Mayoral Control and the Panel for Educational Policy (PEP)

Norm Fruchter &
Christina Mokhtar-Ross

The recently concluded budget negotiations between the governor and the New York State legislature did not reauthorize mayoral control of NYC's school system, so mayoral control will lapse this coming June unless the state legislature renews it. Governor Hochul had called for a four-year extension, while NYC's Mayor Adams had requested at least an additional three years. Presumably legislators' current concerns about mayoral control were sufficient to remove its reauthorization from the budget negotiations.

One apparent concern is the extent of mayoral control over the decisions of the Panel for Education Policy (PEP), the current de facto city school board. The mayor appoints eight of the PEP's fifteen members, the borough presidents appoint five (one each), and the Community Education Councils select a parent representative. The Chancellor serves ex officio as the panel's 15th member. Our view is that the extent of mayoral control over the PEP is a symptom of a far more fundamental structural problem.

The PEP is the successor to the New York City School Board, which governed the city's schools since Brooklyn was annexed in 1898 as the final borough to be incorporated into municipal New York City. State education law requires that all the state's school districts, including New York City, be governed by an appointed or elected school board composed of the district's residents. Under state law, these local school boards are responsible for selecting a school district's superintendent (or in New York City, the Schools Chancellor), approving the school district's budget, and overseeing the district's schools.

When the state legislature decentralized the New York City school system in 1970, it created 32 community school districts, which became responsible for administering all the city's elementary and middle schools. The community school districts were governed by elected nine-member community school boards, which appointed their district superintendents and school principals.

The citywide school board, formally the New York City Board of Education, became responsible for appointing the city Schools Chancellor, formulating the citywide school system's budget and all fiscal expenditure, approving all new schools, maintaining the school system's physical plant as well as running the city's high schools, special education system and many other administrative functions.

Under decentralization (1970-2002), the citywide school board was composed of two mayoral appointees and five appointees by the five borough presidents. To ensure approval of all citywide educational policies, the city's mayors, usually Democrats, had to secure at least two votes from the majority of the Democratic borough presidents' appointees. (Staten Island's appointee was usually a Republican because that borough traditionally elected Republican borough presidents.) Under both Democratic and Republican mayors, resolving contentious or thorny education issues often generated complex and occasionally bizarre alliances whose attention to the needs of the city's students were often difficult to discern.

Michael Bloomberg was elected New York City's mayor in 2001 and persuaded the state legislature to end the NYC school system's decentralization, terminate the role of the community school boards, and eliminate the major powers of the school superintendents formerly appointed by those elected boards. Because the role of the city school board was enshrined in law, the state legislature could not eliminate it. Instead the legislature changed the board's name to the Panel for Educational Policy (PEP), changed the board's composition by giving the mayor seven appointees to the

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borough presidents' five, and transformed the city school system into the Department of Education, a citywide division under the mayor's authority. In 2019, the state legislature added a parent representative to the PEP, to be selected by a vote of the members of the school system's Community Education Councils. (Note: from 2013 to 2015, one of us [Norm] served as one of Mayor de Blasio's appointees on the PEP.)

The major function of both the Board of Education and the Panel for Education Policy was and is to approve the fiscal, administrative and policy decisions that govern the city school system. Because state law requires a public approval process, the old citywide Board of Education and the current Panel for Education Policy have often been misperceived as decision-making forums. Opponents of critical fiscal and policy proposals awaiting a citywide Board of Education or PEP approval vote often demanded accountability to the city's students and their families, rather than to the appointed board members. On one occasion in December 1966, parent activists and community leaders–they went by the People's Board of Education–who denounced segregated schooling and demanded fundamental improvements to the education of the city's Black and Latinx students, occupied the old citywide Board of Education auditorium and took over the proceedings.

Yet, both the citywide Board of Education and the PEP are not decision-making forums. They are public stages to ratify decisions that the city school administration has already made. The open public nature of those meetings fulfills state legal requirements but does not enable or support stakeholder participatory policymaking. The intensity of protests against whatever education policy or fiscal expenditure the mayor and the Chancellor were submitting to the school board or PEP often disguised the essentially formal nature of the public spectacle.

The core problem is that state education law does not require that school district governance include democratic processes that mandate the participation of users and stakeholders--students, their families, teachers and school administrators--in decisions about key schooling issues. Instead, state law requires only that an elected or appointed citizen panel approve critical education decisions in a public setting. Mayor Bloomberg underscored this distinction when he fired three of his appointees to the PEP early in his tenure, after all three indicated that they would not vote to approve his proposal to base grade advancement or promotion on the results of standardized testing, starting in the 3rd grade. Bloomberg's action demonstrated that the PEP would function solely as an approval body for mayoral education decisions, rather than as a forum to formulate

education policy. With a few notable exceptions, the PEP has maintained its narrow policy approval role for the past 20 years.

The difficulties PEP members face when they vote to approve or disapprove the mayor and Schools Chancellor's proposed education policies stem from two conflicting necessities: ensuring that critical education decisions are carried out according to state law; and integrating user and stakeholder participation to shape those critical decisions. While state law requires only formal public approval of education decision-making, public schooling's users and stakeholders–students, their families, teachers and administrators--need and demand multiple modes of participation in the educational decisions that profoundly affect their lives. Since our complex and opaque educational systems provide only formal approval of bureaucratic decision-making, they frustrate the inevitable user and stakeholder demands for actual participation in decision-making. Therefore forums for the formal approval of education policy decisions, such as the PEP, become contested public stages that inevitably raise and frustrate participatory demands.

This failure to structure participatory decision-making processes for users and stakeholders is endemic at all levels of public education. In New York State the elected legislature shapes statewide educational policy, both directly, since it sets schools policy and annually provides about forty percent of all public schools funding, and indirectly since it appoints the Board of Regents to develop, refine and administer the education policies it enacts. The elected governing bodies of the state's cities, towns and villages have very limited roles in education policy decisions, even in school districts as sizable as New York City's with full-time city council members and professional staffs.

Below the citywide level in New York City, the elected members of the Community Education Councils (CECs) in the 32 community school districts also have very limited roles. The CECs can only weigh in on school zoning, school sitings and school boundary decisions. At the individual school level, School Leadership Teams (SLTs), composed of the school principal, Parent Association or PTA president, the United Federation of Teachers chapter chair, and elected parents and teachers, are responsible for developing a school's Comprehensive Educational Plan (CEP). SLTs must also annually evaluate how well their school principals have developed effective shared decision-making relationships with the school's SLT members. But the SLTs have no role in school-level administrative, fiscal and policy decisions and only an undefined consultative role in the appointments of principals and assistant principals. And at the required school-level Parent Association or PTA, the principal is the critical determiner of the extent of collaboration among parents, teachers and administrators in shaping the culture of teaching, learning and school overall effectiveness.

Much of the current criticism of mayoral control focuses on reducing mayoral dominance of the PEP by, for example, giving other citywide elected officials such as the Comptroller or the Public Advocate sufficient appointments to reduce or even eliminate the mayor's majority on the panel. But the limitations of the pre-mayoral control of the citywide Board of Education suggest that allocating the mayor less than a majority of appointees risks generating a culture of endless negotiation and political maneuvering that threatens to eclipse the board's responsibility to effectively educate the city's public-school students.

The problem is not simply how to equitably frame the mayor's ability to govern the city's education system. In all our city's public service bureaucracies, the interests and needs of users and stakeholders are not represented or structured into useful forms of participation. Because the schooling of the city's students matters so intensely to students, their families, teachers and administrators, education policy issues will always be intensely contested. What we need are new participatory structures to engage and integrate that contestation and shape more representative and equitable policy solutions. The recent community decision process that School District 15 implemented to generate more equity-focused admission policies for its middle schools is a useful example of participatory education policymaking to enable user and stakeholder input that improves education policy.