

Testimony on Mayoral Control

By Chien Kwok, NYC public school parent, Community Education Council for District 2 Treasurer; co-founder of PLACE NYC; and member of Chinese American Citizens Alliance of Greater New York. My testimony is based on my personal views. March 2, 2022

Students and families are the customers & end-users of educational services. However with the dismal academic outcomes such as less than half of all students grade level proficient, and 35% of black and Hispanic students grade level proficient, the services provided by the traditional public schools run by the NYC Department of Education have failed to meet customers' needs. This failure to educate children is despite funding for education increasing by 20% annually over the past decade even after adjusting for inflation to a mind blowing \$34BN annual budget before the pandemic.

Education services for special education and English language learners have also been sub par. Tens of thousands of complaints from families of special education students have gone unanswered and unresolved. The DOE subcontracts special education services to expensive private providers raising questions as to why taxpayers should fund DOE for special education services when it would have been less costly to fund a single provider — the private one in the first place.

When Mayor Bloomberg won mayoral control in the 2000s, we went from a highly fragmented uncoordinated local school board system that was corrupt and incompetent to a highly centralized DOE under mayoral control that is corrupt and incompetent.

A large highly centralized school system with, at its peak, over 1 millions students, spanning all five boroughs of the largest city and school system in the country is expected to benefit from economies of scale, negotiation power with vendors and labor to reduce costs and maximize services and provision of rich and varied educational programs and extracurricular activities such as arts, music, sports, etc. However that has not been the reality. The DOE budget ballooned to \$34BN even before the covid pandemic and before state and federal emergency covid funding added billions of dollars more to the DOE coffers. Large schools were chopped up into smaller ones by a misguided Mayor Bloomberg in the name of improving education outcomes. What did happen was that it duplicated and in some cases triplicated non-teaching administrative functions while causing educational programs such as AP, gifted and talented, SP and IGC programs and extracurricular programs such as PSAL sports teams, arts, music and other programs to be shut down because of uneconomical lower attendance and participation. After 20 years of mayoral control, cost and bureaucracy has exploded

while education quality has tanked. Generations of children and families of New York City have been severely harmed by this.

Teacher unions represent the teachers who are charged with educating and supporting students. Teacher salaries are paid for by taxpayers who include parents and guardians. However, they are not accountable to the customers and end users of their services, the students and families. Teacher unions have fought tooth and nail against any accountability for quality of teaching. The union contract limits the number of hours in a school day that teachers work and job duties to support students. Parents are discouraged from discussing their children's progress with teachers after school except for once a week. Teacher union contracts make it almost impossible to discipline or fire low performing teachers. Teachers under investigation for discipline issues or low performance are placed in "rubber rooms" where they continue to draw their salary and another teacher must be hired as a replacement. This process can take years and cost hundreds of thousands of dollars per teacher in the rubber room. This further inflates the cost of education without improving education outcomes.

While being bad enough that the teacher union protects teachers from any accountability to students and families, the unelected teacher union also has immense political power through legalized bribery known as political donations and lobbying to support pliable politicians who, once elected, will sign union contracts with terms and conditions favorable to teacher union adult interests at the expense of children and their families.

One example of the power teacher unions is their attacks on public charter schools which have given disadvantaged Black and Hispanic students a much better education than traditional public schools. This political influence has led to opposition by previous Mayor and Chancellors to school choice despite lower performance by DOE run schools. There is also a conflict of interest for a Mayor, Governor or legislator who has a vested interest in keeping traditional public schools open to also having power to approve charter school expansions, monitor their education standards and their use of NYC buildings and facilities.

Parents and guardians have no say or power over the terms and conditions of teacher union contracts despite being the customer of teaching services and being the taxpayers funding teacher salaries.

When Mayoral Control was implemented, state law created the Panel for Education Policy (PEP) and Citywide and Community Education Councils (CCEC) to provide parents and guardians a voice in education governance. However in practice, this has not fulfilled its intentions, if it ever were truly the case. The PEP is dominated by super-majority mayoral-appointees who will pass whatever the mayor wishes at the risk

of being removed by the mayor. Besides zoning decisions, CCECs have no statutory power over education policy. And at least two seats of CCECs are still political appointees who may not even have children in the school system. One example is Shino Tanikawa, who despite having no children remaining in the public school system for several years, keeps getting appointed by politicians to CCECs and now recently to the NYS Board of Regents..

One significant recent improvement in filling the CCEC seats of the current councils' two year term is allowing parents and guardians to directly elect a supermajority of the Education Councils. This finally gave each council a true mandate of representing parents and guardians despite only having influencing power via resolutions and letters.

Changes to Mayoral Control and Education Policy

Parents and guardians need to be fully empowered to have a seat at the table with an equal vote to make education policy decisions and to negotiate terms and conditions of teacher union contracts. All CCEC members need to be parent and guardian-elected to fully represent the interests of students and their families. Political appointees are subject to undue influence from political lobbying and campaign donations.

Each CCEC needs to discuss proposed policy decisions and teacher union contract terms with input from family and the public, vote and pass with a majority, the education policies and teacher union contract terms. The decision of each CCEC can then be totaled and the majority decision can be recorded to be reported at the PEP for the final vote.

PEP decision making should consist of one vote from the tally of the majority of the mayoral appointees votes, one vote from the tally of the majority of the CCECs votes and one vote from the tally of the majority borough president appointees votes. The majority of the 3 votes will determine the final decision on each item requiring PEP approval.

The bloated inefficient and ineffectual DOE and also the NY State Education Department need to get out of the business of running and operating schools. They should become like the Federal Aviation Agency and be a regulatory body ensuring education services are run according to high standards and to drive academic excellence in the schools they oversee. This will remove the conflict of interest and lack of objectivity in evaluating the performance and requests for expansion of charter schools and the government-run traditional public schools. Currently, having the state and city governments approve charter schools is like allowing McDonalds to approve Burger King restaurant openings.

The schools currently owned and operated by DOE need to transition to be owned and operated by existing charter schools, private, religious or new non-profit or for-profit education service providers through a public open bid process. There are many examples of such transition best practices in other industries that are out of scope for this testimony that you can easily research. The awarding and ongoing oversight of schools can be done by the DOE and government audit agencies in this new purely regulatory and monitoring role based on quality, cost, efficiency and most importantly, the teaching effectiveness and learning outcomes of the bidding education providers.

The FAA doesn't own or operate any airlines. Yet despite that, the commercial airlines it oversees have the best safety record in the world. Airlines compete for passengers based on cost, service, destinations and other differentiating factors. While education is not the same as the airline industry, there are many lessons and practices we can apply to public education.

The most important lesson to benefit from is to give families and their children the most and broadest choice of education service providers that are incentivized to provide excellent education services while being efficient in managing the cost of education at the risk of being shut down. The state and city can focus on ensuring quality, cost and academic excellence at a significantly lower cost without conflicts of interest. Teacher unions can still have a role but they will now be held accountable for learning outcomes as their school will need to satisfy the needs of their most important and true customers: the students.