

**MAYOR
de BLASIO'S
EDUCATION
REPORT
CARD**

NAME: BILL de BLASIO



DATE: September 2017

SUBJECT	GRADE
<p>GOVERNANCE</p> <p><i>Sharing the power with parents and educators and instituting stronger checks and balances</i></p>	D
<p>LESSENING HIGH-STAKES TESTING</p> <p><i>Lessening test prep and the emphasis on high-stakes testing</i></p>	C-
<p>FUNDING and RESOURCES</p> <p><i>Committing sufficient funding and resources</i></p>	D
<p>OVERCROWDING and CLASS SIZE</p> <p><i>Reducing school overcrowding and class size</i></p>	F
<p>PRIVATIZATION</p> <p><i>Fighting against privatization, corrupt contracts and charter schools</i></p>	D
<p>SPECIAL EDUCATION</p> <p><i>Providing a high-quality education for students with special needs</i></p>	C
<p>ENGLISH LANGUAGE LEARNERS</p> <p><i>Providing a quality education for English Language learners</i></p>	F
<p>PRIVACY</p> <p><i>Protecting student data privacy</i></p>	C-
<p>INTEGRATION and DIVERSITY</p> <p><i>Reducing the number of schools and classes segregated by race, class, and ability level</i></p>	D
<p>TRANSPARENCY</p> <p><i>Committing to transparency of budget, decision making and FOILs</i></p>	F



INTRODUCTION

Bill de Blasio has now been Mayor since January 2014— nearly four years— and our consensus is that his education policies and that of Chancellor Carmen Farina have been disappointing in many important respects, revealing a troubling disregard for parent input, a failure to significantly lessen the focus on test prep and high stakes testing, an inadequate focus on school overcrowding, segregation and class size, lack of transparency, and continued spending on wasteful consultants, contracts and bureaucrats.

Repeatedly, the Mayor and the Chancellor have failed to heed persistent warnings and parent concerns with growing segregation and increased class sizes. In public meetings, the Chancellor has told parents that students at segregated schools could instead become “pen pals” with

students at other schools of different races.¹ When parents complained of excessive class size, she countered by saying that her concern is that classes can be too small,² and claimed that large classes supposedly benefit children’s socio-emotional learning.

Meanwhile, spending on consultants and contracts has increased, and the administration has failed to fundamentally improve the opportunities of students citywide and more particularly at the struggling Renewal schools, by choosing to grow the bureaucracy rather than improve classroom conditions. Below we grade the Mayor and his Chancellor in several key areas of education policy and practice. Parents should also check out our earlier report cards, from 2015³ and 2016,⁴ in which we graded the Mayor on whether he followed up on his campaign promises.



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GOVERNANCE

D

— *Sharing power with parents and educators and instituting stronger checks and balances* —

The Mayor and the Chancellor pride themselves on steering a new direction for our schools, based on their “Framework of Great Schools,”⁵ which in turn has been described by the DOE as founded on collaboration, trust and mutual respect among parents, teachers, principals and education officials. Yet too often that sense of trust has been broken, and the DOE has exhibited a lack of respect and regard for parents’ concerns and input— even when there is dysfunctional and abusive leadership at their children’s schools.

Some examples:

It took nearly a year of student and teacher protests before the DOE removed Rosemarie Jahoda, the abusive acting principal at Townsend Harris High School in Queens. The Chancellor and Mayor delayed acting, even after nearly every local Queens elected official had joined students, parents, and teachers in asking for her removal. During the course of the year-long controversy, a top DOE official slandered the students’ exemplary reporting on Jahoda’s behavior in the school newspaper, calling it “fake news.”⁶

For more than a year, Chancellor Farina was deaf to the plaintive entreaties of Central Park East 1 parents, teachers and the school’s illustrious founder, Debbie Meier, who pointed out how the principal was undermining the progressive and collaborative tradition of this renowned elementary school. Chancellor Farina refused to take action, even after the principal made unfounded charges against many teachers, put many under investigation including the chapter leader in the rubber room, interrogated young students without their parents’ knowledge, and barred two parent leaders from entering the school. The Chancellor refused to heed their concerns, despite the fact that the principal had received a “zero” in the crucial category of trust from her teaching staff on the school survey. Finally, after nearly two years of disruption, the principal was removed in May 2017.

In other cases, the Chancellor has left principals in office even when they

have engaged in rampant fraud and corruption, including Kathleen Elvin, who remained the principal at John Dewey HS for nearly two years, despite numerous news reports exposing her credit-recovery schemes to inflate the school’s graduation rate. When the Chancellor finally acted to removed Elvin, so many students had already graduated from the school with falsified credits and with the tacit approval of DOE that the court ruled the principal could remain in a high-paying administrative position. In other recent cases, the DOE has gone after principals who are highly respected, including Jill Bloomberg,⁷ the principal of Park Slope Collegiate in Brooklyn, who has spoken out against segregation and has been investigated for alleged “communist activities” in a case that recalls the McCarthyite witch-hunts of the 1950’s.

More broadly, the DOE still fails to recognize and respect the sacrifices of parent leaders in School Leadership Teams and Education Councils who volunteer their time to contribute to the improvement of the system. Recommendations of parent members of SLT’s as to the selection of Principals and Assistant Principals are often ignored. Education Councils are not meaningfully included in the selection of Superintendents for their Districts and their evaluation of Superintendents is mere formality without consequences.

DOE also ignores the opposition of parents, Education Councils and local elected leaders when it comes to the severe disruptions created by charter co-locations and school closings. School Leadership Teams at affected schools and Education Councils in affected districts are not consulted at the onset of the planning process and have no authority to approve or disapprove these decisions. Frustrated parents regard public meetings required to close a school or to co-locate a charter school as meaningless because they are scheduled towards the end of the process, after the relevant decisions have been made. There have been some tepid attempts by the DOE to include parents in the planning stage of school closings and co-locations, but for most cases, parents continue to be left out.

The Panel for Educational Policy continues to rubber stamp wasteful contracts and most co-locations and school closings with little scrutiny. Unlike all other city agencies, the DOE is not subject to city law or the checks

and balances of the City Council or any other local governmental body or elected official—and in negotiations over mayoral control, the Mayor has refused to consider any restrictions on his unrestricted authority— except when it comes to backroom deals with charter schools. More on this matter to follow in the section on privatization.

LESSENING HIGH-STAKES TESTING



— Lessening test prep and the emphasis on high-stakes testing —

While running for office, the Mayor promised to make admissions to all schools based on more holistic factors, including Gifted and Talented programs and the specialized high schools. Yet except in four districts,⁸ admissions to gifted programs continue to be based solely on the results of a single high-stakes exam, comprised of sections taken from the Otis–Lennon School Ability Test (OLSAT)⁹ and the Naglieri Nonverbal Ability Test (NNAT).¹⁰ Admissions to the specialized high schools continue to be based solely on the results of the SHSAT exam, even in the five out of eight specialized high schools whose admissions policies are completely under the Mayor’s control rather than the state’s.¹¹

In addition, state testing continues to take up considerable classroom time, including the two weeks of testing, days lost while teachers leave the classroom to score the tests, and in many schools, weeks and even months devoted to test prep.

About 20% of New York State students refused the state tests in 2016 and 2017, with the vast majority of opt outs occurring outside of New York City. The Mayor promised to “develop a non-punitive process” to allow parents to opt their children out of standardized testing, but has failed to respect the resolution passed by the City Council in 2015,¹² which called upon the DOE to amend its Parent’s Bill of Rights and Responsibilities to include information about the right of students to opt out of high-stakes testing and to distribute this document at the beginning of every school year to parents.

While elected leaders and school officials in other NY districts have advocated that schools should not be penalized for parents’ exercising their right to refuse the state tests, the Mayor and Chancellor have remained silent on this issue. The DOE’s Parent Guide on the subject, Frequently Asked Questions (FAQ) Student Participation in Grades 3–8 NYS Tests¹³ offers misleading information regarding the consequences of test refusal and overstates the consequences for schools that do not test 95% of their eligible students. The FAQ also suggests that parents who wish to refuse the state tests meet with their principal privately, though there is no need for such a meeting other than to intimidate parents.

Finally, test scores remain components of admissions rubrics for many middle and high schools, creating added pressure on students. While middle and high schools have developed alternative rubrics for students who do not have state test scores, these rubrics are not always readily available to families. Furthermore although the DOE discourages schools from using screens for admission and all new middle and high schools will have lottery admissions, it has done nothing to curtail already existing admission screens, many of which include test scores.

FUNDING AND RESOURCES



— Committing sufficient funding and resources —

Because of earlier budget cuts under the Bloomberg administration, and continued underfunding by the state, many schools have not received their full allocations under the Fair Student Funding formula though the overall costs of running a school have increased. The current Mayor has raised the floor of the Fair Student Funding amount to 87%, but has not committed to funding our schools fully at 100%, despite repeated city budget surpluses. Moreover, the Mayor has so far been more actively engaged on obtaining state funding for his Pre-K program and renewing mayoral control than he has been active in obtaining additional K12 education funding from the state.

In addition, funding levels across schools remain inequitable with some schools receiving more than 100% of their funding under the formula, while others remain at only 87%. Reasons for these disparities are not transparent and do not seem justifiable or correlated with student needs. The overall underfunding of our schools continues, and has contributed to overly large class sizes and insufficient services and programs at many schools. Meanwhile, the Department of Education has nearly doubled the number of top-level administrators under Mayor de Blasio.¹⁴ In next year's budget, the City will be spending 70% more on the central staff bureaucracy than under the last year of Mayor Bloomberg's administration, and 34% more on central staff expenses.¹⁵

The Chancellor created additional weights in the Fair Student Funding¹⁶ system for previously neglected subgroups of students with high needs, including students in bilingual programs, and students with interrupted formal education. However, the Chancellor has not initiated a comprehensive review of the formula, even though the Mayor promised to do so when running for office, and many parents and advocates have expressed concern that the formula encourages large class sizes, discourages principals from hiring experienced teachers because of their higher salaries, and hinders the ability to serve students with special needs appropriately.

OVERCROWDING AND CLASS SIZE



— Reducing school overcrowding and class size —

The current five-year School Capital Plan also remains underfunded to meet the need for additional K–12 seats, and will create less than 50,000 new seats—fewer than 60% of the seats required, according to the DOE's own estimate, given current overcrowding and projected enrollment growth. Some advocates say that the actual need for new seats is even far greater than the DOE's figures, given rapid population growth in many parts of the city. More than half a million students attend classes in overcrowded school buildings,

and hundreds of schools remain non-accessible to mobility impaired students. Every year, Education Councils solicit capital improvement requests from schools. Out of dozens of requests, including some very basic upgrades such as functional bathrooms or proper ventilation, only a handful of them become a reality. A great majority of the requests go unfunded due to “lack of funding” according to the SCA.

While the Mayor has delivered on his promise to expand Pre-K and created many Pre-K seats throughout the City, the expansion has not been planned or implemented well. The DOE created more seats than necessary in some neighborhoods while creating insufficient seats in others. The DOE has also created Pre-K seats in schools and neighborhoods where there are not enough Kindergarten seats, worsening overcrowding. Some Pre-K centers have also cost the City millions of dollars in renovations and leasing costs, to serve a handful of students. Some of these vacant seats are in buildings leased specifically for Pre-K. The expansion of Pre-K for 3-year-old students may simply compound these problems.

As to class size, the Mayor and the Chancellor have openly expressed their lack of concern on this issue. Class sizes continue to be far too large, and a legal complaint was recently filed by NYC parents, advocates and Public Advocate Letitia James, to require the DOE reduce class size below 2007 levels, as mandated by the Contracts for Excellence law. Over 300,000 students were crammed into classes of 30 or more during the 2016–2017 school year, and most startling, the number of students in grades 1 through 3 in classes of 30 or more has increased by nearly 4,000% since 2007.

While for the last two years, the DOE has promised the state to focus its efforts on lowering class size in the low-performing Renewal schools, class sizes in 40% of the 57 Renewal elementary and middle schools from 2014–2016 did not decrease, and in only two of these schools was class size capped at the appropriate levels as specified in the city's original C4E plan of 20 in grades K–3 and 23 in grades 4–8.¹⁷ Nearly 30% of Renewal high schools did not reduce class sizes, and the vast majority continued to have some classes as large as 30 students or more. Instead, nearly \$50 million dollars¹⁸ were spent on consultants and administrators to oversee

the Renewal schools, many of these individuals with records marked by scandal or found to be incompetent in their previous jobs.¹⁹

PRIVATIZATION

D

— *Fighting against privatization, corrupt contracts and charter schools* —

The DOE continues to propose wasteful and potentially corrupt contracts and the Panel on Educational Policy continues to approve them. Indeed, the PEP has never voted down a proposed contract, no matter how suspect. For example, in February 2015, the DOE proposed a technology contract with Computer Consultant Specialists, originally proposed at \$1.1 billion dollars over five years, extendable for another \$900 million for four additional years, to be awarded a vendor who had previously participated in a well-publicized multi-million dollar kickback scheme against the DOE.²⁰ After whistle-blowers called foul²¹ and the media reported on the proposal,²² the DOE hurriedly renegotiated the proposed contract down to \$635 million in less than 24 hours before the PEP vote.

After the PEP approved the still highly inflated contract,²³ the City later rejected it,²⁴ and it was subsequently awarded to other vendors for \$472 million— saving taxpayers between \$163 million to \$627 million,²⁵ depending on whether one counts the initial or the “renegotiated” price. As a result of this controversy and requests from elected officials,²⁶ DOE promised the City Council to post details of proposed contracts, called Requests for Authorization (RAs), at least 30 days before every PEP vote.²⁷ Yet more recently, in a May 2017 letter to the City Council, the DOE backtracked— saying the RAs would be posted at least four weeks prior to the vote, **“except where the DOE determines it is in the best interests of the DOE and the City to provide less notice.”**

Even now, many contracts are submitted and voted on by the PEP retroactively, months after the vendors have already been paid – which makes the approval process essentially irrelevant. For example, of the 27 contracts approved at the PEP meeting²⁸ on July 19, 2017, thirteen of the contracts were retroactive.

The PEP members have never received the six hours of mandated training on financial oversight, accountability and fiduciary duties required by state law. Some PEP members themselves complain that budget decisions are not sufficiently transparent, and that there should be a greater window into the planning process, including the committee prior to the request for their authorization. The contract budget has grown to \$6.7 billion, and the NYC Comptroller recently testified that DOE procurement processes were “inadequate,” that there was insufficient proof of competitive bidding, and:

“a lack of transparency and a lack of detail that is frightening when you are talking about billions of dollars earmarked for our children.... The DOE claims to have a system of checks and balances, but if you dig into the details you will find a lack of independent review, a lack of accountability and whole lot of rubber stamps.”

Another audit from the NYC Comptroller found that the DOE’s contracting procedures continue to violate the City Charter and State law by retroactively registering contracts after the vendors’ work has begun, failing in many cases to do competitive bidding, and neglecting to perform evaluations before renewing or extending contracts.²⁹

The DOE spending on charter schools continues to increase, to more than \$1.6 billion last year, and is projected to increase to \$1.9 billion next year. Although the per student funding is mandated by the state, DOE also continues to co-locate charters, even when this undermines the quality of education provided to public school students and in the face of vehement parent protest.

Next year, the state-specified per student amount the city will have to pay to charter schools and for leases will grow even larger, in the midst of rapid charter school expansion. Yet during backroom negotiations with the State Senate over the extension of mayoral control, the Mayor agreed³⁰ to allow the remaining number of charter schools allowed under the cap in NYC to double, and promised that co-located charter schools could get building upgrades on demand, even as many public school students continue to attend schools in deteriorated or substandard conditions. (For more on this, see the previous section on overcrowding and class size.)

SPECIAL EDUCATION



— *Providing a high-quality education for students with special needs* —

Parent leaders say there have been some improvement regarding the treatment of students with disabilities.

The good news:

- According to NY Legal Aid DOE lawsuits for private placements are now being settled faster and more often in favor of parents' wishes.
- High school graduation rates of students with disabilities increased to 41.3% in 2016 compared to 36.6% in 2014.³¹ However, this is still far too low— and significantly less than the state rate for disabled students at 52.4%.

The bad news:

- The DOE's latest Annual Report on Special Education (ARSE),³² reveals that at least 41 percent of students as of the 2015-2016 school year were either not receiving any or only partially receiving their mandated services or appropriate classroom placements.

Moreover, according to the report, problems with the Special Education reporting system, known as SESIS, “*continue(s) to affect the DOE's ability to reliably report specific compliance metrics*” on special education referrals and services, and yet the DOE has made very little progress in improving the system over the last three years, despite over \$12 million spent last year in revamping it.³³ SESIS is currently the subject of a lawsuit brought by the Public Advocate Letitia James.³⁴ In addition:

- DOE continues to have staffing issues. The Public Advocate has reported on how thousands of students fail to receive their mandated services, and nearly half of the 9,164 vouchers provided by DOE were unused because of parents' difficulty finding available service providers.³⁵ A lawsuit was recently filed on behalf of students in the Bronx who couldn't access these services.³⁶

- The continuing increased rate of referral of students for IEP services is also alarming and evidence of inadequate attention provided to them in regular classrooms.

DOE has formed work groups and provided trainings to parents to address some of these issues, including how to advocate for more timely IEP assessments and mandated services. The DOE is also now working with parent advocates and the UFT to train paraprofessionals to better address student needs. These trainings have been a positive step in the right direction but there is still much more work to be done.

ENGLISH LANGUAGE LEARNERS



— *Providing a quality education for English Language learners* —

The most recent state data³⁷ on dropout / graduation rates reveal the following problems for NYC English Language Learners (ELLs) and Multilingual Learners (MLLs):

- There has been alarming 9.6 percentage point decline in the ELL/MLL graduation rate in one year, with a four-year graduation rate of only 26.9%. This combined with a 5.4 percentage point increase in the ELL/MLL dropout rate is evidence that NYC ELLs are in urgent need of monitoring and support.
- NYC DOE has been continuously under corrective action with NYSED regarding the denial of legally mandated services for ELL/MLL students for approximately six years, since 2011.
- Experts say that the NYC DOE remains unable to show significant progress in its Corrective Action Plan goals submitted to the state, and in fact, appears to be further moving away from compliance on some issues.

- In the Chancellor’s decision to close JHS 145, composed of a majority of ELL students with most of them denied their legally mandated bilingual services, the DOE has once again failed to address the root causes of low-achievement among this population.

PRIVACY



— Protecting student data privacy —

The Mayor and Chancellor have done little or nothing to protect student privacy.

The DOE still fails to comply with federal and state law in alerting parents of their privacy rights, including their right to opt out of the disclosure of their children’s directory information. The DOE also continues to offer personal information to third party mailing houses hired by charter schools, using student and parent names and addresses for recruiting purposes, without their notice or consent.

INTEGRATION & DIVERSITY



— Reducing the number of schools and classes segregated by race, class, and ability level —

In June, the Mayor and the Chancellor released its long-awaited diversity plan, called *Equity and Excellence for All: Diversity in New York City Public Schools*,³⁸ outlining twelve actions to diversify our schools. While we recognize this is the first administration in recent years to issue a diversity plan, we agree with most advocates who say it is too timid, proposing superficial actions that merely scratch the surface without making any structural changes.

The efforts to date and actions for the future are focused on offering more assistance to students and families in accessing schools including the Specialized High Schools. While some of these efforts (e.g., streamlining the tours and open houses, making information more readily available to families, offering free SHSAT preparation) are improvements, these measures alone will never lead to integrated schools. Many advocates voiced their concern that the plan does not go far enough and fails to name the problem for what it is: racial segregation.³⁹

The plan also has numerical targets in two areas:

- Increasing by 50,000 the number of students at “racially representative” schools; as defined as having between 50 and 90% Black and Hispanic students;
- Reducing the number of “economically stratified” schools by 10% over the next five years, with the ENI including factors such as the number of students from homeless families and those on public assistance.

Yet many experts would say that a school that was close to 90% Black and Hispanic cannot be considered sufficiently integrated. According to an analysis by the Center for New York City Affairs,⁴⁰ these goals are not ambitious enough to be meaningful, and could be nearly achieved given current demographic trends without the DOE making any effort. The number of students at schools that meet the above definition for “racially representative” is already increasing at an average annual rate of 2.4%—due primarily to increased numbers of white and Asian students and decreases of Black students. If these demographic shifts were to increase to a slightly higher rate of 2.9%, the first goal would be achieved. Similarly, the DOE could reach its “economic stratification” goal in five years if the current rate of 4% were increased only slightly to 4.6%, without having to make any policy changes.

In District 1 on the Lower East Side, the CEC and parent leaders have agreed on a controlled choice plan⁴¹ to encourage more diversity, with the help of a state grant, yet the DOE has stood in the way of implementing this plan.

In District 13, which also received a state grant for school integration nearly two years ago, the CEC and the Superintendent are unable to move forward with planning because the DOE has not provided the funding. In late 2016, a group of CEC and Citywide Council parent members formed a working group with the Chancellor's Office to collaborate on the development of a school integration plan for the City. The group met with a representative from Deputy Chancellor Wallack's office several times in hopes of a meaningful collaboration. Despite the group's repeated requests to view the draft plan and comment on it prior to its release, the plan was finalized without input from this working group.

public. Yet the DOE did not even begin retesting water outlets until after the November 2016 deadline— even as every other district in the state complied with the law. Even then, the messages sent out to parents and the public were confusing, ambiguous, and often omitted crucial information.⁴⁵

The DOE under Chancellor Farina also closed School Leadership Teams to the public, causing Michael Thomas, a retired teacher, along with the Public Advocate and Class Size Matters, to file a lawsuit in January 2015.⁴⁶ After the NY State Supreme Court issued a clear and compelling decision in April 2015 that SLTs were subject to Open Meetings Law,⁴⁷ the DOE appealed the decision. Only when the Appellate court delivered a unanimous decision in October 2016, affirming that these meetings must be public,⁴⁸ did the DOE drop their position that these meetings could be closed.

TRANSPARENCY



— *Committing to transparency of budget, decision making and FOILs* —

Despite numerous promises by the Mayor during his campaign, the DOE budget is no more transparent than before. After he was elected, the City government banned all advocates who had previously attended Office of Management and Budget education budget briefings from attending them any longer.

DOE remains the least responsive of more than a dozen city agencies when it comes to fulfilling Freedom of Information requests. Between April 2015 and April 2016, DOE took an average of 103 days to respond to FOILs, and over 14% of the requests did not receive any response during this time period.⁴² The NY Post has sued the DOE for “a pattern and practice” of failing to disclose public records.⁴³ This lack of transparency is particularly disappointing, given that when Bill de Blasio was Public Advocate, he released a report criticizing city agencies for their failure to promptly respond to records requests.⁴⁴

Similarly, the DOE dragged its feet when complying with the new state law passed in June 2016 requiring a new protocol and timetable for testing lead in school water, and for reporting the information to parents and the

NOTES

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- ⁴⁰ <http://www.centernyc.org/diversity-plan/>
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We welcome comments and feedback from parents, teachers, DOE officials, advocates or concerned citizens on our assessments of the Mayor's record; please email them to us at: info@nyckidspac.org

NYC Kids PAC

is a political action committee that advocates for better schools by informing the electorate and supporting candidates for office who have demonstrated a commitment to improving our city's public schools. Since 2015, we have also released annual report cards grading the Mayor's record on public education. We submit surveys to candidates for office, distribute scorecards and host candidate forums. Our board includes parent leaders and advocates from throughout the city who care about strengthening our public schools.

Anyone who is a resident of NYC can join NYC Kids PAC as a member by donating at: www.nyckidpac.org

These are our guiding principles:

- Improving our children's chance to learn, by reducing class size and school overcrowding;
- Strengthening the parent and community voice in decision-making at the school, district, and citywide levels;
- Opposing the privatization of public education;
- Eliminating high-stakes testing, and reducing the time spent on testing and test prep in our schools;
- Providing a well-rounded and culturally diverse education, including art, music, science and physical education;
- Supporting measures to attract and retain experienced and high-quality teachers;
- Ending systemic over-policing and the pushing out of students and promoting positive alternatives to zero-tolerance policies;
- Expanding access for students and their families to the support services and referrals that create and sustain a strong school community;
- Promoting diversity, guaranteeing the civil rights of all students and providing them with an equitable opportunity to learn, regardless of their background and needs;
- Ensuring full transparency and accountability in directing resources to the classroom;
- Advocating for a school governance system that has real checks and balances.

