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## Testimony before the Assembly Standing Committee on Education on the need to reform Mayoral control

December 17, 2020

Thank you for the opportunity to testify today. My name is Leonie Haimson, and I am the Executive Director of Class Size Matters, the co-chair of the Parent Coalition for Student Privacy, on the board of the Network for Public Education, and a member of the steering committee of NY State Allies for Public Education.

I would like to start by dispelling some of the common myths surrounding the issue of Mayoral control.

### **Myth #1: Mayoral control is popular with voters.**

Yet every single poll that has asked NYC voters about Mayoral control since it was established has shown that most oppose it, and would like the mayor to share power with other elected leaders by more than 2-1, with the opposition growing over time.

Here is a quote from Quinnipiac University in 2017 – the last time this question was asked:

*Three Quinnipiac University polls over the last two years show New York City voters oppose by wide margins mayoral control of the public schools.*

*The independent Quinnipiac University Poll asks, "Do you think the mayor should retain complete control of the public schools or share control of the public schools with other elected leaders?"*

*Opposition to mayoral control is more than 2-1, even topping 3 - 1, in each of three surveys:*

- [May 12, 2015](#) - Opposed 60 - 28 percent;
- [August 2, 2016](#) - Opposed 65 - 23 percent;
- [May 18, 2017](#) - Opposed 68 - 21 percent.<sup>1</sup>

### **Myth #2: Mayoral control was instituted because Community School boards were hugely corrupt.**

In fact, most of the power of Community School boards was taken away from them in 1996 –six years before Mayoral control was established in 2002 . At that point, the Legislature gave the Chancellor the

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<sup>1</sup> <https://poll.gu.edu/new-york-city/release-detail?ReleaseID=2469>

authority to select Superintendents, remove principals, and essentially control district budgets.<sup>2</sup> There were no financial scandals due to the actions of these School Boards after that date.

Moreover, the amount of money wasted via fraud and incompetence under Mayoral control has been far larger, under both Bloomberg and de Blasio compared to the two bit corruption that occurred previously. Under Mayor Bloomberg, the ARIS school data system cost more than \$100 million, was rarely used, and was eliminated in 2014.<sup>3</sup> The special education data system called SESIS cost more than \$130 million and is so dysfunctional it is now being replaced by another system.<sup>4</sup>

Many contracts were awarded to corrupt vendors at hugely inflated amounts.<sup>5</sup> A DOE consultant named Ross Lanham stole more than \$3 million from 2002 to 2008, allowing Verizon and IBM to overcharge the DOE for internet wiring as well.<sup>6</sup> The FCC had excluded the DOE from more than \$100 million of E-rate reimbursement funds for years following this scandal.

A high level DOE official was personally involved with the owner of a firm called of Future Technology Associates, helping to write contracts to benefit his firm, and colluded in a successful plot to steal \$6.5 million dollars from the city between 2007 and 2011.<sup>7</sup>

Under Mayor De Blasio, DOE proposed awarding a \$1.1 billion contract to a firm called Custom Computer Specialists for internet wiring in February 2015, renewable to \$2 billion over nine years,<sup>8</sup> despite the fact that the firm had been involved in a Lanham kick-back scheme just a few years before.<sup>9</sup>

After we alerted reporters, the contract was hurriedly renegotiated with the cost cut in half to \$627 million, with no other change in terms, suggesting how inflated it was in the first place.<sup>10</sup> The Panel for Educational Policy rubberstamped the contract, 10-1.<sup>11</sup> Because investigative journalists such as Juan Gonzalez continued to write about this scandal, City Hall eventually cancelled the contract and forced DOE to rebid it, at a savings of between \$163 million and \$727 million.<sup>16</sup>

More recently, questions have been raised because of DOE's acquisition of Reliant, a bankrupt busing company whose pension liabilities total \$142 million, an acquisition hard to justify or understand given the city's current financial crisis.<sup>12</sup> Some have connected this proposal with the fact that the company's

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<sup>2</sup> <https://www.nytimes.com/1996/12/23/nyregion/rare-alliance-gave-crew-more-control-of-schools.html>

<sup>3</sup> <https://www.nydailynews.com/new-york/education/city-schools-dumping-95-million-computer-system-article1.2012454>

<sup>4</sup> <https://www.chalkbeat.org/posts/ny/2019/02/22/tesis-special-education/>

<sup>5</sup> <https://www.classsizematters.org/wp-content/uploads/2011/10/testimony-on-contracts-10.31.11.pdf>

<sup>6</sup> <https://nycsci.org/wp-content/uploads/2018/Reports/04-11-Lanham-Rpt.pdf> ; see also

<https://ny.chalkbeat.org/2011/4/29/21088133/report-on-thieving-doe-consultant-damning-for-ibm-and-verizon>

<sup>7</sup> <https://archive.nytimes.com/query.nytimes.com/gst/fullpage-9805EED61F3EF93AA1575AC0A9679D8B63.html>

<sup>8</sup> <http://nycpublicschoolparents.blogspot.com/2015/02/was-company-due-to-receive-125-billion.html>

<sup>9</sup> <https://nycsci.org/wp-content/uploads/2018/Reports/04-11-Lanham-Rpt.pdf>

<sup>10</sup> <https://www.nydailynews.com/new-york/education/dept-ed-contract-sketchy-tech-firm-not-compute-article-1.2128207>

<sup>11</sup> <http://www.nydailynews.com/new-york/education/gonzalez-nyc-backs-huge-school-contract-saves-163marticle-1.2474357> and <http://nycpublicschoolparents.blogspot.com/2015/12/how-class-size-matters-helped-citysave.html>

<sup>12</sup> <https://nypost.com/2020/12/12/nyc-school-bus-deal-lets-de-blasio-donor-avoid-pension-debt-experts/>

owner contributed \$100,000 to the Mayor's PAC a few years ago.<sup>13</sup> On Monday night, the PEP voted to approve this contract on Monday night, with only the five borough appointees and the member selected by CEC leaders voting no.<sup>14</sup>

**Myth #3: Our schools have improved more under Mayoral control than under other governance systems.**

A few years ago, we analyzed the trend in student achievement according to the NAEPs, the most reliable national assessments. During the Bloomberg years, NYC students made less progress between 2003-2013 than students in any other large city except for Cleveland, another district under Mayoral control, when student scores are disaggregated by race, ethnicity, and economic status.<sup>15</sup> Since Mayor de Blasio took office, NAEP scores have been flat or declining, with a five-point drop in fourth-grade math scores.<sup>16</sup>

**Myth #4: Mayoral control is a more efficient system.**

As we have seen from the recent past, if all decisions are made by one individual, often they can be slow to come or extremely faulty. There is a strong consensus that last spring, Mayor de Blasio delayed the closure of schools too long. On March 12, three dozen infectious disease experts in New York on March 12 signed a letter on calling on the mayor to close all schools.<sup>17</sup>

That same day, San Francisco closed their schools, when that city had 18 confirmed cases; Los Angeles school board did the same the following day, after 40 cases.<sup>18</sup> Yet in New York City, Mayor de Blasio continued to delay closing schools, even when the city had nearly four times the number of cases.

Instead, he waited three more days, until March 15, when there were 329 cases, after massive pressure from public health officials, the business community, and the UFT, with many teachers threatening a wildcat strike.<sup>19</sup> Thomas Frieden, former head of the Centers for Disease Control of the NYC Health Department said that if New York State and City had adopted widespread safety measures a week or two earlier, including closing schools, the estimated death rate might have been reduced by 50 to 80 percent.<sup>20</sup>

Planning for school reopening was just as dilatory. Both the UFT President Michael Mulgrew and the CSA President Mark Cannizzaro have said the DOE did not start discussions with them on the reopening of schools into the middle of July, when these discussions should have started months before. And both men agree that not nearly enough attention has been paid to the need to improve remote learning, whether that means purchasing enough laptops for the students who need them, or vetting the huge

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<sup>13</sup> <https://nypost.com/2016/04/22/de-blasio-aides-accused-of-criminal-fundraising-activity/>

<sup>14</sup> <https://nypost.com/2020/12/15/city-approves-controversial-890-million-school-bus-deal/>

<sup>15</sup> <http://www.classsizematters.org/wp-content/uploads/2015/05/NAEP-powerpoint-08-2014-final.pptx>.<sup>6</sup>

<sup>16</sup> <https://chalkbeat.org/posts/ny/2019/10/30/nyc-scores-are-flat-on-national-reading-and-math-test/>

<sup>17</sup> <https://www.nytimes.com/2020/03/13/nyregion/coronavirus-nyc-schools.html>

<sup>18</sup> <https://www.nytimes.com/2020/04/08/nyregion/new-york-coronavirus-response-delays.html>

<sup>19</sup> <https://www.governor.ny.gov/news/governor-cuomo-calls-president-trump-take-comprehensive-federal-action-combat-novel-coronavirus>

<sup>20</sup> <https://twitter.com/DrTomFrieden/status/1247184873615433729>

number of ed tech programs, to ensure that they deliver high-quality instruction and protect the privacy of student data.<sup>21</sup>

We have collected the names of more than one hundred ed tech apps that DOE has encouraged schools to use, and there are 8,000 or more listed on their online DOE store, many of which have gotten low grades for privacy from independent experts.<sup>22</sup> Yet the Mayor has failed to comply with the State student privacy law Education Law Section 2D, passed by the State Legislature in 2014, which requires full transparency concerning the privacy and security provisions of every such educational app or program that collects personal student data, as a letter sent to the DOE by State Senator Brad Hoylman on November 9 pointed out.<sup>23</sup>

### **Myth #5: Mayoral control provides real accountability.**

The reality is our Democratic system of government at every level includes checks and balances, from the local government on up to the federal level, because this makes for better decision-making and more real accountability, rather than leaving critical decisions up to the particular quirks, biases, or attention level of a single individual.

The Mayor is elected only once every four years, and voters make their choices on many issues in addition to education. In any case, the results of one election should not hand over unlimited power over our children to one person alone. Too often, that person may feel and act as though he does not have to listen to anyone else. As Mayor Bloomberg said when asked what people could do if they disagreed with his education policies, “they can boo me at parades.”<sup>24</sup>

I think this view of accountability reflects an inherent misunderstanding of how city government works. The Mayor does not have unlimited control over the New York Police Department or the Health Department; instead, the City Council can step in and make laws to address policies in these areas when there are serious abuses. But they cannot do this when it comes to public education. And yet no one says that the Mayor is not accountable for the official actions or policies of the Police or the Health Department; he is still considered the person most responsible for running those areas of city government. The same should be true of our schools.

In recent years, several school districts that were formerly under Mayoral control or state control have returned to having elected school boards, including Detroit in 2017, and Newark this past summer.<sup>25</sup> In both cases, there is a general acknowledgement that school governance has improved. There are also moves in Chicago to reinstall an elected school board, with their Mayor Lori Lightfoot having expressed support for such a system.<sup>26</sup> As Pauline Lipman, a Professor at the University of Illinois has said, “There

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<sup>21</sup> See interviews with both men on Dec. 2, 2020 and Dec. 9, 2020 on the Talk out School podcast at <https://talk-out-of-school.simplecast.com/>

<sup>22</sup> <https://nycpublicschoolparents.blogspot.com/2020/11/questions-raised-by-sen-hoylman-about.html>

<sup>23</sup> <https://ny.chalkbeat.org/2020/11/11/21561491/nyc-student-student-data-protections>; letter posted here: [https://drive.google.com/file/d/1EU4lqn6qSiYOW\\_oO\\_4r0BWtUY3AzYchC/view](https://drive.google.com/file/d/1EU4lqn6qSiYOW_oO_4r0BWtUY3AzYchC/view)

<sup>24</sup> <https://www.city-journal.org/html/city%E2%80%99s-pupils-get-more-hype-hope-12911.html>

<sup>25</sup> <https://www.freep.com/story/news/education/2016/11/08/detroit-school-board-election/93486614/>; and <https://newark.chalkbeat.org/2020/7/1/21310475/newark-schools-return-local-control>

<sup>26</sup> <https://www.chicagomaroon.com/article/2019/4/30/state-bill-elected-chicago-school-board-could-soon/>

is a new sort of wave of fresh air in the city that's calling for much more public accountability and democracy."<sup>27</sup>

### **Proposals to replace or reform Mayoral control**

What should replace Mayoral control here in NYC? If not an elected school board, as exists in more than 95% of districts across the country, I urge you look at the proposals of the Parent Commission on School Governance, and the report which a group of committed parents and activists released in March 2009.<sup>28</sup> Our proposals were endorsed by many other advocacy and parent groups, as well as Community Education Councils and Community Boards.<sup>29</sup>

Our proposals called for a school board made up of a majority of non-Mayoral appointees, including six parent representatives elected by Community District Education Councils, three appointed by the Mayor, one by the Public Advocate, and one by the City Council; as well as a non-voting member appointed by the City Comptroller, to give expertise on contract and budget issues. Four additional members would be selected by the rest of the Board to fill a need for expertise in specific policy areas.

We also recommended that the Chancellor should be required to be an experienced educator and should be selected by the Mayor from three candidates nominated by the Board. An Inspector General should be appointed for the sake of enhanced transparency and a check on corruption, as well as an Ombudsperson to address and resolve parental complaints and to provide recommendations to the Board and the Chancellor on how services, policies, or procedures affecting parents and their children should be improved.

More input and authority should also be driven to the local level, by empowering Community Education Councils to approve school co-locations and closures, and School Leadership Teams given a real voice in the selection of principals and the development of school-based budgets. Finally, the Department of Education should be made subject to city law, as is every other city agency, and thus subject to the checks and balances of the City Council.

I strongly believe if these recommendations were adopted by the State legislature, this would have a far better chance of driving substantial improvements to our public schools, for the benefit of the students and communities you were elected to serve. Thank you for the ability to testify today, and I would be happy to answer any questions you might have.

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<sup>27</sup> <https://www.chicagotribune.com/news/ct-met-chicago-elected-school-board-debate-20190418-story.html>

<sup>28</sup> [https://www.classsizematters.org/wp-content/uploads/2011/04/parent\\_commission\\_Final\\_Report.pdf](https://www.classsizematters.org/wp-content/uploads/2011/04/parent_commission_Final_Report.pdf)

<sup>29</sup> <https://www.classsizematters.org/recommendations-on-school-governance-32009/>