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# **policy report**

Office of the New York City Comptroller

Office of Policy Management

**William C. Thompson, Jr., Comptroller**

# **Powerless Parents:**

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## **How the New York City Department of Education Blocks Parent Influence in Local School Governance**

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## Introduction

Parents are the first and primary educators of their children. Once a child reaches school age, however, education becomes a collaborative effort involving not only parents but also teachers and school administrators. While these partners are all committed to a positive outcome, parents have a unique stake in their child's educational success. For that reason, the best way to ensure a quality education is for parents to become involved in the organizations and activities that play a role in shaping the educational experience at their local school.

In the New York City public schools, there are twelve official bodies that ostensibly elicit parent input and allow parents to influence decision-making in their child's school.

- On the individual school level, there are Parent Associations/Parent Teacher Associations (PA/PTAs), School Leadership Teams (SLTs), and Title I Parent Advisory Councils (Title I PACs);
- On the Community School District and borough level, there are Community Education Councils (CECs), District Presidents' Councils, District Leadership Teams (DLTs), a Borough High School Council, and Title I District Parent Advisory Councils (Title I DPACs);
- Citywide, there are the Chancellor's Parent Advisory Council (CPAC), the Title I Citywide Parent Committee, the Citywide Council on High Schools, and the Citywide Council on Special Education.

Despite the existence of so many entities, parent and community leaders, public education experts and advocates interviewed by Office of the Comptroller staff said that the Department of Education (DOE) decides important matters concerning schools and school districts with little or no consultation—and often no advance notice—with parents and others who are directly affected.

## Summary of findings

Based on staff discussions with a wide array of PA/PTA leaders, SLT members, CEC officers from districts throughout the city, and former and current CPAC officers, we found:

- *School Leadership Teams (SLTs), comprised one-half of parents and one-half of school staff, are of limited effectiveness overall.* SLTs are charged with developing the school's annual Comprehensive Educational Plan (CEP), which establishes the school's educational goals and determines the strategies and activities that will be used to reach them.
  - Although State law requires every school to have an SLT, they are missing from many schools and barely functional at many of the schools that have one;
  - Parent leaders report that the requirements in State Education Law for principals to engage with the SLT in “shared decision-making” and for the principal to solicit input from SLTs in preparing the school-based budget, are frequently not observed;
  - Inadequate training for parent SLT members on education law and other pertinent matters has hampered their effectiveness as Team members. By law, SLT members are required to receive appropriate training,

but the training now being provided by DOE falls far short of the mark.

- *Community Education Councils, which are parent bodies charged by State Education Law to “establish educational policies and objectives” for elementary and middle schools in their district, have very limited influence.* CEC statutory powers and duties range from approving school zone lines proposed by DOE and evaluating the district superintendent to holding public hearings on the district’s annual capacity plan and preparing and disseminating a district report card.

Comptroller staff interviewed officers of 24 of the 32 district CECs. From them, we determined that:

- Despite the intent of the Education Law, DOE rarely consults with a CEC before opening, expanding, closing, or reducing the size of a school or special program;
- CECs are unable to fulfill their statutory responsibility to evaluate their superintendents’ performance in their districts because DOE has reassigned the superintendents to primarily work on non-statutory duties outside of their home districts;
- Another critical CEC responsibility is to approve proposed changes in school attendance zones. It was only through a lawsuit brought by CEC members and others in 2009 that DOE was prevented from eviscerating this authority;
- CECs do not prepare, review and/or disseminate annual district report cards as required by Education Law;
- DOE does not comply with the Education Law requirement for district superintendents to prepare an annual district capacity plan and for CECs to hold a hearing and decide whether to approve the plan. CEC officers reported that they had never been furnished with such a plan nor have their CECs held a hearing regarding one;
- State law requires CEC members to receive ongoing training, but the quality and depth of the training being provided by DOE has declined and CEC officers stated that it is of little practical benefit;
- State law requires the CEC to hold a hearing on the capital plan and for the districts and to submit their recommendations to the Chancellor, who is required to “consider” the recommendations. But there is little or no consultation with the CEC about what projects to include in the plan, and CEC officers indicated, as one CEC officer explained, that the plan is usually “set in stone” before the CEC weighs in;
- More broadly, CEC officers indicated they are frustrated and discouraged because they have been prevented from fulfilling their statutory role to establish educational policies and objectives and to “provide input” as they “deem necessary, to the Chancellor” and the Panel for Educational Policy. The widely held recognition that CECs are powerless is making it increasingly difficult to interest parents in serving on a CEC.

### **Summary of recommendations**

New York City public schools need decisive leadership. The Chancellor, district superintendents and principals must be able to exercise their authority. Yet parents must be afforded the full opportunity granted by statute to

influence DOE decisions that affect their children's schools. Parents have important knowledge and insights that can be invaluable in guiding DOE policy-making. Furthermore, in a system with nearly one million students in more than 1,500 schools in 32 community districts, a central bureaucracy is not capable of understanding and addressing all of the unique and constantly evolving local public school issues and concerns.

We therefore make the following recommendations:

- *DOE should assign superintendents to work primarily in their home districts.* With superintendents spending upwards of 90 percent of their time working on non-statutory duties in schools outside of their home districts, they have little opportunity to carry out their statutory responsibilities such as reviewing and approving school budgets, evaluating principals, and preparing an annual capacity plan for submission to the CEC. They are needed as educational leaders in the districts to which they are assigned.
- *DOE should place district superintendents in charge of District Family Advocates.* Superintendents are also needed in their home districts to help families resolve issues and complaints that cannot be adequately dealt with on the school level and to help families navigate the school selection and enrollment process. Because District Family Advocates (DFAs), who currently assist families, report to the Office of Family Engagement and Advocacy and not to the district superintendent, they lack the direct authority needed to resolve issues. By reporting to superintendents, they would have this authority. (See Appendix B for a discussion on District Family Advocates.)
- *The State Legislature should amend the Education Law to help ensure that principals affirmatively solicit SLT input in preparing the school-based budget and that the school's Comprehensive Educational Plan (CEP) be developed by the SLT in a collaborative manner with the principal.* The law should specifically require that when conducting their statutorily-required evaluations of principals, superintendents take into account the degree to which the principal solicited input from the SLT in developing the school budget, the degree of collaboration between the SLT and the principal in development of the CEP, and the overall effectiveness of the SLT.
- *The State Legislature should amend the Education Law to ensure that CECs receive ample notice before DOE opens, expands, closes, or reduces a school or special program such as a gifted program, or reconfigures a school's grade levels.* CECs should be afforded a mandatory 45-day review period before any such actions are taken. The CEC could vote to allow individual actions to proceed before the 45-day period ends.

The *Final Report of the Task Force on Community School District Governance Reform*, whose recommendations for the replacement for community school boards were largely written into law, stated, "Public education has always and must always involve the public in the decision making process." Forty-five day notice is intended to fulfill this central goal.

- *DOE's annual Parent Assessment Survey should ask parents whether or not: their school has a PA/PTA and SLT, they consider these bodies to be effective, they have received adequate notice of PA/PTA meeting times, and they have received adequate information about the role of PA/PTAs.*
- *DOE should issue a semi-annual report listing each school and whether or not it has a functioning PA/PTA. The report should also provide a monthly tally of members and vacancies on District Presidents' Councils. In addition, as required by law, DOE must issue and "disseminate to the media and community," the semi-*

*annual CEC performance report.* The Education Law should be amended to provide that this report incorporate a statement from the CEC president on the CEC’s activities during the reporting period.

- *The current parent engagement structure should be simplified.* Currently, nine of the eleven voting members of a CEC must be parents of children attending a school in the district, selected by the president and officers of the PA or PTA. Instead of forcing parents to, in effect, run for office, a better alternative would be for PA/PTA presidents to select from among themselves nine individuals to sit on the CEC. CECs would consist of individuals who have extensive and direct knowledge and experience in the educational policies and programs of their district. This would better enable CECs to carry out their statutory duties and has the potential for increasing parent participation in the PA/PTA.

Section A of Part I of this report reviews the status of School Leadership Team influence on decision-making in individual schools and discusses recent developments affecting Parent Associations. Section B discusses this for PA/PTAs. Section C looks at parent and community influence on the community school district level through the 32 district Community Education Councils. Part II presents a series of recommendations.

This review is not intended as a comprehensive assessment of parental influence issues. Rather, by focusing on general education SLTs, PA/PTAs and CECs, we believe we address three bodies where parental influence in the New York City public schools is intended to be the broadest and the most direct and consequential.

Appendix A reproduces a DOE chart depicting New York City parent involvement structures and summarizes how each parent body is constituted.

## I. Findings

### A. School Leadership Teams are of limited effectiveness overall

School Leadership Teams, required by the State Education Law,<sup>1</sup> are comprised half of parents and half of school staff. The principal, the PA/PTA president, and the United Federation of Teachers chapter leader are mandated members. SLTs may elect to include representatives from community-based organizations. High school SLTs must include at least two students. Parent SLT members are elected by the school’s PA/PTA. (In this report, the term “parent” is intended to include parents and guardians.)

State Education Law charges SLTs with developing the school’s annual Comprehensive Educational Plan (CEP). The CEP contains a needs assessment, goals and objectives, and key strategies and activities that will be used to achieve the goals and objectives. It is, in effect, the blueprint for how the school will operate.

The law requires the CEP to be “aligned with the school-based budget.” While the law gives the principal the responsibility to “propose a school-based expenditure budget,” this is to be done only “after soliciting input” from the SLT.

*SLTs have had limited impact at most schools.*

There is a widespread recognition that SLTs are not effective. The *Final Report of the Commission on*

<sup>1</sup> §2590-h(b-1).



*School Governance*<sup>2</sup> issued in September 2008 concluded, “School Leadership Teams that once provided parents and staff with a vehicle to have input into planning at the school level have not functioned adequately since the implementation of mayoral control.” William McDonald, who recently chaired the Chancellor’s Parent Advisory Committee, was quoted in the media, “It’s to the point now where SLTs don’t function at all.”<sup>3</sup> In February 2009, the District 30 (Western Queens) CEC president testified at State Assembly Education Committee hearing on New York City school governance that, “Currently SLT’s are dysfunctional... Teachers and parents have become the required bodies present and nothing else.”

Comptroller staff interviews with parent leaders confirmed that SLTs have had only limited success in influencing school policies. A District 21 (Brooklyn) CEC officer told Comptroller staff: “Some SLTs are working in our district, a majority are not.” A District 4 (East Harlem) CEC officer told Comptroller staff: “SLTs are not functioning. They are not getting a voice in the CEPs.” A Queens high school PA co-president stated, “SLT’s no longer operate at even a whisper of what they were under Chancellor Crew and [former Deputy Chancellor] Harry Spence.”

James Calantjis, founder and director of the independent School Leadership Team Support Center, informed Comptroller staff that while virtually all schools have an SLT, often they exist only “on paper” and are “not truly functional.” He explained that in schools where the SLT does hold meetings, the meetings typically consist of the principal “giving the SLT a report.” Although the principal may provide an opportunity to “ask a couple of questions,” SLT meetings often are “an audience for the principal.” Calantjis added, “Most parents have little or no input on SLTs. Many do not know what their roles are. They do not know why they go to these meetings. Most teams are principal-dominated.” Comptroller staff interviews with parent leaders from throughout the city found that effective partnerships between the principal and the SLT do exist, but it is more likely that the SLT functions in a listening mode and has little real impact on school policies.<sup>4</sup>

### *Why SLTs are missing in many schools and have little or no influence in others*

Among the reasons why some schools do not have an SLT or their SLT has little or no influence on how the school is operated are:

- *There is not a functioning PA/PTA in the school*, and therefore there was no vote by the PA/PTA for SLT parent members.
- *Parents may believe that because SLTs have little real authority there is no point in joining.* Parent activists told Comptroller staff that in schools in which the principal is not willing to work collaboratively with the SLT, the task of attracting parents to serve on the body can be very difficult. An SLT member in District 21 told Comptroller staff why she believes parents are discouraged from joining: “Right now, either the principal writes the CEP and the parents and teachers rubber-stamp it, or the team wastes all its time writing a wonderful

<sup>2</sup> Prepared for the Office of the New York City Public Advocate.

<sup>3</sup> Quoted in the *New York Daily News*. See: Jess Wisloski, “Parents Group Playing Hooky,” *New York Daily News*, May 6, 2008.

<sup>4</sup> United Federation of Teachers’s *New York Teacher* (February 14, 2008) reported, “The school leadership team at IS 72 in Manhattan is a model for what can be accomplished through SLTs, according to parent Charlene Benymon. But then there are schools like PS 50 in Queens where, according to Chapter Leader Angela Morgan, ‘Our SLT doesn’t work because the principal wants total control and won’t let us have input.’”

document that no one ever looks at.”

- *Some parents do not join because they believe they lack the expertise needed to develop a CEP and knowledgeably weigh in on the school’s budget.* State law<sup>5</sup> requires SLT members to “undergo initial and ongoing training that will allow its members to carry out their duties effectively.” This requirement is not being observed.

*Recent history of SLT training.* Prior to the 2003 reorganization of DOE into regions, SLT training was provided primarily by individual schools. From 1999 to 2003, schools had their own budget, based on student enrollment, to purchase the SLT training from a variety of DOE-approved vendors. This funding also was used for parental outreach. Some districts supplemented school training with SLT seminars attended by representatives from the district’s SLTs, who relayed what they learned back to the rest of their Team.

When DOE was reorganized into ten regions in 2003, training and parent involvement funds for individual schools were eliminated. According to Calantjis of the SLT Support Center, SLT training was coordinated by Regional SLT Coordinators in each region, and there were “maybe three or four trainings a year.”

In 2007, when regions were abolished, responsibility for SLT training was assigned to the Office of Family Engagement and Advocacy (OFEA). District Parent Support Officers were given the new title of District Family Advocate (DFA) and given the additional responsibility to provide “comprehensive services” to SLTs, including training and technical support. Comptroller staff learned from CEC officers and SLT members that although OFEA SLT training is mandatory, training by some individual districts has continued because of dissatisfaction with the OFEA training.

*Current status of SLT training.* According to parent leaders, the extent and quality of SLT training has declined. A recent officer of the Chancellor’s Parent Advisory Council told Comptroller staff: “I’ve spoken with a lot of parents and the consensus is that effective training ended when the regions were created. And now that everything is run by OFEA, parent training is at an all-time low.”

For the 2008-2009 school year, in late April 2009 the OFEA section of the DOE website still listed only December 2008 and January 2009 SLT training dates for the two types of training offered—Overview of School Leadership Team Training and Advanced School Leadership. The two-hour basic overview training, which covers roles and responsibilities of SLT members, was conducted 14 times in December in nine different locations in all boroughs except Staten Island. The two-hour advanced training was conducted in January 2009 five times at locations in Manhattan, Queens and Brooklyn.<sup>6</sup>

Calantjis of the School Leadership Team Support Center told Comptroller staff that OFEA training is insufficient: “Now the training is done in-house [by OFEA] and the trainers frequently are not well versed in the subject.” He stated that the current two-hour overview does “not provide enough time to adequately train members, but would only acquaint them with the process... Training needs to be comprehensive and ongoing. There needs to

<sup>5</sup> Education Law §2590-h(b-1)(v).

<sup>6</sup> The web site has several errors that undermine its utility. It is incorrectly headlined, “Citywide Student Leadership Team Training Dates.” Underneath the headline, it states, “The Overview of School Leadership Team training is designed for returning members and those members who already took the Overview of School Leadership Team (SLT) training.” In fact, overview training is the basic training that is intended for first-time SLT members, not returning members. The web site does not say for whom advanced training is intended; presumably, it is intended for members who already took overview training. See: <http://schools.nyc.gov/Offices/OFEA/Training and ProfessionalDevelopment/default.htm>



be training in understanding and developing the CEP and the budget as well as working together as a team.”

Parent leaders interviewed by Comptroller staff agreed that SLT training is inadequate:

- A member of the District 29 Presidents Council stated: “Training [used to be] thorough and they made sure that it worked with people’s schedules. Now, forget it. OFEA is all over the place. The trainings are often outside of the district, their outreach is horrible, and the people doing the training are not adequately qualified.” (District 29 encompasses Queens Village, Holliswood, Hollis, St. Albans, Cambria Heights, Laurelton, Brookville, Rosedale, Springfield Gardens.)
- A recent member of the District 22 Presidents’ Council said, “Once again, DOE took something that was a real concern to parent leaders, with the possibility of allowing real participation and made a farce out of it. Now they can say they offer training. A far cry from the two to three hour sessions we used to hold. Except for pockets of PAs or Presidents’ Councils that might be quietly holding their own training, I don’t think it really exists. SLT training is a joke.” (District 22 encompasses Midwood, Flatbush, East Flatbush, Manhattan Beach, Sheepshead Bay, Marine Park, Mill Basin and Bergen Beach.)

See Appendix D for additional observations.

Comptroller staff was informed that a number of districts are continuing to provide their own training, inasmuch as they consider the training being provided by DOE through OFEA inadequate:

- A District 4 (Manhattan) CEC officer told Comptroller staff that they conduct their own training in the district “because OFEA simply does not do enough. Their training is very busy-oriented and top down—it is all about the legal requirements of SLTs and not about encouraging parent empowerment. There is no real give and take or opportunity for parents to ask open ended questions. And OFEA does not conduct any SLT training in Spanish which is a big issue in District 4.” (District 4 encompasses East Harlem.)
- A District 20 (Brooklyn) CEC officer said, “OFEA training for SLTs is not particularly helpful, so we do our own supplementary training to really engage parents.” (District 20 encompasses Bensonhurst, Bay Ridge, Borough Park, Dyker Heights, Fort Hamilton, Borough Park, and part of Sunset Park.)
- Calantjris of the SLT Support Center said that in District 1 (Lower East Side), “SLT training is completely done by the District Leadership Team<sup>7</sup>. They found that the OFEA training was so poor that they reached an agreement [with OFEA] to provide their own.”
- *With the dissolution of district offices under the DOE reorganization of 2003, SLTs lost important support, according to several PA leaders. A high school PA co-president told Comptroller staff, “Even where you had principals trying to control the team, when we had the district office there was a place that the teams could go to get help.”*

*The attempted revision of Chancellor’s Regulation A-655 would have eviscerated the core SLT responsibility of developing the CEP.*

DOE resistance to independent and effective SLTs was made manifest when, in December 2007, the Department issued a revised Chancellor’s Regulation A-655. A clause in the revised A-655 provided: “The

<sup>7</sup> See Appendix A for explanation of District Leadership Team.

Principal makes the final determination on the CEP and school-based budget.” A Douglaston parent filed a class action petition with the State Education Department seeking a revocation of this provision on the ground that State Education Law requires the SLT to develop the CEP and that this requirement is “negated” if the principal makes the final decision on the CEP.<sup>8</sup> The United Federation of Teachers joined the parent in her action. In December 2008, State Education Commissioner Richard Mills ruled in the parent’s favor, holding that the revised regulation was wrong because it “strips the SLT of this basic, statutorily mandated authority” and gives principals final decision-making power over the CEP.<sup>9</sup>

Despite the Commissioner’s decision, DOE appears determined to give the principal the final say on the CEP. In March 2009, DOE issued another amendment to Chancellor’s Regulation A-655. This amendment recommends that SLTs use a “consensus-based decision process” and provides that if the SLT cannot reach agreement on the CEP, “the principal will make the final determination.”<sup>10 11</sup>

To be sure, some A-655 provisions may be beneficial. It creates a basic grievance procedure for parents, requires District Family Advocates to report on SLT and District Leadership Team activities annually, and provides that the SLT may request to meet with the school’s School Support Organization twice a year to discuss the SSO’s involvement with the school. However, these benefits are overshadowed by the attempts by DOE to undermine SLT independence in carrying out their core function of developing the CEP.

## **B. Influence of Parent Associations/Parent Teacher Associations varies by school**

*Some schools do not have a functioning Parent Association/Parent Teacher Association*

State Education Law and Chancellor’s Regulation A-660 require that every school have a PA or PTA.<sup>12</sup> The principal is responsible for ensuring that there is a PA/PTA in his or her school.<sup>13</sup> Parent leaders told Comptroller staff that in most schools in most districts, there is a functioning PA or PTA. For example, a District 2 CEC officer stated that all of the schools in the district have functioning PA/PTAs. (District 2 encompasses the Upper

<sup>8</sup> *In the Matter of Marie Pollicino, in a class action on behalf of all parents with public school children, from action of the Chancellor of the City of New York School District and the NYC Department of Education regarding the amendment of the regulations (A-655) governing the rights and responsibilities of School Leadership Teams.*

<sup>9</sup> The Commissioner also found that DOE violated State regulation by unilaterally adopting the revised A-655 without consulting stakeholders who would be affected by it. The Commissioner disagreed with Pollicino, however, that SLTs also have authority over the school budget and agreed with DOE that final budget authority resides with the principal.

<sup>10</sup> The new amendment provides that when the SLT cannot reach agreement, the team should seek assistance from the designated OFEA [Office of Family Engagement and Advocacy] district engagement staff and if they are unable to resolve the disagreement, then team members may send a request for assistance to the DLT [District Leadership Team]. If the SLT still cannot reach agreement on the CEP, “then the principal will make the final determination.”

<sup>11</sup> This new provision would also violate the Education Law, according to a resolution adopted by the District 26 CEC. The resolution states that a “consensus” is commonly defined as a unanimous agreement among the members of a group, and since the principal is a mandatory member of the SLT, under this new amendment, he or she could prevent the SLT from reaching a consensus on the CEP. The principal would then make the final determination on the CEP.

<sup>12</sup> The parents can decide whether to include teachers, in which case it is a Parent Teacher Association (PTA).

<sup>13</sup> Chancellor’s Regulation A-660 states, “It is the responsibility of the principal to ensure the establishment and continuation of the school’s PA.”

East Side, Midtown, Clinton, Chelsea, Greenwich Village, SoHo, Chinatown, Tribeca, the Financial District and Battery Park City.)

However, in several other districts, CEC officers stated otherwise:

- District 6 (Manhattan): “At least half the schools don’t have a functioning PA and half the PAs that exist are just officers... The PAs have no power. A lot of principals treat them as fundraisers.” (District 6 encompassed Washington Heights and Inwood.)
- District 4 (Manhattan): “The majority of PAs [in District 4] are not functioning.”
- District 27: “I would say about half the PAs [in District 27] are probably functional.” (District 27 encompasses Richmond Hill, Ozone Park, Woodhaven, Howard Beach, Broad Channel, Breezy Point, Neponsit, Belle Harbor, Rockaway Park, Seaside, Arverne, Edgemere, Somerville, and Far Rockaway.)
- District 5 (Manhattan): “The majority of our PAs are functioning but many are not.” (District 5 encompasses Central Harlem.)
- District 13 (recent CEC officer): “I would say that at least half of the SLTs and PAs are not functional. The higher performing schools are the ones, predictably, that have the most active members—PS 8, 11, and 44. There are PAs that pretty much only do fundraising.” (District 13 encompasses Brooklyn Heights, Downtown Brooklyn, DUMBO, Fort Greene, Clinton Hill, Prospect Heights, and parts of Boerum Hill and Bedford-Stuyvesant.)

In November 2006, it was reported that out of a total of 1,466 public schools, 219 schools had no PA/PTA and 38 others had so few parent officers that their PA/PTA could not function.<sup>14</sup>

Failure to have a fully functioning PA/PTA can have serious consequences. It means that the school does not participate in the selection of CEC members, inasmuch as nine members of each CEC are selected by the president, vice president and secretary of the PA/PTAs of each school in a district. In addition, because the PA/PTA selects the SLT parent members, a school in which a PA/PTA has not elected officers does not have an SLT.

Where PA/PTAs do function, their effectiveness can vary. A District 26 CEC officer stated, “By and large they are functioning. But my personal experience is that given the outsize influence the principal has, their influence is diminished—but it is a school-by-school situation.” In District 12, a CEC officer stated that although all schools in the district have PA/PTAs, not all of them are effective because “some principals don’t like to deal with them. They may exist but it doesn’t mean they are effective. The principals prefer to deal with Parent Coordinators.” Another CEC officer also stated that the addition of Parent Coordinators in the schools in 2003 has reduced the importance of the PA/PTA overall, since the principal will deal with the Parent Coordinator rather than the PA/PTA.<sup>15</sup>

<sup>14</sup> David Andreatta, “PTA-less City schools break rules” *New York Post*, November 8, 2006.

<sup>15</sup> Principals typically assign the school’s Parent Coordinator to work with the PA/PTA. A former CPAC chairman, Tim Johnson, told the *New York Times* that although DOE had hired a full-time parent coordinator for each school, “We’re just not getting any value out of that. How can you have a full-time, union person in the school as a parent coordinator and still not have a functioning P.T.A.?” He said he did not believe the Parent Coordinators were doing their job [with regard to PTAs]. See: David M. Herszenhorn, “Parents Seek Greater Voice in Schools from Chancellor,” *New York Times*, December 12, 2005.

*Revised Chancellor's Regulation A-660 has raised concerns among parent leaders.*

In October 2008, DOE issued a revised Chancellor's Regulation A-660, governing PA/PTAs, District and Borough Presidents' Councils, and the Chancellor's Parent Advisory Council. The revised regulation is very comprehensive, covering matters ranging from detailed procedures for electing officers and rules governing fundraising to PA/PTA audits and access to records. Although the revised regulations would appear to be a reasonable attempt to ensure that PA/PTAs are properly run, several parent activists told Comptroller staff that they believe that the regulations are too detailed and "legalistic" for most parent volunteers.<sup>16</sup> A CPAC member told Comptroller staff the revised regulation needs to be made much more "parent friendly" and that for "working parents" the revised regulation is too complex. Another CPAC member stated that the new regulations could "tie up PAs in red tape and regulations."

### **C. Community Education Councils (CECs) have minimal influence.**

Community Education Councils represent elementary and middle school parents at the community school district level. CECs were authorized by statute enacted in 2003<sup>17</sup> and initially constituted in 2004, after their predecessors—community school boards—were eliminated. Nine of the eleven voting members of each CEC are parents elected for two-year terms by vote of the president, secretary and treasurer of each PA/PTA in the district, and two other members are appointed by the applicable borough president.

Education Law §2590-e vests CECs with extensive "powers and duties to establish educational policies and objectives" for the district.<sup>18</sup> Among these are to "approve zoning lines, as submitted by the chancellor," "hold a public hearing on the district's capacity plans,"<sup>19</sup> "submit an annual evaluation of the superintendent to the chancellor," conduct a "review of the district's educational programs and assess their effect on student achievement," prepare and disseminate an annual school district report card, "provide input" as the CEC "deems necessary, to the chancellor," "liaison with school leadership teams as may be necessary and provide assistance to the school leadership team where possible."

Notwithstanding these extensive powers and duties, most CECs have had a very limited impact on the schools in their district, according to CEC officers:

- District 15 (Brooklyn): "CECs never had much influence and if anything their influence is declining...." The officer added that "at the start, DOE was concerned with giving the CECs the appearance of influence," but now there is "flat out contempt." (District 15 encompasses Park Slope, Windsor Terrace, Cobble Hill, Red Hook, Sunset Park.)

<sup>16</sup> A member of the CPAC subcommittee told Comptroller staff that they are reviewing the revised Chancellor's Regulation A-660 called the new language "dense," "convoluted" and "full of contradictory provisions and burdensome requirements."

<sup>17</sup> Chapter 123, Laws of 2003.

<sup>18</sup> More fully, it states that CECs have power and duties "to establish educational policies and objectives not inconsistent with the provisions of this article and the policies established by the city board." Section 2590-e notes that CECs "have no executive or administrative powers or functions."

<sup>19</sup> More fully, it states: "Hold a public hearing on the district's capacity plans, recommended by the superintendent and based on data from the chancellor on enrollment/utilization for each school within the district and submit such plan, upon approval by the community [education] council, to the chancellor for his or her approval."

- District 27 (Queens): “After the last five years, the Mayor and the Chancellor have stripped 80 percent of the power of the CECs.” (District 27 encompasses Richmond Hill, Ozone Park, Woodhaven, Howard Beach, Broad Channel, Breezy Point, Neponsit, Belle Harbor, Rockaway Park, Seaside, Arverne, Edgemere, Somerville, and Far Rockaway.)
- The *School Governance Report and Recommendations* adopted by the District 26 (Queens) CEC in April 2008 stated, “Community Education Councils have not been utilized as sources of information on community needs, and their advice is neither sought nor given attention.” (District 26 encompasses Bayside, Oakland Gardens, Fresh Meadows, Douglas Manor, Little Neck, Glen Oaks, Floral Park, Bellerose, Jamaica Estates, Hollis Hills, Holliswood, Jamaica Hills and Hillcrest.)

(See Appendix D for observations by officers of additional CECs.)

In March 2009, the District 2 (Manhattan) CEC passed a resolution stating, “The Mayor of the City of New York, the Chancellor of DOE, and their subordinate agencies and offices have regularly and illegally disregarded and manipulated the mandated role of the CECs to be notified, consulted, and included in DOE decision-making”.

A few of the CEC officers interviewed by Comptroller staff said that CECs have had occasional success in getting a policy or decision modified. But it was noted that to affect DOE decision-making, the CEC has to organize parents and public opinion and/or utilize the local media or involve local elected officials.

### ***District education matters on which CEC influence is declining, nil or absent***

#### **DOE decisions to open new schools**

The CEC typically is not consulted before DOE decides to open a new school. This lack of consultation is at odds with Education Law §2590-h(2)(c), which requires the chancellor to “consult with the affected community district education council... before instituting any new program within a community district.” Thus, in 2007, the District 15 CEC passed a resolution noting that “notwithstanding this law [§2590-h(2)(c)], new schools are frequently placed in buildings occupied by existing schools, with no public hearing or consultation before the decision is essentially made.” The resolution urged DOE to “immediately develop and institute a process of community consultation on the siting of new schools, such consultation to be held before a probable location is chosen.” The resolution called for holding a public hearing before the CEC of the affected district and for an advisory vote by the appropriate CEC.

Among illustrative examples CEC officers provided regarding the lack of CEC consultation before a newschool was opened or added to an existing school building:

- District 27 (Queens): MS 202 was on the Schools in Need of Improvement list for seven years, yet it was allowed to expand and to include a high school. The CEC played no role in this decision. The officer stated, “If DOE had consulted with us we would have said, ‘Let’s improve the middle school before we expand.’”
- District 13 (Brooklyn) recent officer: “We have been told that a new middle school will be going into P.S. 46 in our district in 2010. There was no input from the CEC. Khalil Gibran [dual language school] was also just placed in our district. There was no hearing or consultation.”
- District 6 (Manhattan): There was a “unilateral” decision by DOE to locate a new school inside PS 173 and the CEC “had to pull teeth” to find out that this new school is an alternative high school for



troubled youth that would eventually expand to 300 students. The CEC and the PS 173 SLT and PA thereafter held a protest demonstration opposing the DOE plan. The CEC officer told Comptroller staff that he believes the fate of PS 173 will be determined this summer “when no one is around to organize against the decision.”<sup>20</sup>

A District 19 CEC officer stated, “We seem to have very little say, so when it comes to deciding how our school buildings will be used DOE seems to want to make all the decisions and then tell us later. They also stall and tell us they will get back to us and then never do.” (See Appendix D for additional illustrations.) CEC officers told Comptroller staff that in some instances there has been notification before a new school was opened in a district, but not real consultation. A District 12 CEC officer stated, “They’re bringing a school, a high school, from District 11 into one of our elementary schools. We told them to go to the school and talk to the principal about how this would work. They did meet with the principal but only after they had decided. They do consult and talk but they don’t listen.”

### **DOE decisions to close, reduce or reconfigure schools and decisions regarding special programs**

CECs typically are not consulted before a school is closed or reconfigured or a special program is introduced, eliminated or moved to another school, CEC officers told Comptroller staff. Indeed, CECs often are not even notified prior to such actions, or the notification is too short to give the CEC a chance to respond. A District 3 CEC officer told Comptroller staff, “DOE has been quite aggressive in implementing changes in our choice and magnet programs, as well as closing schools and placing charters inside public school buildings, with virtually no input... from the CEC.”

The DOE has maintained it has sole authority over schools and need not consult with the CEC before taking these actions. Parent leaders, lawyers and others with particular familiarity with Education Law told Comptroller staff that there is a legal obligation to consult the CEC beforehand. The basis for this obligation rests in part on Education Law §2590-h(2), which states that the CEC must be consulted before a school is closed or reduced or a district building is initially utilized for a school or program. The requirement to consult the CEC is also supported by §2590-e(18), which states that CECs “provide input” to the Chancellor and “city board” (the Panel on Educational Policy) on “matters of concern to the district.” Clearly, “matters of concern” encompass actions such as school and program closings, reductions and reconfigurations. For CEC “input” to be meaningful, there must be sufficient prior notification to the CEC of such actions. See Appendix E for further discussion on the obligation to consult CECs.

The Parent Commission on School Governance,<sup>21</sup> in its *Recommendations on School Governance* released in March 2009, concluded that notwithstanding the consultation requirements of §2590-h(2), “the DOE has opened many new schools and programs and closed many others without any consultation, and CECs have regularly protested their lack of voice in these decisions.” The March 2009 District 2 CEC resolution mentioned above also stated that DOE is “in violation of the process required” for closing, siting and zoning of schools “as mandated by

<sup>20</sup> DOE appears to be reconsidering. In February, the *Daily News* quoted a DOE official saying that co-locating the high school with PS 173 is now only “one possibility of several scenarios”. See: Juan Gonzalez, “Mayor Bloomberg and Joel Klein determined to keep parents seen, not heard,” *New York Daily News*, February 25, 2009.

<sup>21</sup> According to the report, the Commission was started in June 2008 by “parent leaders and activists” and Commission “core members” who developed and wrote the report were from CECs and District Presidents Councils in Districts 1, 2, 6, and 11 and parent leaders from Districts 15 and 32, as well as advocacy groups including Class Size Matters, Time Out From Testing, the Right to Read Project, and others.



Education Law §2590-h and such other provisions of law”.

*School closures with no prior consultation*

Following are illustrative examples of DOE failure to consult the CEC before a school was closed (see Appendix D for additional examples) provided by CEC officers:

- District 10 (Northwest Bronx): Two schools were phased out in District 10 with no consultation with the CEC: “This year MS 399 is slated to be closed. This is the second year in a row that a school has been phased out in our district and the third one overall. District 10 CEC has never been consulted prior to a decision to close a school.” (District 10 encompasses Tremont, Belmont, Fordham, University Heights, Bedford Park, Norwood, Kingsbridge Heights, Van Cortlandt Village, Marble Hill, Riverdale, and Fieldston.)
- District 6 (Northern Manhattan): Regarding the plan to close MS 321: “There was no prior consultation with the CEC or with the District Leadership Team and there were no efforts to examine the problems with the school and to determine whether these problems were solvable prior to its closing.”
- District 15 (Brooklyn): The CEC learned about the closure of PS/MS 27 in Red Hook by email after the principal had already been informed: “We were not consulted. We were not notified. It’s just so crazy that this same practice keeps happening over and over.”<sup>22</sup> In January 2009, the District 15 CEC passed a resolution criticizing DOE for closing PS/MS 27 without consulting the affected parents or the CEC. According to local media accounts, although the school had serious, well known deficiencies, parents first learned about the closure from the local press.
- District 2 (Manhattan): A letter the CEC president sent Chancellor Klein in March 2009, following up on a forum regarding District 2 school overcrowding, “formally” protested “that neither we, not the local school and parent community at large, were ‘consulted’—as the Chancellor is required to do by state law—on any of the numerous school openings, closings, relocations, or creations of ‘new’ schools, within the geographic School District 2.” [underscore in original]<sup>23</sup>

*Siting of a special program or reconfiguring a school with no community consultation*

Illustrative examples of DOE siting special program without first consulting the CEC are provided by CEC officers:

- District 15 (Brooklyn): DOE’s decision to end a Gifted and Talented program at a school in Sunset Park and open one in South Park Slope was made by central administration decision and “no one asked us [the CEC].”
- District 20 (Brooklyn): Without consultation, “DOE has put in a citywide Gifted and Talented program into one of the new sites [Magen David site], which is a problem for us because our own district kids don’t have enough space.” She added, “There seems to be less of a role for us overall vis-a-vis zoning. PS 229 is going from a K-5 to a K-8. That was Tweed’s decision, not ours.”

(See Appendix D for an additional example.)

<sup>22</sup> As quoted in *Gotham Schools*: Philissa Cramer, “Elected parent leaders learned of school closure by email,” December 9, 2008.

<sup>23</sup> Letter of Rebecca Daniels to Chancellor Joel I. Klein, March 25, 2009.

## Drawing school attendance zone lines

Education Law §2590-e(11) gives CECs the power to approve zoning lines submitted by the superintendent. This is the only DOE action requiring CEC approval under law, inasmuch as their powers and duties set forth elsewhere in the Education Law are largely to advise and be consulted. Nevertheless, DOE appears determined to limit CEC zoning line approval authority as much as possible.

The definition of “zoning lines” DOE adopted pursuant to Chancellor’s Regulation A-185 in 2005 is restricted to the actual geographical boundaries of school attendance zones, even though this law could be interpreted so that any proposed DOE action that results in a student not being guaranteed a seat in their zoned neighborhood school is, in effect, re-zoning and must be approved by the CEC before taking effect.

Most recently, DOE sought not to apply even its narrow, geographical definition of “zoning line.” The Department announced that it would close three schools in Districts 3, 5 and 23 and replace them with charter schools. It did this without first obtaining CEC approval for a change in zone lines. A lawsuit brought against DOE by CEC members, affected parents, and others in March 2009 claimed that because students attending the schools to be closed would not be guaranteed seats in the new charter schools, this action effectively eradicated their school zones and therefore violated Education Law §2590-e(11) because the CECs had not approved the change. A District 23 CEC officer told Comptroller staff, “By bringing in charter schools [in place of zoned schools], it forces kids who live in the zone to have to leave to go to school [if they don’t get into the charter school by lottery.]” Shortly after the lawsuit was filed, DOE indicated that it would not proceed with its plan for now, with no commitment about what will happen next year.

## Evaluating the superintendent

State Education Law §2590-f confers on superintendents numerous substantial powers and responsibilities. Among these are to evaluate principals, transfer principals for persistent educational failure, “review, modify and approve” school budgets, “monitor and report” on school expenditures, and “approve or disapprove matters relating to the instruction of students, including the power to disapprove school choices with respect to selection of textbooks and other educational materials.”

*Superintendents now work mostly out-of-district.*

Superintendents have been severely constrained from carrying out these and other responsibilities in their districts, CEC officers told Comptroller staff, because they have been assigned by their DOE superiors to spend the vast majority of their time as Senior Achievement Facilitators outside of their home district. As the District 26 CEC noted in its *School Governance Report and Recommendations* adopted in April 2008, “Community District Superintendents have been given responsibilities that keep them out of their districts 85% of the time, often traveling from one borough to the other.”

CEC members are concerned that, as a result, superintendents have insufficient time to carry out their statutory duties in their home district. For example, the District 3 CEC stated in its 2008 evaluation of the district superintendent:

“Dr. Salavert is often not available in the district because she is required by the DOE to spend a lot of her time in the Bronx and Queens. In one recent example, she was delayed at a Quality Review in Queens so was unable to make an important CDEC3 committee meeting. We emphasize that this

is not in any way a reflection of poor performance on the part of the superintendent, but a problem with a system that requires superintendents to spend an enormous amount of time away from their district.”

This concern was echoed in February 2009, in a District 2 (Lower Manhattan-Greenwich Village-Chelsea, East Side) CEC *Education Policy Comment*: “Upwards of 90% of the Superintendent’s time is spent on her SAF [Senior Achievement Facilitator] duties, coaching inquiry teams outside of our district on how to use data to improve instruction, student achievement, and test scores, leaving little time for her to fulfill her duties in our district.”

In a statement to Comptroller staff, a District 27 CEC officer echoed the views of other CEC members who were interviewed for this report, “As far as I’m concerned, if the superintendent is spending one day a month away from our district, it’s too much.” In testimony to the Assembly Education Committee, the District 30 CEC president stated, “Our Superintendents have a title required by law, but they are sent to schools across the city and are powerless in the districts they represent.” And a recent District 13 CEC officer told Comptroller staff that the presence of a superintendent in the district is important for encouraging parental input into district schools: “One of my biggest complaints is superintendents not being in schools. This is especially important given that we have a lot of very tough principals who are resistant to the CEC or parents taking an active role.”

By assigning superintendents to work mostly outside their own districts, DOE appears to be in violation of a consent agreement in the lawsuit *Kruger, Sanders, Levy et al., v. Bloomberg*. This lawsuit was brought in response to the DOE reorganization that followed the enactment of the mayoral control law in 2002. The reorganization plan eliminated the position of community district superintendent and district staffs and closed district offices. In a Stipulation signed by the parties in 2003, DOE agreed that it would appoint superintendents and give them offices and that superintendents would exercise all of their statutory powers and duties.

In 2007, the plaintiffs asserted that DOE was violating the agreement as a result of the newest reorganization of the system into School Support Organizations, under which superintendents would be assigned to work outside of their districts. In a Supplemental Stipulation signed in 2007, DOE promised that superintendents would not be assigned supervisory duties or responsibilities “for any schools or programs that are not within his/her community district”. An exception was provided for “engaging in training activities” outside of their home district, but only “in a manner that will not interfere with the Community Superintendent’s performance of his/her statutory duties.” Considering that superintendents are spending up to 90 percent of their time out of their home district, there can be little doubt that outside work is interfering with the proper performance of their statutory duties.

One of the superintendents’ statutory duties for which this is most clearly the case is the duty under §2590-f(1)(f) “to evaluate, at least annually, the performance of principals for every school in the district with respect to educational effectiveness and school performance”. Proper evaluation of a principal typically would involve the superintendent observing the principal’s school. With 20, 30 or more principals to evaluate, this task, alone, could easily consume most of a superintendent’s time. Yet CEC officers told Comptroller staff that under DOE policy, this job is being made even more difficult because superintendents now must obtain outside permission before entering one of their district’s schools. According to a report issued in March 2009 by the Parent Commission on School Governance and Mayoral Control, “At present, Superintendents can only access a district school for which he or she is the nominal rating officer by getting permission from the network leader of the school’s selected support organization [SSO].” Unannounced visits are a basic evaluation tool, and requiring advance permission for a supervisory visit from the SSO presents a risk that the principal will be informed ahead of the visit. According to

a District 4 (East Harlem) CEC officer, their superintendent is not even allowed “to write emails directly to school principals when she needs information so we do it for her.”

*It is difficult to evaluate superintendents who work mostly out of the district.*

Most of the CEC officers interviewed by Comptroller staff were satisfied with their superintendent. Several officers praised them highly. However, virtually all of the CEC officers who were asked raised concerns about their superintendent being assigned primarily to out-of-district jobs and the difficulty this presents in performing annual superintendent evaluations required by §2590-e(15):

- District 19 (Brooklyn): “We like our superintendent. He is a good man. We want him in the district but we refuse to fill out the form that DOE gives us to evaluate him. It is so completely for their records. The superintendent is never here, and rarely in the schools. It is ridiculous to evaluate him.” (District 19 encompasses Cypress Hills, Highland Park, East New York, New Lots, Spring Creek and Starret City.)
- District 21 (Brooklyn): “Evaluating superintendents is extremely difficult [because they are often not present in the district].” (District 21 encompasses Gravesend, Coney Island and Brighton Beach.)
- District 30 (Western Queens): “We like our superintendent but he is never in the district. The form they give us to evaluate him is totally perfunctory. The whole thing is ridiculous.” (District 30 encompasses Hunters Point, Long Island City, Queensbridge, Dutch Kills, Sunnyside, Woodside, Ravenswood, Astoria, Ditmars, Steinway, Jackson Heights and East Elmhurst.)

*Usefulness of statutorily required meetings of CECs with their superintendent is limited by superintendents working out of district.*

§2590-e of the Education Law requires CECs to hold two separate monthly meetings with the superintendent:

- §2590-e(12) requires a meeting with the superintendent at least monthly “to discuss the current state of the schools in the district and progress made toward the implementation of the district’s comprehensive education plan required by the chancellor;”
- §2590-e(14) requires a meeting at least every month with the superintendent “during which the public may speak so that parents and the community have a voice and a public forum to air their concerns.”

CEC officers told Comptroller staff that they do, indeed, hold these meetings and they can be useful. A District 27 CEC officer said that their CEC has regular monthly meetings with the superintendent and she “always gives news from DOE, scores, achievements, and [raises] other concerns.”

However, with superintendents spending most of their working time in other districts, the depth and the value of the discussions about the state of the schools in their districts is necessarily somewhat limited. One CEC officer said that the meetings held with the superintendent pursuant to §2590-e(12) consist primarily of discussions about school performance statistics. A District 27 CEC officer said, “The superintendent does review [at regular meetings] district performance on a very general level but she is limited by not being in and around the schools that much.” A District 5 CEC officer stated, “Our district superintendent is very cooperative. She does attend all our monthly meetings.... She is ready to answer all our questions but she is also limited in how much she knows

because of how rarely she is in the schools.” The intent of the law was for a much more comprehensive discussion of issues facing district schools to be held. That can occur only if superintendents spend most of their work time in their home district and regularly visit district schools regularly.

### Preparing and disseminating the district report card

One of the duties and powers of CECs, prescribed by Education Law Section 2590-e(8), is to, “Each year prepare a school district report card pursuant to regulations of the commissioner” and “make it publicly available...” Among the statutorily-specified contents of the report card are measures of academic performance (these typically include test results, suspensions, graduation rates, school capacity and safety incidents) on a school by school basis and measures of fiscal performance. CEC members are only volunteers and might not have enough time or expertise to personally compile and analyze this complex data. Therefore, the DOE Department of Accountability and Assessment prepares the district report card.<sup>24</sup>

But the law clearly entitles CEC members to at least review and modify the report card before it is officially released. CEC officers told Comptroller staff that this never happens. For example, a District 27 CEC officer stated, “We have no input on the school district report card. I’ve never seen one,” and a District 23 CEC officer said that their district has, “no involvement with a report card,” and, “If there is one, I’ve never seen it.” (See Appendix D for additional observations.)

The DOE *Community Education Council Suggested Process Guide* states that the CEC “should review the report cards and make them available at public meetings once they are available from the NYC DOE.” It omits saying that the CEC should review the report card *before* DOE gives it to them. And not one of the officers of the CECs contacted by Comptroller staff reported that their CEC had been involved in reviewing a district report card before its release.

### Approving the annual district capacity plan

A power and duty of CECs, prescribed by Education Law §2590-e(17), is to hold a public hearing on the district’s annual capacity plan recommended by the district superintendent, based on enrollment/utilization data for each school within a district. This provision also requires that upon approval of the capacity plan by the CEC, the CEC submit it to the Chancellor for his or her approval and implementation.<sup>25</sup>

Education Law §2590-e(17) closely tracks a recommendation in the *Final Report of the Task Force on Community School District Governance Reform*, issued in February 2003. The Task Force was authorized by statute enacted in 2002 to recommend a replacement for community school boards, which were abolished as of June 2003.<sup>26</sup> The recommendation concerning district capacity plans provided that CECs would hold a public

<sup>24</sup> Nonetheless, a recent District 17 CEC officer told Comptroller staff that their CEC’s interpretation of the district report card law is that they are “to produce a document on their own that is independent and separate from any that might be produced by the DOE.”

<sup>25</sup> It specifically provides: “Hold a public hearing on the district’s capacity plans, recommended by the superintendent and based on data from the superintendent on enrollment/utilization for each school within the district and submit such plan, upon approval by the community council [CEC], to the chancellor for his or her approval and implementation.”

<sup>26</sup> The Task Force had 20 members, ten appointed by Speaker of the Assembly and ten by the Majority Leader of the Senate. It held one public hearing in each of the five boroughs of New York City. The Task Force was chaired by Assembly Member Steven Sanders, Chair of the Committee on Education, and Terri Thomson, a member of the Board of Education.



hearing on the district's annual capacity plans and would submit this plan, when approved by the CEC and the superintendent, to the Chancellor.

A State legislator who participated in drafting §2590-e told Comptroller staff that this provision was intended to give CECs a direct say over how school buildings are utilized. According to the legislator, this provision was added because “we wanted to make sure there is appropriate capacity and we wanted CECs to be involved in deciding this.”

CEC officers told Comptroller staff that they have never held a capacity plan hearing.<sup>27</sup> For example:

- District 30 (Queens): The CEC “has never held a public hearing on the district's annual capacity plans and has never voted to approve one.”
- District 10 (Bronx): “We never asked for a district specific capacity plan and the superintendents never offered to provide one.”
- District 3 (Manhattan): “We have never challenged DOE to abide by this statute. When we wanted to review capacity we did our own independent research.” (District 3 encompasses the Upper West Side, South Central Harlem, Morningside Heights, and Manhattan Valley.)
- District 13 (Brooklyn): “We have not held hearings regarding capacity plans. Nothing has been recommended by the superintendent to us. Everything has been dictated down from DOE. We have not been involved in the decision process. If the superintendent is making decisions in this regard, then he has made them on his own.”

Education Law does not specifically prohibit DOE from implementing school closures, openings or other changes that affect capacity that were not included in the capacity plan approved by the CEC. However, the annual capacity plan that is to be submitted to the Chancellor each year is intended to express how the superintendent and the CEC jointly wish to utilize school buildings to meet capacity needs. This would include actions such as opening and closing schools, adding new programs, and reconfiguring grade levels. The recommendations in the capacity plan as approved by the CEC were intended to inform the Department's determinations.

### **Developing the DOE /SCA capital plan**

The Education Law confers on CECs an important role in shaping the DOE/SCA (School Construction Authority) capital plan in their districts. Education Law §2590-p, which governs capital planning, requires the Chancellor every five years to submit a proposed Five-Year Capital Plan to each CEC. It requires the CEC to hold a hearing on the plan and to submit recommendations to the Chancellor. The Chancellor is required to “consider the recommendations received from” the CEC.

CEC officers told Comptroller staff that SCA has developed a process for CECs to provide input into the capital plan. It starts with SCA-sponsored training offered to CEC members every October or November. CEC members review the capital needs in their districts, review annual building condition assessment surveys (BCAS), and communicate directly with school principals about their capital program needs. The CEC holds a capital plan hearing between November and January, when they must send SCA their list of priority projects. The list is

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<sup>27</sup> A search of the DOE web site by Comptroller staff found no references to capacity plans in relation to community education councils.



on an SCA form which asks for the CEC's five highest priority projects. In February, SCA issues its capital plan amendment that may—or may not—incorporate the listed projects.<sup>28</sup>

CEC officers stated that SCA seems to take CECs more seriously than does the rest of DOE. A District 1 CEC officer told Comptroller staff that SCA staff attends their public hearings and reports back on whether their recommended projects were incorporated in the plan, and observed, “They’ve gotten better. They are the only ones [in SCA] who try to comply [with the law].” A District 20 officer said, “The SCA has at least been respectful.” A District 30 CEC officer explained, “The superintendent sends mass emails to principals in our district asking for a wish list of projects. We then review these at a public hearing and submit five priority projects to the SCA. Whether we will get what we ask for is another question but at least the SCA respects our process here.”

Nonetheless, there was consensus among CEC officers that there is little “give and take,” negotiation, or consultation between CECs and SCA over what to include in the capital plan and little assurance that the CEC recommendations have been taken seriously:

- District 17 (Brooklyn) (recent officer): “It would appear that these public hearings are mere formalities since any capital plan decisions seem to be set in stone by the Mayor’s office.” (District 17 encompasses Crown Heights, Prospect Lefferts Gardens and Wingate.)
- District 4 (East Harlem): “We do a hearing on the Capital Plan each year and align ourselves with the UFT rep from our district. We collaborate with them on the capital plan and send our priority requests to the SCA. But who knows, it could go into the shredder after they get it. Also, the SCA has frequently cancelled meetings with our district at the last minute.”
- District 1 (Manhattan): Being asked to list just the top five projects is “sheer nonsense.” The officer also said that there may be dozens of important projects, ranging from health and safety projects to instructional improvement projects, and termed the SCA consultation plan “robust,” but added that calling the process “advisory is putting it generously.” (District 1 encompasses the East Village and the Lower East Side.)
- District 27 (Queens): “We usually meet with the folks from SCA each year and discuss priorities... We go through the motions. They come, they listen. And they do what they want anyway.”
- District 10 (Bronx): “As far as the give and take with SCA goes, it is pretty arbitrary. We give them the priority projects and sometimes they acknowledge receipt of them and sometimes not. That is usually the end of communication. Often it feels pretty much just a matter of protocol for them.”
- District 22 (Brooklyn): “Work really needs to be done on this process. The relationship should be much more reciprocal.”

(See Appendix D for additional observations.)

To be sure, it takes persistence for CEC input into the capital plan to be of effect:

- District 6: “Some CECs have been successful in getting items added but it takes a lot of effort, including the involvement of elected officials.”
- District 10 (Bronx): “We have had some success with the capital plan, getting a barrier-free playground for a school. We have a more professional relationship with SCA than DOE.”

<sup>28</sup> Although the law specifically says there is a public hearing every five years, because there are annual plan amendments, the hearing and review process is held annually.

### ***Insufficient member training has hampered CEC parent effectiveness***

State Education Law requires that CEC members participate in training within three months of taking office for the first time, and participate in continuing education programs annually.<sup>29</sup> In some districts, CEC effectiveness has been hampered by a lack of training of members in school budgeting, the capital budget, State education law and other pertinent subjects, according to some CEC officers.

A survey of Manhattan CEC members issued in June 2006 by the Manhattan Borough President found that 92 percent of the respondents “had not been trained on one or more of the CEC state-mandated functions to date.”<sup>30</sup> Comptroller staff interviews with CEC officers indicated that training today may be less comprehensive than it was when the Borough President released his report.

- District 10 (Bronx): The first training manual issued for CECs after they were established in 2004 was a “substantial” three-ring binder with extensive information on State Education Law, regulations and other matters. Now, he said, CEC training materials are far less detailed, and new members do not know the law, including matters on which the law says they must be consulted.
- District 26 (Queens): The trainings are “useless,” and, “No one on my council sees them as effective. It’s silly stuff taught by people who can’t or won’t answer any substantive questions.” The officer added that trainings are inconveniently located, either in Manhattan or downtown Brooklyn, while District 26 is in Queens.<sup>31</sup> (District 26 encompasses Bayside, Oakland Gardens, Fresh Meadows, Douglas Manor, Douglaston, Little Neck, Floral Park, Bellerose, Jamaica Estates, Hollis Hills, Holliswood, and Hillcrest.)
- The District 3 (Manhattan) CEC’s evaluation of their district superintendent and of OFEA stated, in response to a request to rate the trainings available to CEC members: “The level of information at the CEC training meetings we’ve attended has been simplistic and not very helpful.”

Insufficient training may help explain why 61 percent of respondents in the Manhattan Borough President’s survey “indicated either they did not know what a School District Report Card was, or that their council played no role in developing one this academic year.”

### ***Non-issuance of the required semi-annual CEC performance report evidences lack of commitment to CECs***

Education Law §2590-c(7)(a) and (b) requires each CEC to prepare a monthly performance report which must include each member’s attendance record, participation in committees and other activities, visits to schools, and voting record on major issues. The statute requires the Panel for Educational Policy to review and consolidate these reports into a single citywide report,<sup>32</sup> which must be disseminated semi-annually to the community and

<sup>29</sup> More fully, the Education Law requires CEC members to participate in training “to acquaint them with the powers, functions and duties of community council members, as well as the powers of other governing and administering authorities that affect education ....”

<sup>30</sup> Office of the Manhattan Borough President, *Parents Dismissed*, June 2006.

<sup>31</sup> The Office of Family Engagement and Advocacy offers a Summer Parent Academy/Saturday Parent Academy. Sample session titles are: Roles and Responsibilities of PA/PTAs and How They Operate; Fiscal Management and Requirements for FundRaising; Writing and Revising Bylaws. The Academy is not a substitute for the training in State Education Law and other matters needed by CEC members.

<sup>32</sup> Specifically, the statute states that the “city board [the Panel for Educational Policy] shall review and consolidate the

the media. All of the CEC officers who were asked by Comptroller staff said that they have never seen or even heard of such a report. A search by Comptroller staff of the DOE website for a reference to a semi-annual CEC performance report was unsuccessful. Failure of DOE to comply with the statutory requirement to disseminate a semi-annual report on CEC performance contributes to the perception that DOE is not committed to CECs and it deprives the public of basic information on their CEC's activities.

CEC members who prepare monthly performance reports as required by law said that they are unaware of any citywide report having ever been prepared and several officers indicated that they stopped preparing monthly reports because they were not being used for anything:

- District 27 (Queens): "When the CEC first came into existence some six years ago... we were requested to make these types of reports by Tweed... Our administrative assistant tells me that they went unanswered and un-collated so as for a citywide report I doubt there is one... We have not submitted this report to Tweed in years although we complete them each month and have them on file..."
- District 20 (Brooklyn): "I don't know if OFEA was or is doing anything with them [the CEC monthly reports]... But I wonder if they have been [consolidating them into semi-annual reports] since no one from that office has ever contacted us to inquire where the reports are when no one is submitting them."
- District 22 (Brooklyn): "We used to submit a monthly report but no one has asked for one in years."
- District 10 (Bronx): "Back in the first term of CECs, the members individually filled out monthly activity reports that included school visits, trainings, meetings/briefings with the Chancellor or other DOE department heads, attending Presidents Councils meetings, Title I, district leadership team, PEP meetings, etcetera. We would submit reports to our administrative assistant who would send them to 49 Chambers. Eventually, we stopped sending reports altogether."

According to officers of two different CECs, in Fall 2008, OFEA informed CECs that they must submit monthly reports. One of the two officers called the new format "poor" compared to the format for the reports previously submitted.

The by-laws for the Panel on Educational Policy require the Panel to review the semi-annual reports. A member of the PEP told Comptroller staff that the PEP does not do this.

### ***Why CECs have difficulty attracting members***

The Manhattan Borough President survey of CEC members found that CECs sometimes had trouble getting enough members to attend their meetings and keeping them from resigning from their positions. Forty-two percent of respondents "stated their council did not make quorum at least once" and 71 percent of respondents said that one or more members had resigned in the past year.

More recently, CEC officers told Comptroller staff about the chronic difficulties experienced in getting enough parents to join CECs and to continue to participate once they join. As indicated above, some CECs operate without their full complement of members and are unable to reach a quorum. The press has reported that the

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performance reports into a comprehensive city district-wide report, which shall be disseminated to the community and the media semi-annually."

number of parents seeking CEC seats has declined significantly. CEC candidates' nights are poorly attended.

When Comptroller staff asked CEC officers why it is difficult to attract enough parents to join and continue on a CEC, a growing frustration with what was described as CEC "marginalization" was mentioned most frequently:

- District 10 (Bronx): "The perception is that we can't do anything" and some members quit because they "get frustrated at the DOE steamroller."
- District 3 (Manhattan): "Parents don't want to run for CEC because they want to be part of a robust participatory body. They don't want to be marginalized."<sup>33</sup>
- District 26 (Queens): "If you give the CECs some real authority like to advise and consent for the choice of superintendent, people would be more interested in serving. But DOE doesn't want to give up any authority."
- District 2 (Manhattan) (recent officer): He felt he "could do more from outside" the CEC and "refused to run again."
- District 15 (Manhattan): "Ideally," individuals with PA/PTA experience "will graduate up to the CEC," but now many PA/PTA activists believe that the "CEC is useless and I'll stay here [at the PA] and build a power base and do good deeds here."
- District 18 (Brooklyn): This is the "first year" the CEC has not had a "full contingent." The CEC is now down to three members. Members have left "because they have no impact. If they [the CEC] propose a change, no one listens." The officer stated that DOE just wants the members to "sign a paper so they can say they have engaged parents. Imagine going to a meeting and being handed a 50 page document that has to be discussed within an hour and then you have to sign the document saying you've been educated about it."

## II. Recommendations

Since 2007, DOE has announced several initiatives intended to spur greater parental engagement with the public schools. Most notably, in early 2007, the Department established the position of Chief Family Engagement Officer and named to it Martine G. Guerrier, the former Brooklyn member of the Panel for Education Policy. She heads the Office of Family Engagement and Advocacy (OFEA).<sup>34</sup> Once appointed, Guerrier became present in the field, including at "Ask Martine" public meetings and attending parent "speak outs," "Town Halls" and forums in every borough.

But in their discussions with Comptroller staff, parent leaders were unanimous that the level of actual parent influence in New York City public schools decision-making has not increased and, in fact, has declined in the past few years. At a City Council hearing in March 2008, Chancellor Klein asserted that under the Bloomberg

<sup>33</sup> Regarding the difficulty of attracting parents to run in CEC elections, in April 2007, the *New York Times* reported, "[W]ith parents fuming that the councils have no real authority, no power to institute policy and no influence with the Department of Education," there is a shortage of candidates to run in CEC elections.... Many parents who have been elected to the councils say they feel out of the loop, disrespected by an education department that, they say, decides first and asks later... In a sign of how useless even the most active parents consider the councils, some districts with long legacies of heavily involved parents have shown the least interest in the coming elections."

<sup>34</sup> Replaced the Office of Parent Engagement.

administration, schools have dramatically improved communication with parents. Council Member Vacca, Chair of the Council's Task Force on School Governance, responded, "Parents have more information than ever before, but parents don't have input into policy-making, and that is something many parents have become very concerned about." We recommend the following measures to begin to change this.

#### **Require district superintendents to work primarily in their home districts**

Throughout the city, district superintendents have been deployed outside their home districts to serve primarily as Senior Achievement Facilitators (SAFs). They spend the vast majority of their time on SAF duties, which leaves them little time for statutory functions, such as annually evaluating principals and reviewing, modifying and approving school budgets.

DOE should comply with the recommendation made by the District 2 CEC in 2008: "The Council's position is that the Superintendent's primary role should be to supervise, support and advise the schools, administrators and educators in the Superintendent's home district, and that the SAF duties should be reassigned to other personnel within the DOE." A similar request was made by the president of the District 31 (Staten Island) CEC in their February 2009 testimony before the Assembly Education Committee hearing on school governance:

"Currently the Community Superintendent has obligations outside of the school district of her employ. The committee discussed the representation and authority of the Community Superintendent and determined that the authority and powers availed to this office is not being properly utilized as directed under the law (2590-f) and requests that the office be relegated to community issues and not be diluted with additional areas of operation for the Department of Education."

Putting Superintendents back to work in their home districts would also give them time to prepare the annual district capacity plan required by Education Law §2590-e(17).

#### **Ensure that principals collaborate fully with School Leadership Teams (SLTs)**

According to State Education Law §2590-r (b), the principal proposes the school-based expenditure budget, but only "after soliciting input" from the School Leadership Team. As also discussed earlier, Education Law requires that the SLT develop the school's CEP.

Education Law lists "parental involvement" as one of the factors superintendents must consider in evaluating principals. To help ensure that SLTs play an effective role in the school, the law should be amended to define "parental involvement," making it clear that when evaluating principals, district superintendents must consider the degree to which the principal solicited input on the budget from the SLT, how well the principal collaborated with the SLT in preparing the CEP, and how effectively the SLT operates overall. CEC officers told Comptroller staff that they doubt that the degree of "parental involvement" is now being seriously considered when evaluating principals. As an officer of a Manhattan CEC said, "I am convinced that the superintendents evaluate principals exclusively on test data. They are never in the district and even less often in individual schools." It is unfortunate that the law must be so prescriptive, but given recent experience as discussed in this report, there appears there is no alternative.

For superintendents to properly evaluate their principals, they will have to spend most of their work time in their home districts, as recommended above, and be allowed access to all of the schools in their district without first securing permission from a School Support Organization or DOE official.



## Increase parent participation in SLTs and CECs

- *Provide SLT and CEC member training that fully complies with the letter and intent of the Education Law.* For many parents, the prospect of becoming involved in their child's school is daunting. The lack of a background in pedagogy and education administration and law can be a discouragement. If parents know that they will receive high-quality training at convenient times and locations, they will be more likely to participate. Quality training is also necessary if SLT and CEC members are to be fully effective and independent once they have joined. The survey of Manhattan CECs by the Manhattan Borough President's Office in 2006 found that 92 percent of respondents had not been trained in one or more State-mandated CEC functions and 89 percent of respondents stated that they would like to receive more training. Unfortunately, we found in our discussions with SLT members that SLT training has become even more cursory and its scope has narrowed in recent years. CEC officers stated that the quality and depth of their training has been reduced and is inadequate. Training must be substantially upgraded. It should not be necessary for individual districts to arrange for their own supplementary training because OFEA training is inadequate.

Also, as recommended in the 2006 report by the Manhattan Borough President's office regarding its CEC member survey, training "should be tailored to the needs of individual CECs (including training in languages other than English)...."

- *In DOE's annual Parent Assessment Survey, ask parents whether or not: their school has a PA/PTA and SLT, they consider these bodies to be effective in their school, they have received adequate notice of PA/PTA meetings, and whether they have received information about the role of PA/PTAs.*
- *Redouble efforts to inform parents about how to become involved in their child's school and district.* The 28-page DOE 2008-2009 Family Guide has only one paragraph explaining CECs, two paragraphs explaining SLTs and two paragraphs on PA/PTAs, and these do not appear until pages 7 to 9. *The Family Guide* deals mostly with matters other than parental involvement in school governance, such as school assessments and student transportation. These are important matters. But because many, if not most, parents do not know about SLTs and CECs, these two entities along with PA/PTAs need to be treated in a separate publication.

State Education Law should require that all parents be given a pamphlet (translated into the appropriate languages for the school) at the start of the school year fully explaining what these entities do, why it is important to participate, how to join, and providing names and updated contact information for members/officers, together with dates and times of calendared meetings.

## **Amend the Education Law to ensure that CECs are notified and have ample time to advise and be consulted before significant actions are taken that affect a district school or schools**

The State Legislature should amend the Education Law to bar DOE from opening, closing, substantially enlarging or reducing, relocating or reconfiguring any school or special program unless the CEC has been notified and had up to 45 days to review and comment or the CEC has voted to allow the action to proceed before the 45 days are over.<sup>35</sup> It should be noted that in some instances §2590-e(11) may apply if, as a result of the action, not all students are guaranteed a seat in their zoned neighborhood school.

<sup>35</sup> The 45-day notice would not be required if the CEC is effectively defunct, that is, it has not secured a quorum at its meetings for at least two months prior to the start of what would be the 45-day review period.



New York City has a long tradition and practice of extensive community/parent input and influence in its community district schools. This is for good reason. With 32 districts and approximately 1,500 schools, it is unreasonable to expect that a central bureaucracy knows about and can adequately address all the issues facing individual districts and their schools. A district-wide parent organization that is fully apprised of—and has a chance to provide effective input into—individual district schools is essential because actions such as reconfiguring grade levels or adding a gifted program in one school affects other schools in the same district. When CECs are not given advance notice of important decisions concerning their children’s schools, they are rendered largely irrelevant.

Forty-five days is a reasonable period for DOE to postpone implementing a proposed action and it provides enough time for a CEC to meet and deliberate and parents/community leaders to organize opposition if they wish. Prior consultation with the CEC does not compromise mayoral control of the public schools. Because parents have first-hand knowledge of their district’s schools, listening to them and taking their input seriously *before* taking an action will produce a better outcome in many instances.

In January 2003, Deputy Mayor Dennis Wolcott testified before the Task Force on Community School District Governance Reform that the body that replaces community school boards “should make the school system more accessible to parents and guarantee that parents’ views on their children’s education are heard.” Chancellor Klein testified at that same hearing that the replacement for community school boards he proposed “would play an important role in shaping various aspects of the educational debate, including budget, educational policy and zoning.” To truly hear parents’ voices and for parents to play an “important” role, ample advance notification of significant actions in their children’s schools is essential.

### **Put superintendents in charge of District Family Advocates**

District superintendents are needed in their home districts to assist families. Prior to 2003, fully staffed district offices, headed by superintendents, were available to help parents resolve issues such as their child is not receiving necessary special education services. Because superintendents have direct authority over schools—under the Education Law they appoint<sup>36</sup>, evaluate and can remove principals<sup>37</sup>—district office staff was able to directly resolve families’ concerns and complaints. Now that these offices have been eliminated and district superintendents spend most of their time outside their home district, parents have few places to go for help other than their child’s school or DOE central administration.

DOE’s Office of Family Engagement and Advocacy (OFEA) ostensibly fills some of this gap through its District Family Advocates (DFAs). (The duties of DFAs are explained in Appendix B.) However, DFA staffing is entirely inadequate. In most districts, there currently are only one or two DFAs. Furthermore, the authority of DFAs to resolve parent concerns is limited because they report to OFEA, rather than to the district superintendent. The disadvantage of this arrangement was discussed by Kim Sweet, Executive Director of Advocates for Children, at a City Council hearing on parent involvement in September 2007:

“District Family Advocates and their supervisors have no authority whatsoever over the principals; they are not even in the same chain of command... Parents with complaints are being funneled to the District Family Advocates, rather than to DOE officials who have the authority to respond to their concerns. This structure

<sup>36</sup> Education Law Section 2590-f provides that they “appoint or reject principal candidates screened by a committee including parents, teachers, and school support personnel...”

<sup>37</sup> For “persistent educational failure, conflicts of interest, and ethics violations...”

does not promote parent engagement; it promotes parent disenfranchisement.”<sup>38</sup>

A District 21 CEC officer told Comptroller staff: “OFEA cannot settle the kind of disputes that parents may have within a given school that the superintendents used to resolve... They won’t take on fights on behalf of parents that might involve being critical of the organization.”

DFAs should be reassigned to report to district superintendents, who possess the official authority needed to resolve issues brought to them by families. District superintendents, through their DFAs, should be the second point of contact, after the student’s school, for parents and families. Moreover, as described in Appendix B, DFA duties are broad-ranging and extensive, yet their numbers were reduced in 2008. DFA duties can not possibly be performed by only one or two individuals per district. The number of DFAs assigned to each district should be restored and then augmented.

**Publicly disclose basic information about which schools have functioning SLTs and PA/PTAs and data regarding the performance of CECs**

DOE should issue a semi-annual report listing each school and whether or not it has a functioning PA/PTA. The report should also provide a monthly tally of members and vacancies on District Presidents’ Councils. In addition, DOE must publicly issue, and post on its Internet site, the statutorily-required semi-annual CEC performance report. Education Law should be amended to provide that this report incorporate a statement from the CEC president on the CEC’s activities during the preceding reporting period.

**Streamline the current structure for parent engagement**

Currently, nine of the eleven voting members of a CEC must be a parent of a child attending a school in the district, who is selected by the president and officers of the PA or PTA. Instead of forcing parents to, in effect, run for office, a better alternative would be for the PA/PTA presidents in a district to select from among themselves nine individuals to sit on the CEC. Under this change, CECs would consist of individuals who have extensive knowledge and experience in the educational policies and programs of their individual schools and their district.

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<sup>38</sup> Reported by NYC Public School Parents, <http://www.nycpublicschoolparents.blogspot.com/2007/09/city-council-hearings-on-parent.html>

## Appendix A

### *DOE Parent Involvement Bodies*

#### **School level**

**School Leadership Teams (SLTs).** SLTs are school-based organizations comprised of an equal number of parents and school staff. Parent members are elected by the school's PA. Mandatory members are the principal, PA/PTA president (or designated co-president), and the UFT chapter leader. High school SLTs must include at least two students. SLTs can have up to 14 members.

**Parent Associations/Parent Teacher Associations.** All parents are automatically members of their school's PA/PTA.

**Title I Parent Advisory Councils.** All parents of Title I participating students are eligible to join their school's Title I Parent Committee or Council.

#### **District/borough level**

**District Presidents Council.** The president of every elementary and middle school PA/PTA in a district is a member of the District Presidents Council.

**Community Education Councils.** Each CEC has 12 members, including nine parents selected by the officers of the district's PA/PTAs, two members appointed by the Borough President, and one (non-voting) high school senior appointed by the district superintendent who lives in the district and is an elected leader at his or her school. All members serve two years, except for the high school senior, who serves for one year.

**District Leadership Teams.** These consist of the community superintendent, the high school superintendent(s), a Council of Supervisors and Administrators (CSA) representative, a United Federation of Teachers (UFT) representative, a DC 37 representative, the president of the District Presidents' Council, the president of the borough high school Presidents' Council, and the chairperson of the Title I District Parent Advisory Council. DLTs may also include Community Based Organizations and the president of the district CEC.

**District/Borough High School Councils.** The presidents of the high school PA/PTAs are members.

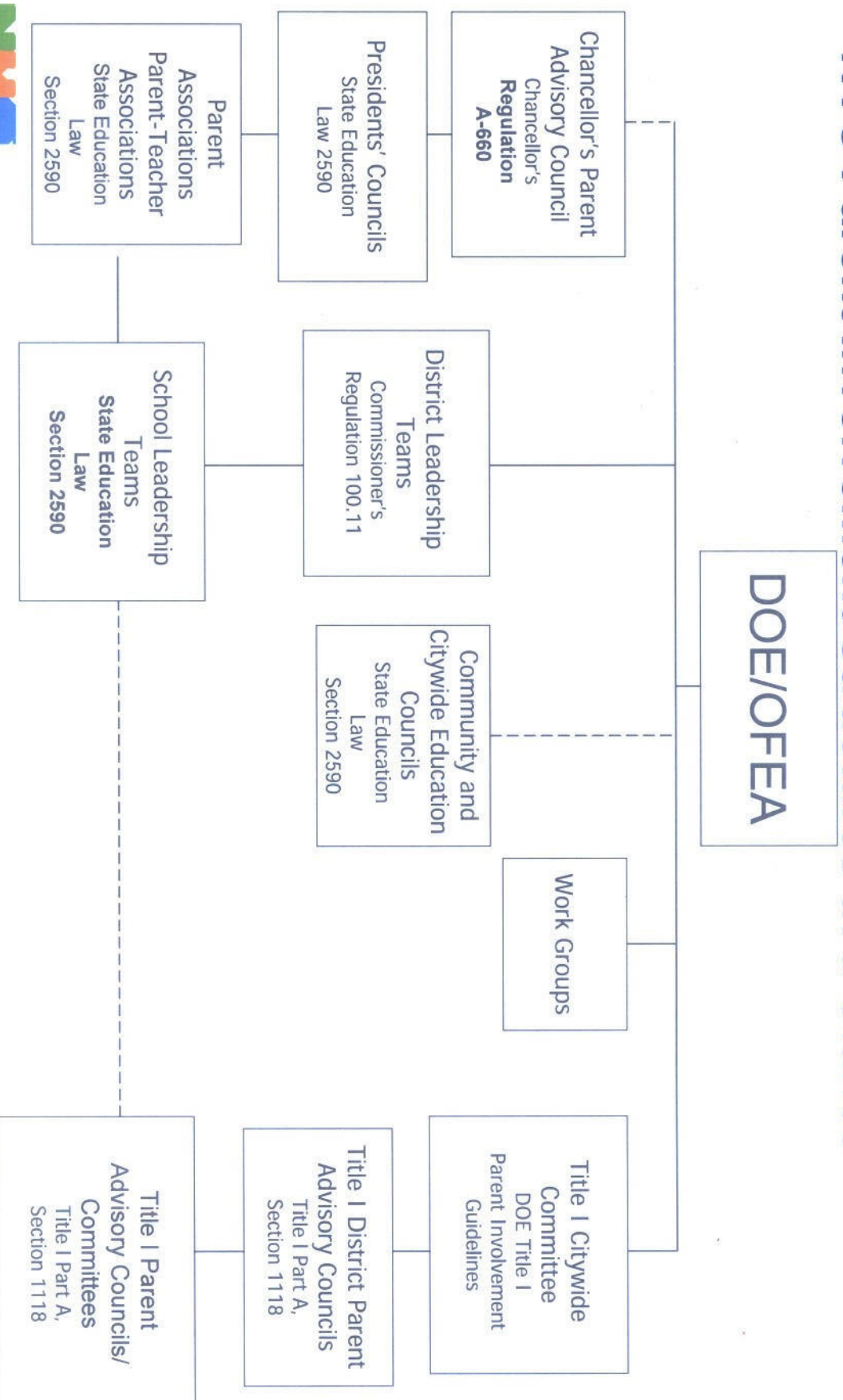
#### **Citywide**

**Chancellor's Parent Advisory Council.** Comprised of the Presidents of the Presidents Councils from each community school district and of the five borough high school districts.

**Citywide Council on Special Education.** Nine elected parent leaders who have a child attending a District 75 school, two specialists in special education appointed by the Public Advocate, and one non-voting high school senior receiving public special education services.

**Citywide Council on High Schools.** Ten elected parent leaders; two from each borough with children attending high school in that borough, and one high school senior who is an elected leader at his or her school.

# NYC Parent Involvement Structures at a Glance



## Appendix B

### ***Concerns with District Family Advocates***

The DOE Office of Parent Engagement and Advocacy supervises the Department's District Family Advocates (DFAs) and Borough Directors. DFAs ostensibly play a very useful and important role on behalf of families. According to the DOE website, "District Family Advocates provide direct services to address the needs of families and parent leaders. They work with superintendents, principals, school-based Parent Coordinators, their local District Presidents Councils and others to help families."

The website further explains that DFAs:

- "[C]ollaborate with families, teachers, parent organizations, community based partners, and business leaders to develop programs and activities designed to engage families in improving student achievement;
- develop a 'District Family Involvement Program' with input from parent leaders;
- serve as problem solvers and facilitators in issues related to School Leadership Teams, PA/PTA, and other policies related to families;
- visit individual schools on a regular basis to provide support to parent coordinators;
- help schools foster family-friendly school environments;
- work with the Office of Student Enrollment to help families understand and navigate school enrollment processes;
- work with their district's parent leaders to support School Leadership Teams (SLT), Parent Associations (PA) and Parent-Teacher Associations (PTA), as well as Title –I committees."

When Comptroller staff asked CEC and PA/PTA officers what they thought about the effectiveness of DFAs, they responded that although they found many DFAs are helpful and very well intentioned, their effectiveness is limited because:

*DFAs have no authority over the schools*, unlike community school district superintendents prior to DOE reorganization. Several CEC officers said that their DFAs were very hardworking and well-intentioned. But a District 2 CEC officer stated, "It doesn't matter how many of them there are. They can't do anything to fix a problem. They can't go to anybody. There are no superintendents." A District 26 CEC officer said, "It's a school by school and district by district thing. Some are more responsive than others. But it's a useless function. All they do is report to OFEA that a parent is unhappy but it stops there."

*There are not enough DFAs.* According to the DOE website, during the 2007-08 school year, DOE "hired at least two District Family Advocates [DFAs] responsible for helping elementary and middle school families in each community school district, and a borough director [BD] responsible for helping high school families in each borough." However, during 2008, 18 of the 64 school district DFAs were laid off to save money. Some districts now have only one. Several CEC officers told Comptroller's staff they are concerned about the reduction in DFAs.

- A District 22 CEC officer stated that DFAs "have been wonderful," but lamented that "they are quickly disappearing."

- A District 24 Presidents Council member told Comptroller staff that her district, which she characterized as one of the largest and most overcrowded in the city, was told by OFEA in September of 2007 that it would be receiving three DFAs. But by the end of the 2007-2008 school year, the district had been reduced to only one, “a long term employee who knew the district and schools well.” During the summer of 2008, OFEA replaced her with “someone who did not know the district.” Parents complained about the firing at the September 2008 CEC meeting, but to no avail.
- In her 2007-2008 evaluation of OFEA, in response to the question asking to rate their level of satisfaction with “the level of support” provided by OFEA, a CEC officer in Queens wrote that their district “is assigned only one District Family Advocate—one person to support parents of 29,000 students!” The response noted that the DFA “does an outstanding job” but “one person cannot meet the needs of our parents.... The office is closed too often because [the DFA] is pulled all over the City by OFEA. He is dedicated, loyal and will never complain but one person cannot do everything.”



## Appendix C

### ***DOE Websites Understate CEC Responsibilities***

Parents who want to learn about CECs can log onto the DOE web site to read the “Overview of Core Responsibilities” for CECs and an attached *Community Education Councils Suggested Process Guides: Goals, Roles and Timeline*. These web documents unfortunately omit some of the most important powers and duties of CECs as prescribed by the New York State Education Law.

Perhaps most crucially, there is no indication of a role for CECs in reviewing and being consulted on the opening, expansion, closure or reduction of schools, the introduction or ending of special programs such as gifted programs, the restructuring and reorganization of schools, or of any other actions affecting individual schools.

The website also does not mention that the superintendent is required to submit to the CEC an annual capacity plan, on which the CEC is required to hold a hearing and vote. Nor does it indicate that the CEC holds a public hearing on the capital plan for the district. Education Law says the chancellor must “consider the recommendations received from the community district education councils” before submitting the capital plan to the “city board” [Panel for Educational Policy] for approval, but the website says merely that the CEC “submits comments” on the plan.

By understating CEC powers and duties, DOE does not counter the widespread perception of CEC powerlessness in affecting educational policies and practices in their districts.

The new DOE Power to the Parents website ([powertotheparents.org](http://powertotheparents.org)) also omits important CEC functions. This website was launched in an effort to encourage more parents to become involved with CECs, either by nominating themselves to become a member or by participating in the process for selecting their district’s CEC, which the DOE altered the 2009-2011 CEC election.<sup>39</sup>

Specifically, [powertotheparents.org](http://powertotheparents.org) says CEC members are expected to:

- Promote the achievement of education standards and objectives relating to the instruction of students;
- Participate in training and continuing education programs;
- Approve zoning lines as submitted by the superintendent;
- Review the district’s educational programs and assess their effect on student achievement;
- Hold meetings at least every month with the superintendent and public at-large to discuss the current state of the schools in the district;
- Liaison with and provide assistance to School Leadership Teams (SLTs);

<sup>39</sup> According to [powertotheparents.org](http://powertotheparents.org), for the first time parents will be able to cast a “straw vote” in April that will be considered in the May CEC election by their PA/PTA officers, whose votes determine the new CEC members. The entire election process has been moved online and parents can vote via Internet. DOE also reports that it has retained a non-profit organization, Grassroots Initiative, to increase awareness and participation in the election and Election-America to design and manage the technological aspects of the new election process.

- Complete an Annual Financial Disclosure form;
- Retain counsel if the council or a member is a defendant or respondent;
- Advise the chancellor and the city board of district concerns.

No mention is made that CECs play an important role in reviewing and advising on capital plan projects in their district, that CECs are required to annually evaluate the district superintendent and other supervisory staff and to submit this evaluation to the Chancellor, and that CECs prepare the annual district report card. Power to the Parents also makes no mention of the role of CECs in reviewing and being consulted on opening and closing of schools, grade level reconfigurations and whether and where special programs such as gifted programs will be provided.

## Appendix D

### *Supplemental Observations by Parent Leaders*

#### **SLT parent training is inadequate**

- A former SLT member in District 17 (Crown Heights) told Comptroller staff: “The parent training called for in the old ‘Green Book’”<sup>40</sup> no longer exists and because they have not been properly trained, a lot of parents now sitting on SLTs are clueless as to what exactly is going on.”
- A member of the District 25 (Flushing, College Point) Presidents’ Council did not address the quality of the training, but noted, “The big problem for us is that training began way too late -- in December/January. That means people were serving for months before learning what their role was. When we finally got the training it was a result of pressure by the parents.”
- A District 20 CEC officer stated, “OFEA training for SLTs is not particularly helpful so we do our own supplementary training to really engage parents...”
- An entry by a Queens CEC member on *Education Notes Online*, stated, “I went to an official SLT ‘training’ this morning. It was something of a fiasco. Scheduled from 10:00 to 12:30 PM, it began at 10:15 and ended at 10:55. Almost all that happened was that there was an outline handout that was also flashed on a screen. A lady read it slowly and it was almost over. I’m certain almost everyone in the audience knew this oh so basic material of the outline before going to this training.”<sup>41</sup>

#### **Community Education Councils have little influence**

##### *Generally*

- A District 3 (West Side, Harlem) CEC officer told Comptroller staff that DOE views CECs merely as “messengers to take their decisions to the community.”
- A District 6 CEC officer stated, “I’ve never seen anything that the CEC asserted to be accepted unless it dovetailed with the agenda of the Mayor.”
- A District 12 CEC officer said, “The CEC is not important. They only have us to comply with the regulation.”
- A District 27 CEC officer said, “The process of consulting with CECs has been abysmal. We are notified after decisions have already been made. Essentially, the DOE makes a decision and then we get ‘notified.’ It does seem as if this has gotten worse over time.”
- The president of the District 30 CEC testified at the February 2009 State Assembly Education Committee

<sup>40</sup> *The Chancellor’s Plan for School Leadership Teams*, published in 1998 as the result of the State law enacted in 1996 that required schools to have SLTs.

<sup>41</sup> <http://ednotesonline.blogspot.com/2007/11/incompetently-yours-from-bloomberg-and.html>

hearing on school governance, “CECs, Presidents’ Councils, and CPAC are powerless.” She told the *Queens Gazette*, ““We (the CEC) are never consulted. We are dictated to without any kind of warning... They (DOE) ask us for recommendations and they don’t even take one into consideration. We really don’t have any authority.””<sup>42</sup>

#### *CEC not consulted before DOE decides to open a school*

- When it moves to a new building in September 2009, PS 65’s old building will not be available to relieve overcrowding in its Cypress Hills neighborhood’s schools. Achievement First East New York, an expanding charter school, will use the old building for its upper grades. Parents are very upset about this, according to press accounts.<sup>43</sup> A District 19 CEC official told Comptroller staff, “They decided to put this Charter School into PS 65 without any consultation with us. We are absolutely furious and are now planning to join a lawsuit with District 23 over the DOE bypassing CECs against the state regulations... PS 72 [East New York] was also closed by the DOE with next to no discussion with us and two new schools are slated to be put into the building.” According to an analysis in the Comptroller’s 2008 report on DOE new capacity construction, the five Cypress Hills primary schools were at 104.4% of capacity and two of them were using transportable classrooms.<sup>44</sup>
- A recent District 13 CEC officer said, “We ended up getting the Achievement First Endeavor Charter School, which was approved in District 14, moved to one of our schools without discussion. There was no hearing. Now, this charter school may be perfectly good but how can you just assign a school like that to a building in a district that has grown quite a bit in population?”
- A District 5 CEC officer stated, “We know the law and the DOE violates it routinely when it comes to closing down and siting new schools.”

#### *CEC not consulted before DOE closes a school*

- A District 7 CEC officer stated, “There are no consultations about school closings. We get memos after the decision has already been made. These decisions are being made downtown, not in our neighborhoods. They hold public hearings to pacify us after the decision has already been made. There is a lot of frustration here about the way those decisions get made.”
- In February 2008, the District 4 CEC sent a letter to DOE<sup>45</sup> protesting the failure of the Department to “uphold

<sup>42</sup> Richard Gentilviso, “Better Schools Campaign Wants Reforms,” *Queens Gazette*, January 21, 2009.

<sup>43</sup> Rachel Monahan, “Cypress Hills parents rage over refusal to use Brooklyn school,” *New York Daily News*, March 19, 2009.

<sup>44</sup> Office of the New York City Comptroller, *Growing Pains: Reforming Department of Education Capital Planning to Keep Pace with New York City’s Residential Construction*, May 2008. The schools were PS 7 (131% capacity and 105% capacity in transportables), PS 65 (92% capacity and 136% capacity in an annex), PS 89 (101% capacity), PS 108 (107% capacity, 82% capacity in an annex), PS 290 (104% capacity, 65% capacity in transportables).

<sup>45</sup> The letter was addressed to the Office for Family Engagement and Advocacy, the Office of Portfolio Development, the Office of Public and Community Affairs, the Office of Intergovernmental Affairs, and the Office of Accountability.

the letter and spirit of the law” that requires the CEC to be consulted prior to the closure of three schools for persistent low performance. The letter stated that, “ironically, had the Community Education Council for District 4 been consulted we would have stood by the Chancellor’s side.”

- In District 3, an officer of the District Presidents Council told Comptroller staff: “I can tell you that the CEC was not told beforehand about the phasing out of two of our District 3 schools. There was no prior knowledge.” The officer said that the CEC president was informed by phone in both instances only on the day DOE went into the schools to inform staff that their schools were closing.

*CEC not consulted before DOE expands a gifted program*

- A District 10 CEC officer said that the district Talented and Gifted program, which starts in the first grade, will now start in kindergarten. He said the CEC raised questions with DOE about where these classes are going to be held, but so far there has been no consultation with the CEC on this issue.

*CEC plays no role in preparation or dissemination of the district report card*

- A District 4 CEC officer stated, “We have no real role in formulating the [district] report card.”
- A District 19 CEC officer said, “It is mostly for show... The report cards have next to no real input from parents or the superintendent.”
- A District 30 CEC officer said: “We have no say in the report card.”
- Officers of a two other CECs said they have only been asked to disseminate the district report card and the preparation of the report card is done elsewhere.

*CEC impact on the capital budget appears minimal*

- A District 19 CEC officer said: “We have done needs assessments and held public hearings both on capacity needs and on repair. The SCA has been cordial but not particularly responsive.... They have not kept us up to date on their construction projects and clearly our public hearings on the overcrowding at PS 65 and PS 108 have fallen on deaf ears.”
- A District 23 CEC officer called CEC input into the capital plan, “Quite a joke. We go to schools and evaluate conditions and make recommendations on electrical, roof, etc. I don’t believe any of our recommendations have moved forward at all.”
- A recent District 13 CEC officer said, “We do have a point person at SCA whom we submit our priorities to. There is, however, no real consultation process or ‘give and take’ unless we expressly voice a concern -- like if a priority project is not being responded to as we would like. We have found that we have to stay on top of our contact person at SCA to make sure that this happens.”
- A District 22 CEC officer stated, “We submit our response to the Capital Plan in January. We usually get a reply letter later in the year. There is very little give and take. Essentially, we have a needs assessment with our schools, submit priorities after this assessment and then get a reply later in the year. Usually, SCA says



what it is they are committed to doing for us in the Capital Plan but that is it not as if we then negotiate with them. Basically we end up monitoring their commitment each year of the Plan. We try to have an annual meeting with our schools to discuss progress on these capital projects. SCA does send reps but they often make it difficult to schedule these meetings.”

- A District 15 CEC officer said, “Beyond the initial priority meeting with the SCA, usually there is no further consultation. Generally what happens next is we get something [from DOE] informing us of the outcome of our requests.” The officer added, however, “In our experience, though, SCA has often (albeit not always) been responsive to our list at least. For example, [our] campaign both within the CEC as well as SCA was the engine behind the construction of the barrier free playground at PS 10. We have periodic meetings with the SCA and the schools involved to monitor the projects.”
- A District 21 CEC officer said, “The most dangerous problems get prioritized, especially things like roof leaks. We then submit [the list] to SCA but not always sure what happens after the priority projects get submitted.”

## Appendix E

### ***Obligation of DOE to Consult With CECs Before Making Significant Changes in District Schools***

The Education Law provisions below make it clear that before DOE implements significant changes in individual schools, such as closures and openings or introduction of major new programs, the appropriate CEC must receive sufficient notification to allow their views on the proposed action to be formulated and then heard and considered by DOE central administration.

#### *Education Law §2590-e(18)*

Education Law §2590-e(18) states that CECs “provide input,” as the CEC “deems necessary, to the chancellor and the city board on matters of concern to the district.” If their input into actions such as opening and closing of new schools is to be meaningful, CECs must be notified of such actions well in advance of their implementation.

#### *Education Law §Section 2590-h(2)(a)(b)*

As explained in the main text, Education Law §2590-h(2)(c) requires the Chancellor to consult with the CEC before instituting any new program in a district. There are additional CEC consultation requirements in §2590-h(2) as follows:

- Education Law §2590-h(2)(a) requires the Chancellor to consult with the CEC before “substantially expanding or reducing such an existing school or program within a community district;”
- Education Law §2590-h(2)(b) requires such consultation before “initially utilizing a community district school or facility for such a school or program.”

The plain meaning of §2590-h(2) would indicate that prior consultation with the CEC regarding these actions may be required only when high schools or special education programs are involved. §2590-h(1) defines the schools and programs for which there must be consultation, and §2590-h(1) lists high schools and special education programs.<sup>46</sup> Nevertheless, CEC officers and lawyers familiar with Education Law told Comptroller staff that the legislative intent of §2590-h(2)(a) and (b) was also to require CEC consultation with regard to elementary and middle school program closures, expansions and other actions enumerated in §2590-h(2)(a) and (b).<sup>47</sup>

<sup>46</sup> More fully, § 2590-h(2) confers on the Chancellor the power to, “Establish, control and operate new schools or programs of the types specified in subdivision one of this section, or to discontinue any such schools and programs as he or she may determine; provided, however, that the chancellor shall consult with the affected community district education council before: (a) substantially expanding or reducing such an existing school or program within a community district; (b) initially utilizing a community district school or facility for such a school or program; (c) instituting any new program within a community district.”

<sup>47</sup> Thus, for example, a resolution passed by the District 15 CEC in January 2009, which objected to lack of consultation prior to the closure of PS 27, stated: “New York State education law grants the chancellor the power to close and open schools but only after consulting with the Community Education Council in question and that did not happen in the case of P.S. 27.” This also was the interpretation of §2590-h(2) in the March 2009 report on school governance issued by the Parent Commission on School Governance and Mayoral Control. The report stated, “The Department of Education has consistently

*Education Law §2590-e, statement of purpose*

The first sentence of Education Law §2590-e vests CECs with the power and duty to “establish educational policies and objectives” for their districts, and all of the powers and duties that are enumerated in this section flow from this purpose. When DOE fails to consult with Community Education Councils on important decisions affecting the schools in their districts, it undermines the role of CECs to “establish educational policies and objectives.”

*Education Law §2590-e(17)*

As discussed in the main text, §2590-e(17) requires the superintendent to prepare an annual capacity plan for the district and the CEC to hold a public hearing on the plan, vote whether to approve it, and then to submit the plan to the Chancellor. The plan is required to be based on enrollment and utilization figures for individual schools. Any changes in school building utilization that may affect capacity, such as requiring a school to share its building with another school or adding a citywide gifted program to a school, would, logically, be included in the capacity plan. The inclusion of 2590-e(17) in the Education Law clearly indicates that the Legislature intended the superintendent and the CEC to play a very significant role in building capacity and utilization decisions. Any variances from this plan by DOE would therefore need to be implemented only after consulting with the superintendent and the CEC.

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ignored the legal authority of Community Education Councils as defined in §2590-h (2) of the governance law, which requires consultation with CECs before siting, closing and opening any new schools in their districts: ‘The chancellor shall consult with the affected community district education council before (a) substantially expanding or reducing such an existing school or program within a community district; (b) initially utilizing a community district school or facility for such a school or program; (c) instituting any new program within a community district.’”