

COMMUNITY DISTRICT EDUCATION COUNCIL 26'S RESOLUTION
IN SUPPORT OF RECOMMENDATIONS TO IMPROVE SCHOOL GOVERNANCE UNDER
MAYORAL CONTROL AND ENSURE ADEQUATE REPUBLICAN PRINCIPLES OF
GOVERNANCE ARE INCLUDED IN ANY REAUTHORIZING OF MAYORAL CONTROL
CONTEMPLATED BY THE LEGISLATURE.

WHEREAS, a general governance principle that has served our nation well since its inception is republicanism. This embodies the steadfast belief that no one person shall rule the community and that all shall have a part in the public's business, and that this precept properly permeates all aspects our public discourse and informs our judgments as to what constitutes good government and what does not. This reflects a palatable appreciation that ours is a representative republic and that this character in our national governance has afforded us the opportunity for self-correction, public accountability, and, in relative terms, good government even when results have otherwise been decidedly imperfect throughout our history.

WHEREAS, the framers of the U.S. Constitution imbued our seminal national charter and governing instrument with separated powers for three independent branches of government, each checking and balancing the power and authority of the other branches,

WHEREAS, this system may not be the most efficient, it is nonetheless a brilliant one enabling the United States to be one of the longest running democratic republics in the history of the world,

WHEREAS, New York State and all other states thankfully adopted this system of separation of powers with checks and balances,

WHEREAS, New York City is a municipal corporation and a creature of the state governed by both state law and the New York City Charter and the New York City Administrative Code, as well as the Rules of the City of New York and such has created an exceedingly strong executive branch and a relatively weak legislative branch, .

WHEREAS, City agencies are authorized under the City Charter with enumerated powers and are answerable to the Mayor, it remains that the City Council controls the purse-strings and can exercise considerable oversight through hearings and other measures including the budget process,

WHEREAS, in the area of education, under the present Department of Education model there are insufficient safeguards reflecting a clear commitment to republican principles of governance,

WHEREAS, the reasons for the Mayor being given this control are manifold and notorious, including concerns about corruption, inefficiency and non-responsiveness,

WHEREAS, in handing over control to the Mayor, insufficient focus was given to the fact that many School Districts thrived under the previous system - District 26 being a shining example of just such a district.

WHEREAS, the Mayor of New York City by judicial case law has amassed extraordinary powers to disregard or not enforce a law or regulation, passed by the duly elected members of the New York City Council, that he or she believes is unconstitutional, or violates a state or federal, law thereby dramatically undermining the old system of checks and balances that would have forced the Mayor to abide by law,

WHEREAS, the weak checks in place - the Education Panel, Community District Education Councils and Community District Superintendents - were not designed to balance the Mayor's control, and have therefore proven largely ineffective,

WHEREAS, members of the Education Panel risk dismissal if they express any discord with the Mayor's desired policy and Community District Education Councils have not been utilized as sources of information on community needs and their advice on education matters is neither sought nor given attention,

WHEREAS, while avoiding the school governance laws' limited check on his power, the Mayor's Chancellor has, whether by design or by haphazard trial and error, embarked on the most destabilizing policies in the history of New York City's public education system,

WHEREAS, the recurrent reorganizations of the public education system was not preceded by meaningful community input: Rather the Chancellor announced the policy change desired and then conducted public hearings,

WHEREAS, the current law lacks an effective method to curtail the ability of the Mayor to effectively do as he/she pleases with the public education system in New York City, and the current system

is also without a mechanism to hold the Mayor accountable for his/her performance,

WHEREAS, once elected, it has proved too easy to excuse lackluster results due to insufficient time for the "new" policies to work. Additionally, the enormous data put out that is supposed to track student performance and school effectiveness is not necessarily readily discernable to the uninitiated voter or concerned parent. Likewise, such data is often self-contradictory or divergent from non DOE data, breeding a lack of clarity and of accountability at the ballot box,

WHEREAS, Community District Education Council 26 firmly believes that improving the New York City Education system requires paying attention to the proposals and ideas from those closest to the system - the students, parents, teachers and administrators,

WHEREAS, the current system allows the Mayor to ignore vital members of the education community, and also lacks any meaningful check or balance or accountability system on the Mayor's control,

WHEREAS, with the current state of the case law in New York State, the public school governance is by Mayoral dictate with policies implemented at the Mayor's will and whim,

WHEREAS, the current system lacks any ability to offer and impose upon the Mayor the need to vet policies for their efficacy prior to implementation or even after same,

WHEREAS, for effective school governance the system must be changed to impose republican principles that ensure a broader scope of inquiry, because the education of our children is too important to be decided by one person: The budget of this system is too large to be decided by one person: A system of checks and balances must be instituted under Mayoral control of our schools to ensure accountability and responsiveness.

THEREFORE BE IT RESOLVED THAT, to effectuate needed changes, the CDEC 26 urges the following changes to the existing school governance to be implemented as necessary under state law superseding the New York City Charter and local a law and regulation:

1. Change the Department of Education to a New York City Agency and give the City Council oversight. This must be equal to oversight of other city agencies. To reinforce this change and the need for greater accountability change the name from Chancellor to Commissioner, telegraphing to all-the-world that this individual is

subordinated to the Mayor and responsible to the public just like all other City Commissioners.

2. Create five separate Borough Commissioners, who shall be appointed by the Mayor upon the advice and consent of the City Council and the Borough President of the affected borough. The Borough Commissioner shall report to a New York City Commissioner, who shall report to the Deputy Mayor of Education.

3. Increase authority of the Community District Superintendent to enable this public officer to coordinate and evaluate instruction and operations in district schools. The geographically appropriate Borough Commissioner will appoint this person, upon the advice and consent of the appropriate district's Education Council. The Community District Superintendent shall be responsible for the education in the schools of his or her respective district and shall have no responsibilities toward schools not within that district.

4. Give each Borough President control over a budgetary aspect of education for his or her respective Borough, e.g., transportation.

BE IT FURTHER RESOLVED THAT, it is neither advisable nor desirable to recreate School Boards because an effective check on Mayoral control cannot solely depend upon volunteers, notwithstanding the value we place as a society on volunteerism, community participation, and most of all, parent involvement.

BE IT FURTHER RESOLVED THAT, it is self-evident that there is insufficient time for volunteers to become sufficiently versed in education issues to become effective advocates in opposition to Mayoral dictates, and it is further recognized that volunteers, who give of their own time, most in limited intervals, cannot effectively counter the ability of a Mayor or Chancellor, supported by full-time paid officials.

NOW THEREFORE BE IT RESOLVED THAT, an effective balance must come from full-time, paid professionals, including but not limited to City Council members and Borough Presidents, supplemented by C.D.E.C. members and their localized insights and from adoption of the proposals made herein.

Council Member - Robert Caloras, President of the Council
Council Member - Jeannette Segal, First Vice President
Council Member - Dr. Lana Zinger, Second Vice President
Council Member - Patrick McShane, Recording Secretary
Council Member - Irene Cheung, Treasurer
Council Member - Erik DePaula, Esq.
Council Member - Irene Fennell
Council Member - Michael Kaleda
Council Member - Marie Pollicino

Council Member - Vincent Tabone, Esq.

Adopted by the CDEC of DISTRICT 26 this 17 day of April 2008.