



TESTIMONY OF THE UNITED FEDERATION OF TEACHERS
BY PRESIDENT MICHAEL MULGREW

BEFORE THE NEW YORK STATE SENATE
COMMITTEES ON EDUCATION AND NEW YORK CITY EDUCATION
AND THE NEW YORK STATE ASSEMBLY
COMMITTEE ON EDUCATION

REGARDING MAYORAL CONTROL OF PUBLIC SCHOOLS IN NEW YORK CITY

MARCH 4, 2022

My name is Michael Mulgrew and I serve as the President of the United Federation of Teachers (UFT). On behalf of the more than 190,000 UFT members, I would like to thank Chairs Shelley Mayer, John Liu, and Michael Benedetto and all the members of the New York State Senate Committees on Education and New York City Education and the State Assembly's Committee on Education for having today's hearing on mayoral control of the New York City public school district.

Our union has expressed concern with mayoral control since its inception in 2002. During the Bloomberg administration we witnessed a mayor wield his power in 2004 when he fired and replaced members of the Panel for Education Policy (PEP) to impose new strict promotion requirements for third graders¹. And later we saw the same administration use mayoral control to put in place gifted and talented programming that disadvantaged low-income students of color and today makes NYC the most segregated school district in the country.

¹ Herszenhorn, David M. "Bloomberg Wins on School Tests After Firing Foes." *The New York Times*, 16 Mar. 2004.

The same problems with mayoral control did not go away with the election of a new mayor in 2013. In 2018 we saw a member of the PEP forced to quit after voting against the de Blasio administration plan to close several schools². And more recently, during the pandemic, we experienced the consequences of having the de Blasio administration have unilateral control over our 1,800 public schools with few checks and balances. There were plenty of moments when our educators and parents felt voiceless and helpless at a time when our district should have been most responsive to their needs.

While we do not want to see the return of a school board governance structure, we do have four recommendations for ways to alter the current governance structure to allow for greater educator and family input as we implement stricter limits on the power of the mayor with new check and balances.

1. **Balance the composition of the Panel for Educational Policy:** The Panel for Educational Policy (PEP) must be reconstituted to properly carry out its role as a representative of parents and other city residents. The PEP votes on crucial issues, such as vendor contracts, school co-locations and school closures. Currently, the mayor appoints nine (9) of the 15 members of the panel. Five (5) of the remaining members are appointed, one (1) each, by the five borough presidents and the final member is elected by the presidents of the Community Education Councils (CEC). The lopsided number of mayoral appointees has resulted in the panel's loss of credibility, and it is viewed widely as a rubber stamp for the mayor's decisions. It also means there are virtually no checks and balances for mayoral control outside of the courts. The composition of the panel must become more representative, so the mayor does not have an automatic lock on the majority of the PEP. Our recommendation is to replace two of the mayoral appointments with two additional members appointed by the presidents of the CECs. With this change enacted the composition of the PEP will include seven (7) mayoral appointments, five (5) by the borough presidents, and three (3) members elected by the presidents of the CEC.

² Edelman, Susan & Sanders, Anna. "Education Panel member pushed to quit after voting against de Blasio." *The New York Post*, 10 Mar. 2018.

2. **Fixed one-year term.** To avoid the forced quitting or firing of PEP members who disagree with their appointing authority, members of the panel should serve fixed one-year terms, with the option for renewal. PEP members can be removed for cause including malfeasance and misconduct, but not for voting their conscience.
3. **PEP terms begin August 15.** To ensure continuity and thoughtful transitions, member terms should begin on August 15, after the end of the school year. In this case, for example, a new mayor would have over eight (8) months from the start of their term to name their appointees. This allows for sitting members to finish out the school year and provide a more structured transition. Just this past January 2022 the first PEP meeting of the new administration was delayed because there were not enough appointed members--something to avoid at all costs.³
4. **Sunset provision.** As always, for accountability purposes, we continue to advocate for a sunset provision to be included.

Conclusion

Our experience with the pandemic has demonstrated that many of the original school governance reforms we proposed remain relevant and necessary. We do not want to see another year go by with educators and parents feeling voiceless about a matter as important to them as public education. Changes to the composition of the PEP and the terms appointed members serve would make our decision-making process more inclusive.

Thank you for your consideration. I hope we can work together to make these reforms and provide a more balanced approach to NYC public school governance that is inclusive of parent voice.

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³ Elsen-Rooney, Michael. "First meeting of NYC schools panel under Mayor Adams delayed due to lack of appointees." *Daily News*, 26 Jan. 2022.