



## **The need to improve Mayoral control by providing checks and balances**

**11/27/2018**

### **Why Mayoral control needs checks and balances**

Our democratic system of government is based upon checks and balances and divided authority, because the founders recognized that one-man rule was inherently unjust and could lead to abuses and corruption.

Yet there are no effective checks and balances when it comes to NYC Mayor's authority over our public schools. Unlike other city agencies, the Department of Education is not subject to city laws passed by the City Council, except for those that pertain to reporting requirements and transparency.

In 2005, the DOE refused to comply with the Dignity in All Schools Act, passed in 2004, which prohibited the bullying of gay students and other. After the Council overrode Mayor Bloomberg's veto, DOE officials said they would refuse to abide by the law and/or enforce it.<sup>1</sup> In 2007, the DOE refused to comply with legislation passed by the Council that would give students the right to carry cell phones to school, a ban which officially continued until Bloomberg left office. More recently, the Council has advocated that a Parent Bill of Rights to be made available to parents alerting them to the fact that they can opt out of the state standardized exams, yet the DOE has refused to inform parents of this right. There are many other education policies and issues in which the Council have been stymied when attempting to exert their authority.

In NY State, only NYC and Yonkers do not have an elected school board. The Panel for Educational Policy, with a supermajority of mayoral appointees, has continued to act as a rubber stamp and only very rarely has voted against any proposals made by the Mayor and Chancellor, whether it be charter co-locations, school closings, or wasteful contracts, no matter how unwise or damaging. It is difficult to see why the mayor should have autocratic control over our schools, where there should be maximum input from parents, other elected officials and other members of the community. Indeed, according to current law, the next NYC mayor could close every non-zoned public school in the city and put a charter school in its place if he or she decided to do so.

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<sup>1</sup> "Bully Busting", Gotham Gazette, May 2005. <http://www.gothamgazette.com/civil-rights/4261-bully-busting>  
Later the state legislature passed a similar law and only then did the DOE agree to comply.

## **Growing opposition to mayoral or state control around the country**

There are only eight urban districts in the nation that have mayoral control, yet in some of these, the mayor's authority is shared with the city council to some extent. For example in Providence, the Mayor appoints a nine-member school board, but these appointments each require consent of city council. In Washington DC, the Mayor appoints the Chancellor, who then must be confirmed by the City Council.

Moreover, in many cities with Mayoral control, the system has lost support, as parents and teachers now see it as excessively autocratic, minimizing public participation in governance and a general record of failure in improving public schools.

In Boston, the first city to adopt mayoral control in 1991, the City Council is currently exploring whether education governance should return to an elected school board.<sup>2</sup> A bill to eliminate mayoral control in Chicago, which has existed since 1995, and to return to an elected school board was approved by the Illinois Legislature in May 2017, and it is expected to be signed into law by the Governor.<sup>3</sup>

In 2018, Detroit, which had been under state control, returned authority to elected school boards in 2018.<sup>4</sup> The voters in Newark overwhelmingly approved a return to an elected school board, with Newark's Mayor Ras Baraka saying, "I do not want that power. I want the people to have that power."<sup>5</sup>

## **A large majority of NYC voters support the Mayor sharing power over schools**

According to nearly every poll that has been taken in the last decade, New York City voters overwhelmingly support the idea that the mayor should share power over our schools with other elected officials.

According to a 2009 Quinnipiac poll, voters said the Mayor should share control of the schools with the City Council, 52 - 37 percent. 66 percent of voters also said they wanted the next mayor to share control of the schools with an independent school board.<sup>6</sup>

More recently, in 2015, 2016, and 2017, Quinnipiac asked, "*Do you think the mayor should retain complete control of the public schools or share control of the public schools with other elected leaders?*" Each time, the response has been yes, by an overwhelming majority of 60% or more; with the

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<sup>2</sup>[http://www.bostonherald.com/news/local\\_coverage/2018/01/return\\_to\\_elected\\_school\\_committee\\_being\\_explored](http://www.bostonherald.com/news/local_coverage/2018/01/return_to_elected_school_committee_being_explored)

<sup>3</sup> [https://www.raiseyourhandaction.org/elected\\_school\\_board](https://www.raiseyourhandaction.org/elected_school_board) ,  
<https://chalkbeat.org/posts/chicago/2018/10/02/how-rauner-pritzker-differ-on-solving-illinois-public-education-issues/>

<sup>4</sup> <https://www.chalkbeat.org/posts/newark/2018/04/17/today-is-newarks-first-school-board-election-since-the-return-to-local-control-heres-what-you-need-to-know/> and <https://chalkbeat.org/posts/detroit/2018/08/08/with-primaries-over-detroit-school-board-candidates-look-to-november/>

<sup>5</sup> <https://chalkbeat.org/posts/newark/2018/11/06/in-referendum-newark-voters-decide-to-stick-with-an-elected-school-board/>

<sup>6</sup> <https://poll.qu.edu/new-york-city/release-detail?ReleaseID=1315>

opposition to mayoral control growing. By 2017, voters opposed undivided mayoral control by more than 3 to 1.<sup>7</sup>

- [May 12, 2015](#) – Opposed 60 - 28 percent;
- [August 2, 2016](#) - Opposed 65 - 23 percent;
- [May 18, 2017](#) - Opposed 68 - 21 percent.

In 2017, this support for shared control was “ *strong in every borough and among every listed party, gender, racial or age group.*” See the chart below.<sup>8</sup>

36. Do you think the mayor should retain complete control of the public schools or share control of the public schools with other elected leaders?

	Tot	Rep	Dem	Ind	Men	Wom	Wht	Blk	Hsp
Retain control	21%	13%	23%	22%	24%	19%	18%	32%	22%
Share control	68	78	65	69	67	68	70	62	68
DK/NA	11	9	12	10	8	13	12	7	11

  

	AREA.....	AGE IN	YRS.....						
	Brnx	Knsgs	Man	Qns	StIsl	18-34	35-49	50-64	65+
Retain control	22%	18%	31%	19%	11%	19%	21%	25%	20%
Share control	69	68	59	71	81	73	67	66	65
DK/NA	9	13	10	11	8	7	12	8	15

### **The City Council position**

When Christine Quinn was Speaker, she supported municipal control, that is, the Council would provide the same sort of check on the mayor’s unilateral authority over schools as they do with other city agencies, like the NYPD or Health Department.<sup>9</sup> In 2009, the Council created a working group on Mayoral control that recommended that “*the Department of Education (DOE) must function like every other City agency from a budget, legislative and oversight perspective.*”<sup>10</sup>

Yet at the time, the Council did not strongly advocate for this change in the law with the State Legislature, as they would have had to do to achieve it. Perhaps the reluctance of the Council to speak out on this issue results from the fact that in recent years, the issue of re-authorizing mayoral control

<sup>7</sup> <https://poll.qu.edu/new-york-city/release-detail?ReleaseID=2469>

<sup>8</sup> <https://poll.qu.edu/new-york-city/release-detail?ReleaseID=2459> Trend here:

[https://poll.qu.edu/images/polling/nyc/nyc05182017\\_trends\\_Njxwr39.pdf/](https://poll.qu.edu/images/polling/nyc/nyc05182017_trends_Njxwr39.pdf/) Full results here:

[https://poll.qu.edu/images/polling/nyc/nyc05182017\\_Njxwr39.pdf/](https://poll.qu.edu/images/polling/nyc/nyc05182017_Njxwr39.pdf/) The issue was not mentioned in the 2018 survey release, perhaps because it was not up for a vote by the Legislature that year. See <https://poll.qu.edu/new-york-city/release-detail?ReleaseID=2531>

<sup>9</sup> See news articles from 2008-2009 at: <https://www.nytimes.com/2008/03/04/nyregion/04schools.html> ; <https://www.chalkbeat.org/posts/ny/2009/02/06/city-councils-governance-group-urges-more-council-authority/> ; <http://www.gothamgazette.com/education/3883-a-battle-brewn-over-who-controls-the-schools>

<sup>10</sup> <https://www.scribd.com/document/11796897/2-6-09-Summary-of-Mayoral-Control-WG-Recs-Final>

has been used as a bargaining chip in Albany by the GOP-controlled NY State Senate, in return for concessions on charter schools and the like.

### **Why this is a good time for the Legislature to press for municipal control**

Mayoral control is due to come up for another vote for renewal or amendment this spring in the NY State legislature, or else it will lapse as of June 30, 2019. This year is a particularly auspicious time for the Council to actively lobby for municipal control. Why?

The State Senate is now under Democratic control, and for the first time the Senate leadership is apt to more closely consult the views of local Democratic elected officials and city voters. Several new Senate members, including Robert Jackson and John Liu, are former NYC Council Members who have in the past taken positions strongly in favor of municipal control. Every one of the six new progressive legislators endorsed by NYC Kids PAC expressed support for reforming mayoral control in their candidate surveys, as well as keeping a cap on charter schools.<sup>11</sup> Thus the State Senate may be more likely to favor municipal control, and less likely to attempt to use mayoral control as leverage to exert concessions on charter schools and the like.

Many parent organizations, including the Chancellor's Parent Advisory Council, NYC Kids PAC, and the Education Council Consortium, which represents the elected Citywide and Community Education Councils, are also on record in opposing unilateral mayoral control.

### **Next steps**

The Legislature should create a Working Group including legislators, NYC Council Members, parent leaders, and advocates, and develop a plan to improve the current governance system. It is time to look objectively at the issue, and ensure more parental participation and checks and balances when it comes to our public schools.<sup>12</sup>

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<sup>11</sup> Surveys are posted here: <https://nyckidspac.org/2018/07/nyc-kids-pac-2018-candidate-surveys/> The endorsed candidates for the NYS Senate that won include Jessica Ramos, John Liu, Robert Jackson, Julia Salazar, Zellnor Myrie, and Catalina Cruz, candidate for the NYS Assembly.

<sup>12</sup> "Mayoral control could still face a tough road with Democratic state Senate," Politico, Nov. 15, 2018.