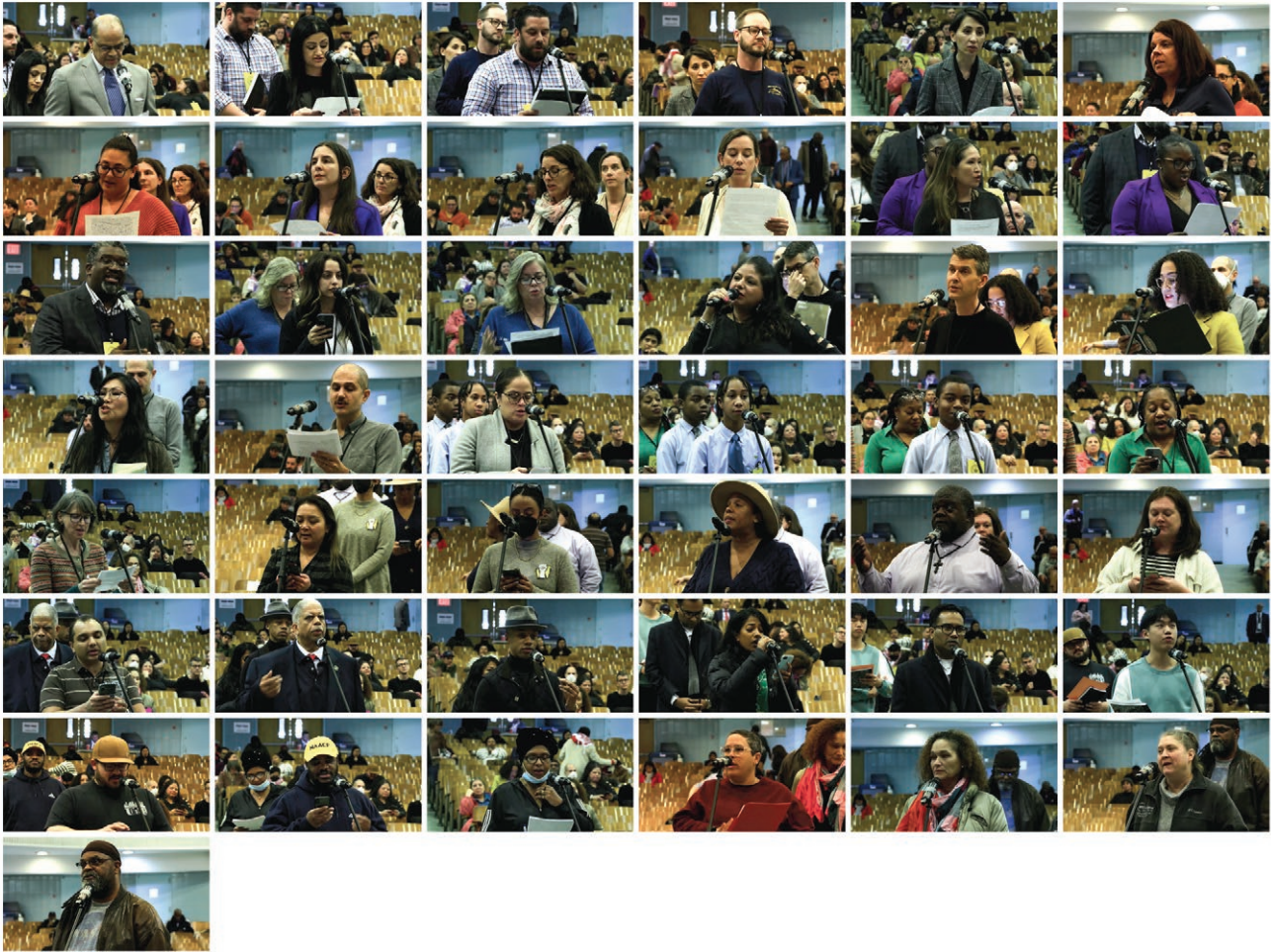


**NYC Mayoral Control Hearing—Bronx**  
DeWitt Clinton High School  
December 5, 2023

Bronx Hearing Speakers  
DeWitt Clinton High School  
December 5, 2023

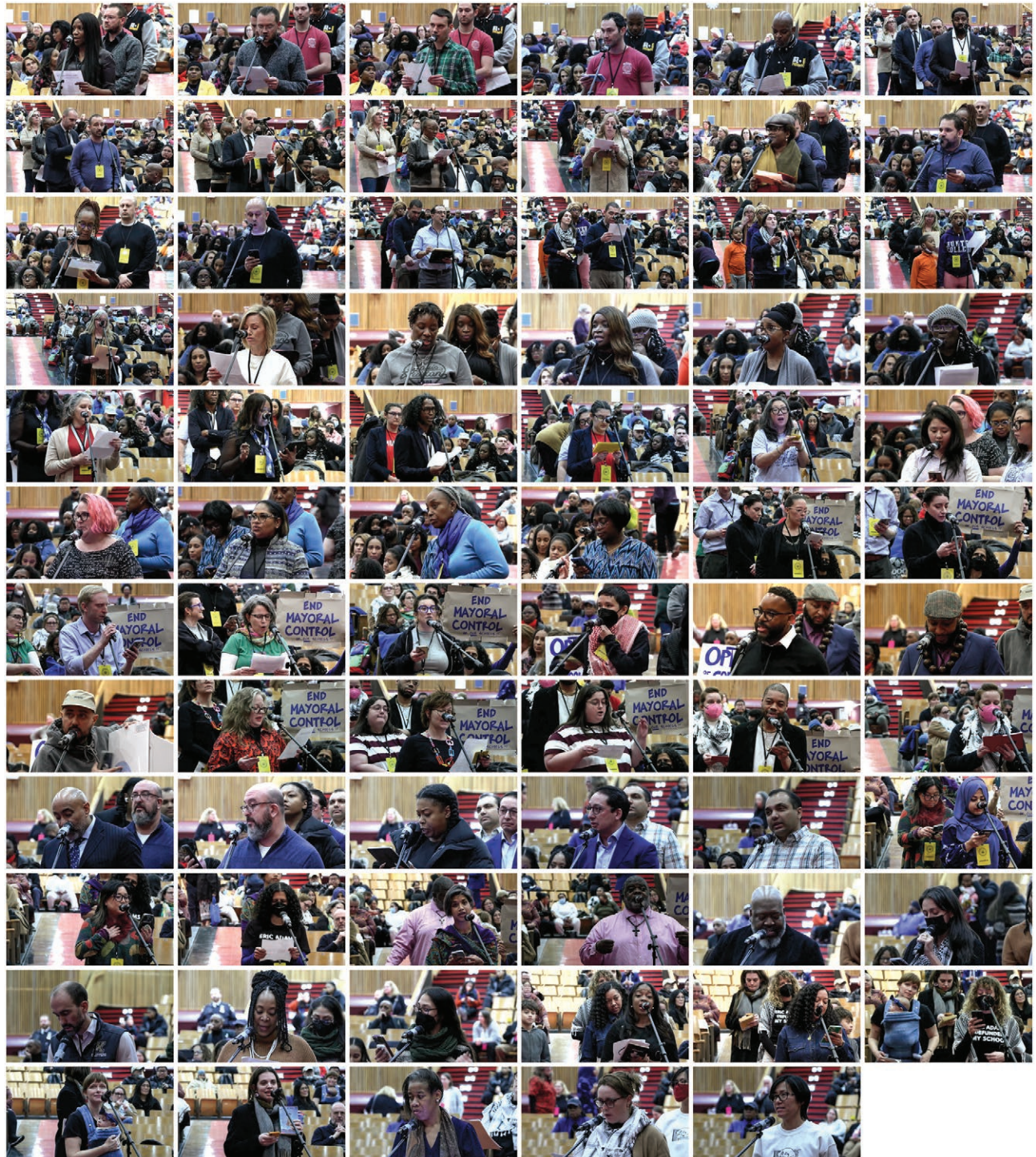


Queens Hearing Speakers  
Thomas A. Edison CTE High School  
December 18, 2023

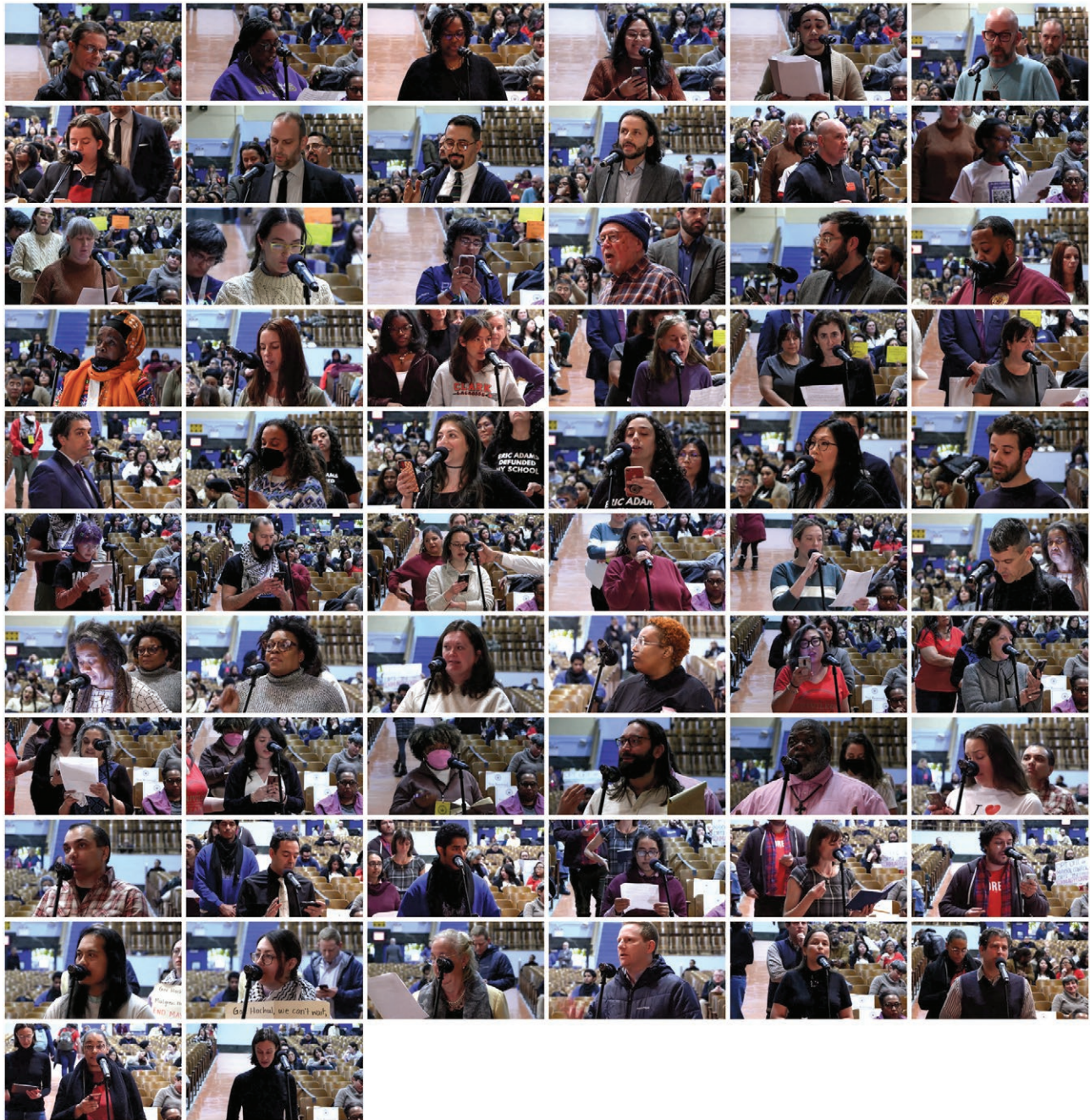




# Brooklyn Hearing Speakers Boys and Girls High School January 11, 2024



# Manhattan Hearing Speakers High School of Fashion Industries January 18, 2024



Staten Island Hearing Speakers  
New Dorp High School  
January 29, 2024



On June 30, 2022,  
Governor Kathy  
Hochul signed into law  
bill S.9459/A.10499  
to "extend[] and  
update[] provisions of  
governance of the City  
School District of the  
City of New York...."

LAWS OF NEW YORK, 2022

CHAPTER 364

AN ACT to amend the education law, in relation to school governance in the city of New York; to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education, and community boards, in relation to the effectiveness thereof

Became a law June 30, 2022, with the approval of the Governor.  
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The section heading and subdivision 1 of section 2590-b of the education law, as amended by chapter 345 of the laws of 2009, paragraph (a) of subdivision 1 as amended by section 43-b of part YYY of chapter 59 of the laws of 2019, are amended to read as follows:

Continuation of city board and establishment of community districts; establishment of the city-wide councils on special education, English language learners, [and] high schools, and district seventy-five. 1. (a) The board of education of the city school district of the city of New York is hereby continued.

(1) (A) Such board of education shall consist of thirteen appointed members: one member to be appointed by each borough president of the city of New York; and eight members to be appointed by the mayor of the city of New York.

(B) Commencing on July first, two thousand twenty, the board of education shall consist of fifteen members: one member to be appointed by each borough president of the city of New York, one member to be elected by community district education council presidents, and nine members to be appointed by the mayor of the city of New York. On or before December thirty-first, two thousand nineteen, the chancellor shall promulgate regulations establishing a process for community district education council presidents to elect a member of the board, and processes for removal of such member and for the filling of such position in the event of a vacancy. The first member elected by community district education council presidents pursuant to such regulations shall take office on July first, two thousand twenty and shall serve a term that ends on June thirtieth, two thousand twenty-two. Thereafter, the member elected by community district education council presidents shall serve for a two year term commencing on July first.

(C) Commencing on August fifteenth, two thousand twenty-two, the board of education shall consist of twenty-three members: one member to be appointed by each borough president of the city of New York; five members, one from each borough of the city of New York, to be elected by community district education council presidents; and thirteen members to

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.

be appointed by the mayor of the city of New York. The term of the first member elected by community district education council presidents pursuant to clause (B) of this subparagraph shall be extended and end on August fourteenth, two thousand twenty-two. On or before July fifteenth, two thousand twenty-two, the chancellor shall promulgate regulations establishing a process for community district education council presidents to elect members of the board, and processes for removal of such members and for the filling of such positions in the event of a vacancy. All appointed members and members elected by the community education council presidents pursuant to such regulations shall take office on August fifteenth, two thousand twenty-two and shall serve a term that ends on June thirtieth, two thousand twenty-three. Thereafter, appointed members and the members elected by community district education council presidents shall serve for a one year term commencing on July first.

(2) The chancellor and comptroller of the city of New York shall serve as [an] ex-officio non-voting [~~member~~] members of the city board.

(3) The city board shall elect its own chairperson from among its voting members.

(4) All appointed members shall serve for [~~terms coterminous with the terms of their appointing authority~~] a one year term, provided that any member may be removed [~~at the pleasure of~~] for good cause, provided that voting against the appointing authority's direction shall not be cause for removal, by the appointing authority, who shall provide written notice to the member and public explaining the reasons therefor at least ten days in advance of the removal and provide the member a full and fair opportunity to refute such reasons before removal.

(5) Except for the chancellor, no board members shall be employed in any capacity by the city of New York, or a subdivision thereof, or the city board.

(6) No appointed or elected member of the city board shall also be a member, officer, or employee of any public corporation, authority, or commission where the mayor of the city of New York has a majority of the appointments.

(7) Each borough president's appointee shall be a resident of the borough for which the borough president appointing him or her was elected and shall be the parent of a child attending a public school within the city school district of the city of New York.

(8) Each mayoral appointee shall be a resident of the city and [~~two~~] four shall be parents of a child attending a public school within the city district, provided that at least one appointee shall be the parent of a child with an individualized education program, at least one appointee shall be the parent of a child who is in a bilingual or English as a second language program conducted pursuant to section thirty-two hundred four of this chapter, and at least one appointee shall be the parent of a child who is attending a district seventy-five school or program.

(9) All parent members shall be eligible to continue to serve on the city board for two years following the conclusion of their child's attendance at a public school within the city district.

(10) Any vacancy other than by an expiration of term shall be filled by appointment by the appropriate appointing authority within ninety days of such vacancy and shall serve for the remainder of the unexpired term.

(11) Notwithstanding any provision of local law, the members of the board shall not have staff, offices, or vehicles assigned to them or receive compensation for their services, but shall be reimbursed for the

*As summarized in both sponsors' accompanying bill memos—the law “extend[ed] provisions of mayoral control of the New York City School District for an additional two years until June 30, 2024,” and “[made] reforms to NYC school governance to provide parents with a greater voice and more input in educational decisions and ensure that New York City is more responsive to the concerns of parents.”*

actual and necessary expenses incurred by them in the performance of their duties.

(12) Every appointed and elected member of the city board shall, within the first three months of his or her term, complete a minimum of six hours of training on the financial oversight, accountability and fiduciary responsibilities of a city board member, as well as a training course on the powers, functions and duties of the city board.

(b) The city board shall hold at least one regular public meeting per month. At least one regular public meeting shall be held in each borough of the city of New York per year; any additional meetings may be called at the request of the chairperson. The city board shall consider appropriate public accommodations when selecting a venue so as to maximize participation by parents and the community.

(c) (i) Notice of the time, place and agenda for all city board regular public meetings shall be publicly provided, including via the city board's official internet web site, and specifically circulated to all community superintendents, community district education councils, community boards, and school based management teams, at least ten business days in advance of such meeting.

(ii) A city board regular public meeting agenda shall be comprised of a list and brief description of the subject matter being considered, identification of all items subject to a city board vote, and the name, office, address, email address and telephone number of a city district representative, knowledgeable on the agenda, from whom any information may be obtained and to whom written comments may be submitted concerning items on such agenda.

(iii) A city board meeting that includes an item subject to a city board vote related to approval of a school closure or significant change in school utilization including the phase-out, grade reconfiguration, re-siting, or co-location of a school pursuant to paragraph h of subdivision one of section twenty-five hundred ninety-g of this article shall be held in the borough of the city of New York where the school that is subject to such proposed school closing or significant change in school utilization is located.

(d) The chairperson of the city board shall ensure that at every regular public meeting there is a sufficient period of time to allow for public comment on any topic on the agenda prior to any city board vote.

(e) Minutes of all city board regular public meetings shall be made publicly available, including via the city board's official internet website, in a timely manner but no later than the subsequent regular city board meeting.

§ 2. Subdivision 7 of section 2590-b of the education law is renumbered subdivision 8 and a new subdivision 7 is added to read as follows:

7. (a) There shall be a city-wide council on district seventy-five created pursuant to this section. The city-wide council for district seventy-five shall consist of eleven voting members and one non-voting member, as follows:

(i) nine voting members who shall be parents of students receiving city-wide special education services in a district seventy-five school or program to be selected by parents of students who receive such services pursuant to a representative process developed by the chancellor. Such members shall serve a two year term;

(ii) two voting members appointed by the public advocate of the city of New York, who shall be individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with disabilities and who will make a significant contribution to

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improving special education in the city district. Such members shall serve a two year term; and

(iii) one non-voting member who is a high school senior appointed by the administrator designated by the chancellor to supervise district seventy-five schools and programs. Such member shall serve a one year term.

(b) The city-wide council on district seventy-five shall have the power to:

(i) advise and comment on any educational or instructional policy involving the provision of district seventy-five services;

(ii) issue an annual report on the effectiveness of the city district in providing services to district seventy-five students and make recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and

(iii) hold at least one meeting per month open to the public and during which the public may discuss issues facing district seventy-five students.

(c) Vacancies shall be filled for an unexpired term by the city-wide council for district seventy-five, pursuant to a process developed by the chancellor that shall include consultation with parents of students attending district seventy-five schools or programs; provided, however, that where a vacancy occurs in a position appointed by the public advocate, the public advocate shall appoint a member to serve the remainder of the unexpired term.

§ 3. Subdivisions 1, 4, 5 and 6 of section 2590-c of the education law, subdivision 1 as amended by section 43-c of part YY of chapter 59 of the laws of 2019, subdivisions 4 and 6 as amended by chapter 345 of the laws of 2009, subparagraph 2 of paragraph (b) of subdivision 6 as amended by chapter 103 of the laws of 2014 and subdivision 5 as amended by section 2 of subpart B of part II of chapter 55 of the laws of 2019, are amended to read as follows:

1. Each community district shall be governed by a community district education council. The community councils shall consist of ~~[eleven]~~ twelve voting members and ~~[one]~~ two non-voting ~~[member]~~ members, as follows:

(a) (1) For councils whose terms begin prior to two thousand twenty, nine voting members shall be parents whose children are attending a school or a pre-kindergarten program offered by a school under the jurisdiction of the community district, or have attended a school or a pre-kindergarten program offered by a school under the jurisdiction of the community district within the preceding two years, and shall be selected by the presidents and officers of the parents' association or parent-teachers' association. Such members shall serve for a term of two years. Presidents and officers of parents' associations or parent-teachers' associations who are candidates in the selection process pursuant to this section shall not be eligible to cast votes in such selection process. The association shall elect a member to vote in the place of each such president or officer for the purposes of the selection process. Provided, however, that a parent of a pre-kindergarten pupil shall vacate his or her membership on such community district education council where the parent no longer has a child that attends a school or pre-kindergarten program offered by a school under the jurisdiction of the community district.

(2) For councils whose terms begin in two thousand twenty-one and thereafter, nine voting members shall be parents whose children are attending a school or a pre-kindergarten program offered by a school

under the jurisdiction of the community district, or have attended a school under the jurisdiction of the community district within the preceding two years, and shall be elected by parents of children attending such schools and pre-kindergarten programs in accordance with a process developed by the chancellor pursuant to subdivision eight of this section. Provided, however, that a parent of a pre-kindergarten pupil shall vacate his or her membership on such community district education council when the parent no longer has a child that attends a school or pre-kindergarten program offered by a school under the jurisdiction of the community district.

(b) Two voting members shall be appointed by the borough presidents corresponding to such district. Such appointees shall be residents of, or own or operate a business in, the district and shall be individuals with extensive business, trade, or education experience and knowledge, who will make a significant contribution to improving education in the district. Such members shall serve for a term of two years.

(c) One voting member shall be a parent whose child is attending a district seventy-five school or program, or has attended a district seventy-five school or program within the preceding two years, and shall be elected by parents of children attending such schools or programs in accordance with a process developed by the chancellor. Such member shall serve for a term of two years.

(d) Two non-voting ~~[member]~~ members who ~~[is—a]~~ are high school ~~[senior]~~ seniors residing in the district, shall be appointed by the superintendent from among the elected student leadership. Such ~~[member]~~ members shall serve for a one year term.

Members shall not be paid a salary or stipend, but shall be reimbursed for all actual and necessary expenses directly related to the duties and responsibilities of the community council.

4. Notwithstanding any provisions of law to the contrary, the community district education council may appoint ~~[a-secretary]~~ an administrative assistant, pursuant to the policies of the city board, who shall perform the following functions: (a) prepare meeting notices, agendas and minutes; (b) record and maintain accounts of proceedings and other council meetings; and (c) prepare briefing materials and other related informational materials for such meetings. Each council shall be responsible for the appointment, supervision, evaluation and discharge of the ~~[secretary]~~ administrative assistant.

5. No person may serve on more than one community council or on the city-wide council on special education, the city-wide council on English language learners, ~~[or]~~ the city-wide council on high schools, or the city-wide council on district seventy-five and a community council. A member of a community council shall be ineligible to be employed by the community council of which he or she is a member, any other community council, the city-wide council on special education, the city-wide council on English language learners, the city-wide council on high schools, the city-wide council on district seventy-five, or the city board. No person shall be eligible for membership on a community council if he or she holds any elective public office or any elective or appointed party position except that of delegate or alternate delegate to a national, state, judicial or other party convention, or member of a county committee.

A person may be permanently ineligible for appointment to any community district education council for any of the following: (a) an act of malfeasance directly related to his or her service on the city-wide council on special education, the city-wide council on English language



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learners, the city-wide council on high schools, the city-wide council on district seventy-five, community school board or community district education council; or (b) conviction of a crime, provided that any such conviction shall be considered in accordance with article twenty-three-A of the correction law.

Any decision rendered by the chancellor or the city board with respect to the eligibility or qualifications of the nominees for community district education councils must be written and made available for public inspection within seven days of its issuance at the office of the chancellor and the city board. Such written decision shall include the factual and legal basis for its issuance and a record of the vote of each board member who participated in the decision, if applicable.

6. (a) In addition to the conditions enumerated in the public officers law creating a vacancy, a member of a community district education council who refuses or neglects to attend three meetings of such council of which he or she is duly notified, without rendering in writing a good and valid excuse therefore vacates his or her office by refusal to serve. Each absence and any written excuse rendered shall be included within the official written minutes of such meeting. After the third unexcused absence the community council shall declare a vacancy to the chancellor.

(b) (1) Vacancies in positions that were not appointed by a borough president or elected by parents of children attending district seventy-five schools or programs shall be filled for an unexpired term by the community district education council after consultation with the presidents' council or other consultative body representing parents' associations and other educational groups within the district. Recommendations made by such parents and other educational groups shall be submitted in writing and included within the record of the meeting at which the vacancy is filled.

(2) If such vacancy results in the council not having at least one member who is a parent of a student who is an English language learner or who has been an English language learner within the preceding two years, or results in the council not having at least one member who is a parent of a student with an individualized education program, the community council shall select a parent having such qualifications to fill the vacancy.

(c) If the vacancy is not filled by the community council within sixty days after it is declared due to a tie vote for such appointment, the chancellor shall vote with the community council, to break such tie vote. If the community council has failed to fill the vacancy within sixty days after it is declared because of any other reason, the chancellor shall order the community council to do so pursuant to section twenty-five hundred ninety-1 of this article.

(d) Where a vacancy occurs in a position appointed by a borough president, the borough president shall appoint a member to serve the remainder of the unexpired term.

(e) Where a vacancy occurs in a position elected by parents of children attending district seventy-five schools or programs, the chancellor shall develop a process for parents of children attending district seventy-five schools or programs to select a member to serve the remainder of the unexpired term.

§ 4. Subdivisions 7, 19 and 20 of section 2590-e of the education law, subdivision 7 as amended and subdivision 19 as added by chapter 123 of the laws of 2003, subdivision 20 as amended by section 43-a of part YYY of chapter 59 of the laws of 2019, are amended to read as follows:

7. participate in training and continuing education programs pursuant to the provisions of this subdivision.

(1) Community district education council members shall participate in training to acquaint them with the powers, functions and duties of community council members, as well as the powers of other governing and administering authorities that affect education including the powers of the commissioner, city board, chancellor and community superintendents. Such participation shall be completed no later than three months from the date in which a community council member takes office for the first time.

(2) Each community district education council member shall be required to participate in continuing education programs on an annual basis as defined by the chancellor. Participation in training pursuant to paragraph one of this subdivision by a community district education council member who takes office for the first time shall be deemed to satisfy the requirements of this subdivision for the first year of such member's term.

(3) such training and continuing education programs shall be approved by the chancellor, following consultation with the commissioner, and may be provided by the state education department, the city board, the chancellor or a nonprofit provider authorized by the chancellor to provide such training and continuing education programs.

(4) the chancellor is authorized to promulgate regulations regarding providers and their certification, the content and implementation of the training and continuing education programs. Any such regulations shall be developed after consultation with the commissioner.

(5) such training and continuing education programs shall be offered by the chancellor on an annual basis or more frequently, as needed, to enable community council members to comply with this subdivision.

(6) failure of community council members to comply with the training and continuing education requirements mandated by this subdivision shall constitute cause for removal from office pursuant to section twenty-five hundred ninety-1 of this article.

19. Liaison with school leadership teams as may be necessary ~~[and]~~, provide assistance to the school leadership teams where possible, and serve on the district leadership team by designating a representative.

20. Consult on the selection of a community superintendent pursuant to subdivision thirty of section twenty-five hundred ninety-h of this article. Such consultation shall include an opportunity for the community council to ~~[meet with the final candidate or]~~ interview a minimum of three final candidates the chancellor is considering appointing and to provide feedback to the chancellor, which may include a ranked list of such candidates, prior to the appointment being made.

§ 5. Paragraph (h) of subdivision 1 and subdivision 10 of section 2590-g of the education law, paragraph (h) of subdivision 1 as amended by section 43-f of part YYY of chapter 59 of the laws of 2019, subdivision 10 as added by chapter 345 of the laws of 2009, are amended to read as follows:

(h) approve proposals for all school closures or significant changes in school utilization including the phase-out, grade reconfiguration, re-siting, or co-location of schools, following any hearing pursuant to subdivision two-a of section twenty-five hundred ninety-h of this article. If the city board approves such a proposal that the relevant community council affirmatively voted against pursuant to subdivision twenty-one of section twenty-five hundred ninety-e of this article, the

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board shall provide such council an explanation for its determination within thirty days of such determination.

10. Respond, at a regular public meeting, to the recommendations raised in the annual reports issued by the city-wide council on special education, the city-wide council on English language learners ~~[and]~~ the city-wide council on high schools and the city-wide council on district seventy-five.

§ 6. Subparagraph (v) of paragraph (c) of subdivision 15 of section 2590-h of the education law, as amended by chapter 345 of the laws of 2009, is amended and a new paragraph (d) is added to read as follows:

(v) access to information regarding programs that allow students to apply for admission where appropriate to schools outside a student's own attendance zone~~[-]~~; and

(d) require each public school under the chancellor's jurisdiction to have a parent coordinator who shall be responsible for engaging with and involving parents in the school community by working with the school principal, school personnel, school based management team, parent associations, and community groups to identify parent and related school and community issues. The community district education council of each school shall be consulted prior to the selection of the parent coordinator. Such consultation shall include an opportunity for the community district education council to meet with the final candidate or candidates the school principal is considering selecting and to provide feedback to the principal prior to the selection being made.

§ 7. Section 2590-h of the education law is amended by adding a new subdivision 56 to read as follows:

56. Render written responses to resolutions passed by the city-wide education councils and community district education councils within thirty days of receipt.

§ 8. 1. The commissioner of education shall conduct a comprehensive review and assessment of the overall effectiveness of the city of New York's school governance system. Such review and assessment shall include a study of school governance models and best practices utilized by other school districts. The commissioner of education shall contract with an institute of higher education to assist in conducting such review and assessment.

2. The commissioner of education shall hold at least one public hearing in each borough of the city of New York and engage and solicit input from a broad and diverse range of stakeholders and other interested parties, including but not limited to students, parents, teachers, administrators, staff and individuals with experience and expertise in education policy and school governance.

3. The commissioner of education shall issue a report to the governor, the temporary president of the senate, and the speaker of the assembly of its findings and recommendations on or before December 1, 2023.

§ 9. Subdivision 12 of section 17 of chapter 345 of the laws of 2009 amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, as amended by section 43 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, ~~[2022]~~ 2024.

*§8 of the legislation required the New York State Education Department to "conduct a comprehensive review and assessment of the overall effectiveness of the city of New York's school governance system."*

§ 10. Section 34 of chapter 91 of the laws of 2002 amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education, and community boards, as amended by section 42 of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

§ 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [~~2022~~] 2024 provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [~~2022~~] 2024 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

§ 11. This act shall take effect immediately; provided that the amendments to sections 2590-b, 2590-c, 2590-e, 2590-g and 2590-h of the education law made by sections one, two, three, four, five, six and seven of this act shall not affect the expiration or repeal of such provisions and shall expire and be deemed repealed therewith.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

ANDREA STEWART-COUSINS  
Temporary President of the Senate

CARL E. HEASTIE  
Speaker of the Assembly

APPROVAL MEMORANDUM - No. 10 Chapter 364

MEMORANDUM filed with Senate Bill Number 9459, entitled:

"AN ACT to amend the education law, in relation to school governance in the city of New York; to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education, and community boards, in relation to the effectiveness thereof"

APPROVED

This legislation extends and updates provisions of governance of the City School District of the City of New York, most notably extending mayoral control over the District's schools for an additional two years to June 30, 2024.

First adopted twenty years ago, mayoral control of New York City's schools has proven to be a successful model, consolidating ultimate accountability for school operations and policy with a mayor who is accountable to the public. This system has shown its success, with expanded educational options for students and parents, and improved academic outcomes. Mayor Adams has proposed to improve the system, and he should be given the same opportunity as his predecessors to do so.

This legislation will also provide greater parental input and participation in school governance, and important new representation on behalf of students with disabilities.

The bill as drafted required technical edits to ensure that the City has sufficient time to properly effectuate this expanded and inclusive governance model through the new Panel on Education Policy (PEP). Therefore the Legislature has agreed to changes in the legislation relating to the implementation of the expansion of the PEP to twenty-three members. According to this agreement, the expanded PEP will now be operational on January 15, 2023.

With these changes, I am pleased to sign this bill into law.

This bill is approved.

(signed) KATHY HOCHUL

*Appendix F presents the full text of Governor Hochul's Approval Memo that accompanied her signing of Chapter 364 of the Laws of 2022.*





## ACKNOWLEDGEMENTS

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