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ON EDUCATION

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A P P E A R A N C E S:

CATHERINE NOLAN, Chairwoman,  
Assembly Standing Committee on Education

DANIEL J. O'DONNELL, Member of Assembly

MICHAEL BENEDETTO, Member of Assembly

MICHAEL CUSICK, Member of Assembly

JAMES BRENNAN, Member of Assembly

LOUIS TOBACCO, Member of Assembly

MATTHEW TITONE, Member of Assembly

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2 CHAIRWOMAN NOLAN: Good morning. My name  
3 is Catherine Nolan. As the Chair of the  
4 Assembly's Education Committee, I'd like to  
5 convene this hearing and start by introducing our  
6 really terrific colleague, the very hard working  
7 Assemblyman Mike Cusick from Staten Island.

8 Thank you, Mike.

9 ASSEMBLYMAN CUSICK: Thank you. Well,  
10 thank you Chairwoman Cathy Nolan and thank you to  
11 my colleagues, Jim Brennan and my colleague, Lou  
12 Tobacco and my colleague Michael Benedetto. I'm  
13 sorry, I get stage struck here at the College of  
14 Staten Island -- Mike Benedetto from the Bronx,  
15 Jim Brennan from Brooklyn, and of course, you all  
16 know Lou Tobacco from Staten Island.

17 I want to thank my colleagues for coming  
18 out here to Staten Island because this is a very  
19 important issue, not only for the City of New  
20 York, but for the parents and the teachers and  
21 the PTA and all those involved in education here  
22 on Staten Island. So we're having this hearing  
23 today out here in this great borough to discuss  
24 governance for the educational system here in the  
25 City of New York.

2 At this time I'd like to introduce our  
3 host today, President Tomas D. Morales, the  
4 President of the College of Staten Island. Tom,  
5 would you say a few words?

6 MR. MORALES: Thank you. Madam Chair  
7 Nolan, members of the New York State Assembly  
8 Committee on Education, welcome to the College of  
9 Staten Island. I want to give a very special  
10 welcome to my two favorite Assembly persons, Lou  
11 Tobacco and Mike Cusick. They've been  
12 incredibly -- they've been extraordinarily  
13 supportive of public higher education and  
14 supportive of the College.

15 I can't think of a more appropriate venue  
16 for this hearing. CSI is the only public  
17 institution of higher education on Staten Island  
18 and has granted thousands of degrees, both on the  
19 undergraduate and graduate level to public school  
20 teachers, especially public school teachers in  
21 New York City. All told, CSI boasts nearly 3,500  
22 graduates in education. They join more than  
23 55,000 CSI alumni worldwide and nearly 30,000 CSI  
24 graduates living in Staten Island and Brooklyn.  
25 So as you gather testimony and weigh opinions, be

2 confident that many people in this borough are  
3 well acquainted with the important issues, are  
4 passionate about public education and these are  
5 the issues that, of course, you will be  
6 evaluating as Committee members.

7 I know that what you hear in the course  
8 of the day will add to your knowledge and help  
9 guide your wisdom in thinking about this  
10 important legislation. On the day when we  
11 celebrate the birth of our nation's greatest  
12 president, I'm sure these proceedings will bear  
13 the mark of democracy and the voice of the people  
14 that Lincoln so esteemed. Thank you so much for  
15 coming to CSI.

16 ASSEMBLYMAN CUSICK: Thank you, President  
17 Morales. At this time, I will turn it back over  
18 to the Chairwoman of the Education Committee in  
19 the State Assembly, Assemblywoman Nolan.

20 CHAIRWOMAN NOLAN: Thank you, Mike, and  
21 thank you, President Morales and everyone for  
22 giving us such a cordial and warm welcome on a  
23 windy day here on Staten Island, and really a  
24 great turn out as well.

25 I want to just say, first off, I tried to

2 meet some of the people in the audience --  
3 although this is a very beautiful room, I want  
4 the President and the school to know that I  
5 actually prefer at a hearing if I could just sit  
6 at the same level as people who are testifying,  
7 so I don't want anybody to think we're getting  
8 too grand up here on this stage. We want you to  
9 feel comfortable when you speak and speak as you  
10 see it -- as we go forward on these critical  
11 issues, we have many parents here today -- I want  
12 everyone to feel comfortable and welcome.

13 I would also ask, we've had a lot of  
14 people at the two prior hearings with signs and  
15 posters and you know, everyone has that First  
16 Amendment right, but I would just remind people  
17 to be courteous to the people sitting in back of  
18 them and just generally to be as civil, and I  
19 know that's the tradition here on Staten Island,  
20 to do that, but I just want to make that little  
21 reminder because we had two very interesting and  
22 exciting public hearings, one in Queens and one  
23 in Manhattan.

24 I also want to say by way of  
25 introduction, I have been to Staten Island many

2 time and many of you I've had the opportunity to  
3 meet through our great friend and advocate for  
4 special education, the late John LaValle,  
5 (phonetic) and it was about over a year ago now,  
6 two years ago that John actually had me meet a  
7 number of parents before his sad and untimely  
8 passing, and it actually energized us on the  
9 Committee and Speaker Silver, to create a  
10 subcommittee on special education, which is one  
11 reason why I know Assemblyman Benedetto, who has  
12 great experience in this field is now going to be  
13 our Chair of our subcommittee on Special Ed and  
14 why he made the trip from the Bronx. We thank  
15 you, Mike. And we thank John's memory because  
16 that helped initiate the process.

17 I also want to say an Assemblyman who  
18 worked very closely with both Eric Nataliano and  
19 again our late colleague, the great Betty Conley,  
20 I have had that real privilege to have learned  
21 about Staten Island over the course of a long  
22 career in the Legislature from them and from Mike  
23 and Matt and Janell and all the people who  
24 represent the Island, Lou and the Senate people.

25 So I'm really glad to be here and really glad to

2 be back.

3 I just want to also note, because I do it  
4 at every hearing, in 2002 and 2003, the  
5 Legislature approved comprehensive changes to the  
6 way the New York City school district was managed  
7 and governed. Those laws will sunset on June 30<sup>th</sup>  
8 of this year. And so our Committee is interested  
9 in having hearings throughout the City on the  
10 impact of mayoral control on the system, and  
11 interested in using our oversight function to see  
12 how the system has worked these six years, the  
13 development, execution for example, of the five-  
14 year capital plan, concerns about a parents'  
15 access and ability to influence the system and a  
16 number of concerns as to how mayoral control has  
17 affected the education of English language  
18 learners, students with disabilities and all the  
19 other areas that have been covered by mayoral  
20 control. So I know here on Staten Island, it's  
21 not a perfect overlay, but each hearing has had a  
22 little bit of a focal point. In Manhattan,  
23 overcrowding, in Queens, parents, and here on  
24 Staten Island, we have that particular emphasis  
25 on special education because there's such a

2 strong and vibrant tradition here on Staten  
3 Island of leadership in this key area. But we  
4 are not limited to that topic and I want people  
5 to understand that. We're going to address it  
6 and yet be broader than that.

7 With that, I also want to say that, and I  
8 appreciate again everyone's indulgence. Our  
9 first two hearings, the lead witness, which is  
10 traditional in these kinds of hearings, was  
11 someone from the Department of Education. But a  
12 number of parent groups said, Hey, we should be  
13 the first voice. We respect that. As some of  
14 you know, I'm a parent of a fifth grader, so I  
15 understand that. We had asked Sue Dietrich,  
16 Co-President of the Staten Island Federation of  
17 PTAs to lead us off. She's running a little  
18 late, but in her stead, her Co-President is here,  
19 and she's going to come down with Linda  
20 Bernstein, who's the immediate past President and  
21 they're going to kick us off with some testimony  
22 and make sure they say their names for the  
23 record.

24 I also want to thank Frank, our  
25 stenographer. He does a fantastic job. These

2 are official hearings of the Legislature, a  
3 transcript is produced and again, I would ask  
4 you, I talk as fast as anybody in New York, but I  
5 would ask you to try to be clear and concise so  
6 that he can get the proper testimony.

7 So we'd like to start with them, and then  
8 we will go to the very distinguished witnesses  
9 from the City of New York's Department of  
10 Education. And colleagues, thank you for your  
11 patience, as always. Thank you.

12 MS. BERNSTEIN: Good morning, ladies and  
13 gentlemen, members of the Assembly. First and  
14 foremost, I'd like to thank you for indulging me.

15 As I said to you a few minutes ago, I had  
16 surgery earlier this week. It's probably more  
17 information that you need to here, but it's a  
18 little difficult to talk, so if you don't  
19 understand, please -- my name is Linda Bernstein.

20 MS. WOJCIK: My name is Joanne Wojcik,  
21 Co-President of the Staten Island Federation of  
22 PTAs.

23 CHAIRWOMAN NOLAN: You want to just spell  
24 your name for him because you weren't on our  
25 list.

2 MS. WOJCIK: Sure. W-O-J-C-I-K.

3 MS. BERNSTEIN: Several hundred years  
4 ago, our ancestors came to this country in order  
5 to get out of the -- of oppression and the ruling  
6 of a king. Our forefathers were wise enough to  
7 set up a democratic government that even though  
8 it was headed by one man as president, did have  
9 other branches of the government and advisers  
10 there so that it ensured a system of checks and  
11 balances. The same thing in the same form of  
12 government can be applied today to education.

13 Now, realistically, the Mayor is the head  
14 of the City and he does govern everything, but he  
15 should not be the end all and be all when it  
16 comes to matters of education. A panel  
17 appropriately named should be set in place to  
18 advise the Mayor. This panel should not, I  
19 repeat, should not sit at the pleasure of the  
20 Mayor. The panel should consist of appointees  
21 who cannot be replaced because they disagree, but  
22 a group that has real input and is not afraid to  
23 voice their opinions. They should be familiar  
24 with the issues that are important in our school  
25 communities and be prepared to offer suggestions

2 to the Mayor that are not only realistic, but  
3 workable.

4 The same can be said for the parent group  
5 that we now call the Community District Education  
6 Council or the CECs. First and foremost, the  
7 selection to elect the CECs, the whole process is  
8 a sham and it needs to be revised. A City-wide  
9 council for high schools is totally unacceptable,  
10 as is a City-wide council for special ed.

11 And why? Because these councils are too  
12 far removed from the source. The positions on  
13 the council should be opened to the best  
14 candidates, even if it means someone who no  
15 longer has a child in the school.

16 Yes, a new member can bring a spark of  
17 freshness to the panel, but the panel certainly  
18 can benefit from the voice of experience that a  
19 seasoned parent can bring to the table, and if  
20 you want proof of that, just ask the passengers  
21 on flight 1549, if they would have had Captain  
22 Sully or a less experienced pilot that day. I  
23 think they would have said Captain Sully with all  
24 his experience.

25 And that brings us to the parents. Who

2 has a better viewpoint of the schools, the  
3 children, the system than the parents? Why are  
4 they constantly being ignored? Half the parents  
5 in New York City are running around in the dark  
6 because of the lack of transparency on the part  
7 of the DOE. The other half are given a very  
8 small window of opportunity to participate.  
9 Asking for parents' input after the fact is a  
10 wonderful example of appeasement. Parents  
11 deserve more than that. They deserve clear,  
12 concise explanations of policies. They deserve  
13 input onto those policies. They deserve for  
14 their voices to be heard.

15 My children are no longer in the system.

16 I spent 15 years navigating it with them, but I  
17 have to say this, I have looked at testimony and  
18 familiarized myself with these meetings in the  
19 last couple of weeks, and I've noticed that  
20 there's one particular goal that we all seem to  
21 be heading to, which means that my testimony here  
22 was very repetitious. I'm sure what you're going  
23 to hear is very repetitious, but I say to you  
24 this, if it bears repeating, it bears listening  
25 to. Thank you.

2 CHAIRWOMAN NOLAN: Thank you. Ladies,  
3 you want to just stay a minute? We might have a  
4 question or two, so just hang out a minute. If  
5 Assemblyman Cusick has a question, I want to have  
6 him go first because he really is a very  
7 articulate representative always in Albany for  
8 Staten Island concerns and I've known him a very  
9 long time, going back to when he first started in  
10 politics. So I want to defer to him.

11 ASSEMBLYMAN CUSICK: Thank you, Cathy. I  
12 know that the parents here on Staten Island are  
13 very involved and I had asked back at the forum a  
14 couple of months ago for a position paper, which  
15 was presented to me and I will talk to my  
16 delegation concerning it when we really get into  
17 the discussion of mayoral control in our  
18 conference. But, could you elaborate a little  
19 bit just for my colleagues, because Lou and  
20 myself understand the role that the parents play  
21 here in Staten Island and the education  
22 department here on Staten Island, but could you  
23 just elaborate a little more what you see in your  
24 version of control with parental involvement, ore  
25 parental involvement.

2 MS. BERNSTEIN: Well, the fact is, they  
3 do ask us, but they ask us too late. It's  
4 already in place, it's already done. An example  
5 could possibly be the A660 regulations, which  
6 were posted online -- well, six months already.  
7 They posted the A660 regulations, which govern  
8 PTAs in the schools. They asked for our input.  
9 Nobody really remembers them asking, but they say  
10 they asked for our input. They went up online  
11 and we were told those were the rules we had to  
12 adhere to, without any feedback from us. We're  
13 doing the feedback now, after the fact. That's  
14 not right. We shouldn't have to adhere to new  
15 rules that no one has had anything to do with.  
16 And some of those rules, many of those rules, are  
17 on the PTAs. They don't make sense. They form a  
18 very big burden on us and they really need to be  
19 revised. Again, they're up there now, they're  
20 posted. We should be abiding by them. They're  
21 not feasible.

22 ASSEMBLYMAN CUSICK: Okay.

23 CHAIRWOMAN NOLAN: Do you have a specific  
24 example that you might want to --

25 MS. BERNSTEIN: We have a problem with

2 quorum. It's not that people do not want to  
3 participate, but especially when you get to the  
4 high school level, you do not get a lot a  
5 participation from high school parents. If you  
6 are delegated to have a quorum of 14 people come  
7 to your meeting, and that does not include your  
8 officers, that is putting a tremendous burden on  
9 you. Now yes, part of the part of the PTA is to  
10 go out and to get those parents and to bring them  
11 and to make sure they do participate, but this is  
12 a volunteer position. How far do we have to go  
13 to ensure this before we're given an answer?

14 CHAIRWOMAN NOLAN: Thank you.

15 MS. WOJCIK: Another comment. All of our  
16 PTAs are PTAs, Parents Teachers Association. But  
17 when it comes to the quorum piece in A660, you  
18 cannot include teachers in that quorum, you need  
19 to have four of your officers, the president  
20 being a must, and 10 other parent members.

21 I'm currently a PTA president of an  
22 intermediate school on the north shore and a high  
23 school on the north shore, and I can tell you,  
24 you're lucky if you have 10 people at all at a  
25 PTA meeting.

2 MS. BERNSTEIN: And if I could bring up  
3 one more point, I'm not a lawyer, so I don't know  
4 the logistics, but there are many, many cases of  
5 input into the A660s that go directly against  
6 State law and this is what we're looking into  
7 now.

8 CHAIRWOMAN NOLAN: Thank you.  
9 Assemblyman Benedetto and then I don't know if my  
10 other colleagues --

11 ASSEMBLYMAN BENEDETTO: Ms. Bernstein, I  
12 thank you for your testimony. You mentioned in  
13 it that you would love to see a mayoral advisory  
14 panel. Any suggestions as to the composition as  
15 to this panel and who should go on it, how many  
16 people and from what areas?

17 MS. BERNSTEIN: Well, it shouldn't be the  
18 Mayor's brother-in-law; we'll start with that.  
19 Obviously, as I said in the testimony, we need  
20 people who understand the system. I don't want  
21 to speak harshly against executives and lawyers  
22 who now run it. But let's face it, if you don't  
23 have a child in the system or if you're not  
24 familiar with it, how are you going to advise him  
25 on policy? So each borough would be wise to send

2 at least two people to him. Again, I don't have  
3 the logistics of this all written down, but it  
4 needs to also be that it's not -- the medicine is  
5 starting to kick in so I'm losing my words -- it  
6 shouldn't be biased in his favor. He should not  
7 have, and I use the pronoun he just for a speedy,  
8 getting things going, it could be he or she, the  
9 Mayor should not have the final say so. That  
10 panel should be able to be structured in such a  
11 way that they can influence the vote.

12 ASSEMBLYMAN BENEDETTO: So, if I can  
13 state what I think you're saying, is that you  
14 want an independent panel and you would suggest  
15 people with a -- who have a value in the system.  
16 They may have students in the system, they may be  
17 educators. This is where you're leading to.

18 MS. BERNSTEIN: We've called them people  
19 who have a clue. They know what's going on.

20 ASSEMBLYMAN BENEDETTO: Thank you very  
21 much. I think Mr. Brennan, you had a question,  
22 or Mr. Tobacco?

23 ASSEMBLYMAN TOBACCO: Just quick. Good  
24 morning. Good to see you. When you speak about  
25 input, have there ever been examples when you did

2 give input that that input was accepted and you  
3 saw a change come from the input you gave, or is  
4 it, in fairness, is it 100 percent input given  
5 and --

6 MS. WOJCIK: Nothing being done with it.

7 MS. BERNSTEIN: We've never seen our  
8 input result in results. We've never really  
9 seen -- we've been told that was our input.  
10 We've been told that yes, this regulation is  
11 there because you told us. We all looked at each  
12 other and said, we did?

13 I cannot remember in 15 years ever having  
14 positive input from parents actually translated  
15 into policy.

16 ASSEMBLYMAN TOBACCO: Thank you.

17 ASSEMBLYMAN BRENNAN: Just following up  
18 on Mr. Benedetto's question, to try to, for you  
19 to elaborate further on your views. You  
20 testified that you don't want the Mayor to be the  
21 be all and the end all of the system and that you  
22 don't think it's a good idea that the appointees  
23 to the Board of Education serve at the pleasure  
24 of their appointing authority, borough president,  
25 Mayor, whatever; so how does that translate into

2 a change in the current system? We have the old  
3 system; the Board appointed the Chancellor and  
4 the Mayor had a minority of appointments on the  
5 Board, although close to 50 percent. The new  
6 system, the Mayor has eight, the borough  
7 presidents still have five, and the Mayor  
8 appoints the Chancellor, the Chancellor works for  
9 the Mayor, essentially. How do you -- do you  
10 like the old system? Would you prefer the new  
11 system? Where would you --

12 MS. BERNSTEIN: Do you see something  
13 wrong with the Chancellor working for the Mayor  
14 and the Mayor having full control?

15 ASSEMBLYMAN BRENNAN: Do I see something?

16 MS. BERNSTEIN: Well, that's just a  
17 rhetorical question.

18 ASSEMBLYMAN BRENNAN: Actually, yes, I  
19 do, but I'm asking you.

20 MS. BERNSTEIN: I agree with you. I do  
21 also. The fact that he has eight and he has the  
22 majority, I'm sure you're all aware of the fact  
23 that several years ago, I believe it's five years  
24 now, three members of the PEP were dismissed  
25 because they were disagreeing with the Mayor on

2 that fateful morning when there was a controversy  
3 over third grade testing. That's  
4 unconstitutional. You can't do something like  
5 that. I may be naive, but where do you get --

6 ASSEMBLYMAN BRENNAN: Well, it was just a  
7 law, the way we wrote it. They said they  
8 serve -- the law said they serve at the pleasure.  
9 Could be changed.

10 MS. WOJCIK: It should be changed.

11 MS. BERNSTEIN: It has to be changed. It  
12 has to be. The prince sat at the pleasure of the  
13 king. What was the point? You cannot have a  
14 monarchy. You cannot have people that are just  
15 puppets. It's not going to work that way. It's  
16 not going to make any of us happy either.

17 ASSEMBLYMAN BRENNAN: Okay. I think  
18 you've clarified your point. Thank you.

19 CHAIRWOMAN NOLAN: Thank you. I  
20 apologize. I have a fifth grader, as I said. I  
21 had to make sure the right person is picking him  
22 up.

23 MS. BERNSTEIN: That's perfectly okay. I  
24 have two in college and I'm getting phone calls.

25 CHAIRWOMAN NOLAN: Thank you very much,

2 and I thank my colleagues for letting me take  
3 that call. We're really happy that you came.  
4 Thank you very much.

5 Our next witness is Bonnie Brown, the  
6 Superintendent of District 75, who I've had the  
7 pleasure of meeting on a number of occasions, who  
8 has a really long career, a very distinguished  
9 career in the City of New York. We thank you.  
10 And she's joined by Lois Kessler from the Office  
11 of Special Education Initiatives, which I'm very  
12 glad you're here. We didn't know you were  
13 coming, but we're thrilled. I understand with  
14 here is Dr. Marcia Lyles, and Dr. Lyles will be  
15 testifying I think in Brooklyn with us. And  
16 also, Garth Harris and a number of people from  
17 Deputy Mayor Walcott's office, as well as from  
18 the Chancellor's office. Deputy Mayor Walcott  
19 did want to be here, but I'm sure that many  
20 people by now know that the President of the UFT,  
21 Randy Weingarten, mother passed away and there's  
22 a funeral this morning. So a number of people  
23 from City government obviously wanted to attend  
24 that funeral. But we're very appreciative that  
25 the DOE is here.

2 I see also Micah Lasher, who is the new  
3 representative of the DOE to the State government  
4 and we appreciate you being here and coming down  
5 from Albany as well.

6 Is Ms. Kessler going first? I think the  
7 way the testimony reads, you go first. Do we  
8 have enough copies?

9 MR. LASHER: Assemblywoman Nolan, if I  
10 just may, for a moment -- Micah Lasher, Executive  
11 Director of Public Affairs for the Department,  
12 and I just wanted to just quickly summarize, on  
13 behalf of Deputy Mayor Walcott, very briefly.

14 I just wanted to thank you and the  
15 Committee for holding this hearing and to  
16 Assemblyman Cusick and Assemblyman Tobacco and  
17 President Morales for hosting us. And thank you  
18 for the partnership seven years ago. It took a  
19 broken system that could not be moved, impervious  
20 to change and made it one that could be improved  
21 and indeed has.

22 The gains we have made have been  
23 substantial; so too, frankly, have been some of  
24 the mistakes. But at its core, we believe the  
25 question of governance is not about day-to-day

2 policies or even year-to-year progress, although  
3 of course we should examine those questions. At  
4 its core, we view this as a discussion of the  
5 governance structure, not necessarily the  
6 decisions it enables. It's about the fact that  
7 thanks to your visionary leadership, the largest  
8 and most complex school system in America and the  
9 1.1 million kids it serves has a fighting chance  
10 at the rough but vital process of learning from  
11 history and making mistakes and making positive  
12 change, change our kids were denied for decades.

13 It was in partnership seven years ago  
14 that the law was created and it is in partnership  
15 today that we are committed to strengthening and  
16 improving it. To be clear, we do not view  
17 dividing decision making and making change harder  
18 to implement as an improvement of mayoral  
19 control, but rather an end to it.

20 That said, there are many areas in which  
21 the statute can be strengthened and improved and  
22 we are grateful to you for starting so early at  
23 taking a good, hard look at it.

24 With that said, Deputy Chancellor Lyles.

25 CHAIRWOMAN NOLAN: We were hoping to have

2 Dr. Lyles in Brooklyn. I don't want to --

3 DR. LYLES: I just want to say two  
4 things.

5 CHAIRWOMAN NOLAN: But that's not going to  
6 preclude you coming to Brooklyn I hope?

7 DR. LYLES: Oh, no, I'll be in Brooklyn.

8 CHAIRWOMAN NOLAN: Because we have a  
9 whole series of questions on graduation issues.

10 DR. LYLES: I'm ready for that.

11 CHAIRWOMAN NOLAN: All right, sure.

12 DR. LYLES: Good morning, Chair Nolan and  
13 members of the Committee. I just came to extend  
14 greetings. As you know, I am the Deputy  
15 Chancellor for Teaching and Learning, and the  
16 District 75, as well as the Office of Special  
17 Education Initiatives, come under the Office of  
18 Teaching and Learning, and I am here with my  
19 colleagues who will testify. And as I look at  
20 them and I look at their resumes, I think we  
21 represent over 100 years of experience in the  
22 Department of Education, so we have seen quite a  
23 bit from teacher, assistant principal, principal,  
24 community superintendent, as well as regional  
25 superintendent and now deputy chancellor. So I

2 have been around for 30 years and I have seen  
3 tremendous change, but none as accelerated as in  
4 the last six years under mayoral control.

5 As a superintendent, I have been  
6 committed to equity and excellence for every  
7 child and I think that this, as you will hear  
8 today, is something that has been achieved to a  
9 large degree and in an accelerated pace, under  
10 mayoral control. Thank you.

11 CHAIRWOMAN NOLAN: Thank you, Dr. Lyles.

12 MS. KESSLER: Good morning, Chairwoman  
13 Nolan, and Committee members. My name is Lois  
14 Kessler, from the Office of Special Education  
15 Initiatives at the New York City Department of  
16 Education.

17 We are pleased to be here today to  
18 discuss our progress in meeting the needs of our  
19 students with disabilities.

20 I have been involved in providing special  
21 education services to students with --

22 CHAIRWOMAN NOLAN: My apologies. We're  
23 having a little sound issue.

24 MS. KESSLER: I personally have been  
25 involved in providing special education services

2 to students with disabilities in the New York  
3 City public school system for over 35 years, as a  
4 classroom teacher, reading specialist,  
5 Chairperson of the Committee on Special  
6 Education, clinical administrator for the Bronx  
7 Region and as a central administrator. I am also  
8 a member of the Commissioner's Advisory Panel on  
9 Special Education.

10 The Department of Education continues to  
11 strive to improve educational outcomes for  
12 students with disabilities and we have moved  
13 aggressively to make improvements in special  
14 education. We have made great strides since the  
15 Mayor and the Chancellor announced reforms to  
16 special education in the spring of 2003. In  
17 September 2005, the Department of Education  
18 received the results of an independent  
19 comprehensive management report conducted by a  
20 leading expert in the field, Dr. Thomas Hehir,  
21 Ph.D., of the Harvard Graduate School of  
22 Education. The Hehir Report, found that special  
23 education reform is headed in the right direction  
24 with a renewed emphasis on instruction and access  
25 to the general education curriculum for students

2 with disabilities. The report stated that the  
3 Department should not return to its previous  
4 organization structure, as the old structure  
5 created a special education system that was  
6 inordinately separate and not accountable for  
7 educational results. The report made  
8 recommendations for action, upon which the DOE  
9 has acted.

10 As many of you know, we provide a wide  
11 range of services to our students with  
12 disabilities, and we emphasize now more than ever  
13 that schools are responsible for the educational  
14 needs of all of their students, those with  
15 special needs as well as general education  
16 students. Leaders at all levels of the system no  
17 longer view special education as a separate  
18 system or a place to send students, but rather as  
19 a set of services along a continuum of  
20 interventions specifically targeted to student  
21 needs. We continue to integrate more students  
22 with disabilities into the least restrictive  
23 environment, which means they are spending the  
24 majority of the school day alongside their  
25 typically developing peers. Well over half of

1 all school-age students with disabilities, 55  
2 percent, are now educated in general education  
3 classes with special education supports, a  
4 historic high in New York City. The number of  
5 students with disabilities in collaborative team  
6 teaching classes, an inclusive setting, has more  
7 than doubled since the Mayor and the Chancellor  
8 announced reforms to special education in the  
9 spring of 2003 and standardized test scores for  
10 students with disabilities have improved  
11 annually.  
12

13 Our collective efforts are focused on  
14 five key principles; increasing student outcomes;  
15 improving equity and access to special education  
16 services; increasing school autonomy over their  
17 resources and the types of services principals  
18 deem necessary to drive student outcomes;  
19 increasing school-level accountability for  
20 special education; assisting schools in building  
21 capacity to serve special education students; and  
22 improving parent communication.

23 We have more than 160,000 special  
24 education students in our system, with a variety  
25 of needs and classifications. About 12 percent

1 of those students with the most severe  
2 disabilities are served by District 75.

3  
4 The critical piece of our special  
5 education reforms has been increasing school  
6 autonomy and accountability for student outcomes.  
7 Between 2003 and 2008, we've seen the largest  
8 student gains since State testing began in 1999.  
9 In English Language Arts, we've seen a decrease  
10 of 33.6 percent of our students with disabilities  
11 achieving at Level 1, as compared to 8.9 percent  
12 in general education. At the same time, there  
13 has been a 14.3 percent increase in students with  
14 disabilities achieving Levels 3 and 4.

15 In math, we've seen a 39.3 percent  
16 decrease in Level 1 among our special education  
17 students, while there has been a 31.7 percent  
18 increase in Levels 3 and 4. These results show  
19 that the Children First reforms are beginning to  
20 work for our most sensitive and vulnerable  
21 student population. New York City public school  
22 students with disabilities in grades 3 through 8  
23 also outperformed their peers in the other big  
24 four cities on the 2008 State Math and ELA. This  
25 is no small feat, and we should all be proud of

2 our students' progress.

3 Other indicators of the progress of our  
4 students with disabilities are in the increase in  
5 the graduation rate and the decrease in the  
6 drop-out rate, as well as the expansion of  
7 inclusion services for special education  
8 students. Collaborative Team Teaching is  
9 demonstrating noticeable gains as evidenced by  
10 students' performance on standardized tests in  
11 grades 3 through 8.

12 Our IEP teams are increasing their  
13 productivity. 90 percent of evaluations are in  
14 compliance with required timelines, and the  
15 number of evaluations completed increase by 17  
16 percent from 2002 to 2008.

17 The number of students receiving related  
18 services has also steadily increased, in spite  
19 of a national shortage of staff in the areas of  
20 speech, occupational therapy and physical  
21 therapy. From June 2007 to June 2008, there was  
22 a six percent increase, to 93 percent, of  
23 recommended students receiving counseling; a  
24 seven percent increase, to 90 percent, of  
25 students recommended for speech; a nine percent

1 increase, to 77 percent, of students recommended  
2 for occupational therapy, and, a 12 percent  
3 increase, to 84 percent, of students recommended  
4 for physical therapy.  
5

6 While there is always room to improve,  
7 these kinds of gains demonstrate our commitment  
8 to ensuring students with disabilities receive  
9 the necessary supports to help them achieve.

10 The Department has developed a Standard  
11 Operating Procedures Manual that specifically  
12 spells out the procedures in the referral,  
13 evaluation and placement process of school-aged  
14 students with disabilities. Our goal is to be as  
15 transparent and clear about the process as  
16 possible, so that our educators understand their  
17 role and so that parents are better served. This  
18 manual is rolling out this year. We've also  
19 developed a Practitioner's Guide, another manual  
20 that is focused on conducting  
21 instructionally-relevant assessments with a focus  
22 on English Language Learners.

23 We also changed our policy so that  
24 principals identify a designee to serve as the  
25 district representative at IEP meetings. The

1 purpose of this change is to provide principals  
2 with greater input and oversight of the  
3 instructional decisions made at IEP meetings. We  
4 have developed for each school a Special  
5 Education Service Delivery Report, which is  
6 publicly posted on each school's website. The  
7 report, which is updated twice yearly, provides  
8 valuable information on the schools' provision of  
9 special education services.  
10

11 Professional development and training is  
12 critical to expand the capacity of our schools to  
13 appropriately serve our students with  
14 disabilities. To ensure we are providing quality  
15 services, we have conducted unprecedented levels  
16 of in-service training for our teachers and  
17 principals, as well as targeted assistance by our  
18 Special Education School Improvement Teams to  
19 over 250 schools. The focus of the School  
20 Improvement Team is ongoing consultation to  
21 schools in order for them to build capacity to  
22 improve outcomes for students with disabilities.

23 The Department has made changes to  
24 improve parents' access to special education.  
25 First, all evaluations and recommendations for

2 students attending public school are now  
3 finalized at the child's school, which ensures  
4 that evaluations include the school staff that  
5 knows each child best, as well as eliminate  
6 duplicative meetings at the district level.

7 Parents of children with disabilities  
8 have unique concerns and questions, and therefore  
9 require more specialized information than what is  
10 distributed to parents of general education  
11 students. We recognize their distinctive needs,  
12 and thus we created a training program for parent  
13 coordinators as well as other parent support  
14 personnel on special education rules, issues and  
15 best practices. In recognition of the fact that  
16 parents are important partners in the education  
17 of their children, we have developed an ongoing  
18 special education Parent Advocates Advisory  
19 Committee that meets regularly with the Deputy  
20 Chancellor of Teaching and Learning and our  
21 special education offices to discuss issues of  
22 critical importance to parents. This group has  
23 been instrumental in providing active feedback on  
24 special education. The Department has acted on  
25 recommendations such as initiating orientation

2 fairs for parents of preschool students with  
3 disabilities who will be entering kindergarten in  
4 public schools. Beginning in the 2004-2005  
5 school year and now annually, we host these  
6 orientation fairs. The fairs are very well  
7 attended and based on parent evaluations, are  
8 highly rated by parents in helping ease the  
9 transition to school-age programs. A printed  
10 orientation guide for parents is also distributed  
11 and available on the DOE website in all  
12 languages. We actively recruit and train parents  
13 of disabled children to serve on the Committee on  
14 Special Education as CSE Parent Members. Parent  
15 members are volunteers who attend IEP meetings to  
16 assist parents. Special education staff  
17 regularly attends community meetings, CEC  
18 meetings to discuss special education issues.

19 The Department has most recently  
20 established a Special Education Call Center to  
21 assist field-based personnel in successfully  
22 addressing issues raised by parents and parents  
23 transferred from 311. From July 1, 2007 through  
24 November 30, 2008, the Call Center handled more  
25 than 15,000 calls, 1,100 of which were from

1 parents and the other 14,000 or so from staff.  
2  
3 98.9 percent of the calls were resolved, and the  
4 average resolution time was approximately 15  
5 hours.

6 With our goal of making information more  
7 easily accessible and understandable for parents,  
8 we also drafted a Parent's Guide for Special  
9 Education, which is currently under review by  
10 District 75, advocates and parent organizations,  
11 and our Integrated Service Centers.

12 Improving our systems and points of  
13 access is important and part and parcel of the  
14 Department's overall reforms. With our special  
15 education improvement efforts, and also as  
16 indicated in the Hehir report, we recognized  
17 there was a clear need for a new special  
18 education data system. The objectives of the  
19 Special Education Student Information System,  
20 SESIS, are to improve management of special  
21 education referral, evaluation and placement  
22 process; provide real-time information to  
23 schools; reduce paper-based records; improve data  
24 integrity; and align with the Department of  
25 Education's IT architecture.

2 We are very excited about SESIS and its  
3 capacity to help further our progress in special  
4 education. SESIS features includes a secure  
5 online IEP; robust reporting tools to facilitate  
6 case management; an electronic document  
7 management system; related service encounter  
8 attendance; and comprehensive training, including  
9 online self-paced modules. We just presented  
10 SESIS to the Panel for Educational Policy two  
11 weeks ago, and we look forward to its full  
12 implementation to help our improvement efforts.

13 We absolutely acknowledge that we need to  
14 do more, and so a new component of our ongoing  
15 efforts in special education is the creation of a  
16 new role of a Senior Coordinator for Special  
17 Education. The Senior Coordinator's charge will  
18 be to coordinate the Special Education leadership  
19 throughout the Department in developing and  
20 implementing integrated recommendations for the  
21 improvement of special education services. This  
22 new role is intended to support cross-functional  
23 problem solving and to help facilitate  
24 communication and connections among all the  
25 different parts of the Department responsible for

1 the serving students with challenges, including  
2 instructional programming, education service  
3 provision, evaluation and referral, placement,  
4 busing and budgeting. All existing special  
5 education leadership will maintain their role and  
6 seniority within the Department, and we are  
7 confident that this renewed focus and emphasis on  
8 coordination among all of our special education  
9 leaders will only stand to benefit families of  
10 children with special needs.  
11

12 Our students with disabilities are our  
13 most vulnerable student population, but they  
14 deserve every opportunity to succeed along with  
15 their typically developing peers; in fact, it is  
16 their right. It is our responsibility, as the  
17 adults, to ensure that their needs are identified  
18 as early as possible, and that they receive  
19 appropriate and necessary supports in order to  
20 achieve. It is also incumbent upon us to ensure  
21 that parents have the information they need so  
22 that they are able to actively participate in and  
23 be stewards of their child's education.

24 Providing all children, disabled and  
25 non-disabled alike, with a quality education is

1 the core value that underlies all our special  
2 education reforms. More students with challenges  
3 are meeting State standards and more are  
4 graduating. While we still have more work to do,  
5 our progress to date shows that we have forged  
6 some very significant successes in critical  
7 special education areas. We are encouraged by  
8 the tremendous gains made but be assured, we are  
9 not satisfied. We know there is still much to  
10 do.  
11

12 Thank you for your time. Bonnie will now  
13 speak about District 75, and afterward, we will  
14 be happy to answer your questions.

15 MS. BROWN: Good morning, Chairperson  
16 Noland and Committee members. I am appreciate of  
17 this opportunity to meet with you today to  
18 discuss the marked progress we have made in  
19 educating the most severely challenged students  
20 in the New York City school system.

21 I am Bonnie Brown, and I am the  
22 Superintendent of District 75. I have been  
23 involved in providing special education services  
24 to students in District 75 for over 30 years,  
25 first as a classroom teacher, then as a staff

1 developer, an assistant principal, a principal,  
2 the Deputy Superintendent and, for the past three  
3 years, the Superintendent. At one point in my  
4 career, I left the New York City school system  
5 for a position as principal of an upstate  
6 residential treatment facility, but after one  
7 year, I returned to the Department of Education.  
8 I did so because I strongly felt that the needs  
9 of students with disabilities were addressed here  
10 with unparalleled commitment and instructional  
11 creativity.  
12

13 Let me share with you a bit about  
14 District 75. We serve 23,000 students with a  
15 wide range of severe challenges. While their  
16 less-disabled peers are in community school  
17 settings, our students require more support and  
18 intensive services. Our district is organized  
19 into 58 school organizations, physically situated  
20 in the Bronx, Brooklyn, Manhattan, Queens, Staten  
21 Island and Syosset, New York. In addition to  
22 these 58 school organizations, we also administer  
23 four other programs, Hearing Education Services,  
24 Vision Education Services, Hospital Instruction  
25 and Home Instruction. We are located in over 300

1 sites.

2  
3           District 75 delivers services to students  
4 in a variety of settings, which include  
5 self-contained buildings, of which we have 49,  
6 community schools, inclusion programs, work-study  
7 programs, hospitals, agencies and in homes at  
8 bedside. We collaborate with various  
9 institutions of learning and colleges and  
10 universities to offer state of the art  
11 professional development for teachers and we  
12 replicate best instructional practices. The  
13 district focuses on the four basic content areas,  
14 but also has specialized offices supporting  
15 autism, adaptive/assistive technology, transition  
16 and positive behavior supports.

17           The goal of the district is to provide  
18 challenging educational experiences that will  
19 enable students, commensurate with their  
20 abilities, to become participants and  
21 contributing members of a multicultural society.  
22 Our mission is to provide instruction to students  
23 in the least restrictive environment as close to  
24 their home district and chronological peers as  
25 possible. To that end, we have 1,800 students in

1 inclusive education classes and an 11 percent  
2 attrition rate of students moving to less  
3 restrictive environments annually.  
4

5           District 75 has made great strides since  
6 Mayor Bloomberg and Chancellor Klein began their  
7 special education reforms in 2003. We have been  
8 supported in achieving improved equity of access  
9 and resources through the advent of building  
10 councils in co-located sites. Through the  
11 Office of Family Engagement, and the Parent  
12 Coordinators at each school, we have been able to  
13 offer training to parents on behavior  
14 interventions, use of augmentative communications  
15 system, and academic intervention methodologies.

16           We have linked hundreds of families to  
17 community-based organizations that offer respite  
18 care, parent training, camp experiences, home  
19 attendants, specialized medical care, etcetera.  
20 It is through these Department of Education  
21 initiatives that we have expanded our sphere of  
22 influence to reach children and families who  
23 felt, at best, lost in a maze of medical jargon  
24 and bureaucracy, and at worst, felt marginalized  
25 and abandoned. Under this administration,

1 families have found a safe harbor and a point of  
2 entry to obtain the wide range of related and  
3 support services their children require; speech,  
4 counseling, nursing, occupational and physical  
5 therapy.

6  
7 In alignment with the goals of the  
8 Department of Education, we have increased  
9 student outcomes over the past three years for  
10 the most severely challenged students in our City  
11 as follows: a 2.3 percent decrease in ELA in  
12 students on Level 1; a 8.2 increase in ELA in  
13 students on Level 2; a 4.3 percent increase in  
14 ELA in students on Levels 3 and 4; a six percent  
15 decrease in math in students on Level 1; a 8.2  
16 increase in math in students on Level 2; and a  
17 7.9 percent increase in math for students in  
18 Levels 3 and 4.

19 For students in Alternate Assessment that  
20 are not college bound and are not getting a  
21 regular academic diploma, our most fragile and  
22 impaired students, we have seen in the past two  
23 years a .4 percent decrease in ELA in Level 1; a  
24 1.6 percent increase in ELA in Level 2; and a 4.4  
25 percent increase in ELA in Level 3. We have seen

1 a 1.4 percent decrease in math in Level 1; a .5  
2 percent decrease in math in Level 2 and a 4.1  
3 percent increase in math in Level 3.

4  
5 Let me explain why this is so  
6 significant. It is important to note that our  
7 students come to District 75 with a history of  
8 persistent school failure and poor achievement  
9 scores. The average District 75 student is three  
10 to five years below grade level in reading and  
11 mathematics. Therefore, our goal is to improve  
12 their academic functioning through  
13 individualized, instructional programs and  
14 academic intervention initiatives so that they  
15 can return to mainstream educational settings as  
16 expeditiously as possible. We rarely have the  
17 benefit and enjoy the pleasure of seeing our  
18 students maintain Levels 3 and 4. When they are  
19 stable and can accomplish Levels 3 and 4, it is  
20 our signal that they should then be reevaluated  
21 for a return to a less restrictive environment.  
22 What we hope to see is a decrease in Level 1  
23 scores and an increase in Levels 2, 3 and 4  
24 scores, as I noted previously.

25 We are highly gratified to see the

1 superintendent suspension rate of our most  
2 emotionally challenged students decline from year  
3 to year. The annual total of District 75  
4 superintendent suspensions are in 2006 to 2007,  
5 304; in 2007 to 2008, 219; and in 2008 to date,  
6 89.  
7

8           Additionally, we have seen growth in our  
9 high school students as follows: a 1.8 percent  
10 increase in local diplomas; a 1.6 percent  
11 increase in Regents diplomas; a 2 percent growth  
12 in those obtaining competitive employment; a 4  
13 percent increase in those obtaining vocational  
14 training; and a two percent increase in those  
15 attending college and continuing adult education.

16           District 75 students are currently the  
17 most fragile students served by the Department of  
18 Education. Many have finite academic potential  
19 as well as a challenged ability to ever to able  
20 to live independently. However, they deserve  
21 every opportunity and support to maximize their  
22 life outcomes and become contributing members of  
23 society despite their disabilities. It is the  
24 consistent mission of the Department of Education  
25 to support these students and their families

2 through high expectations, quality instructional  
3 programs aligned with State standards, equity of  
4 access and resources, and collaboration with  
5 community-based organizations. The work is never  
6 done with this population, but the gains they  
7 have made under this administration are also very  
8 noteworthy. To paraphrase Abraham Lincoln today  
9 on his birthday, No one is so tall as when he  
10 stoops to help a handicapped child. The  
11 Department of Education, including our very  
12 specialized district, continues to grow taller  
13 every day.

14 Thank you for the opportunity to speak  
15 today.

16 CHAIRWOMAN NOLAN: Thank you. Thank you  
17 all. Our first questions will come from  
18 Assemblyman Benedetto and then Assemblyman  
19 Cusick.

20 ASSEMBLYMAN BENEDETTO: Thank you, Ms.  
21 Kessler and Ms. Brown, for your testimony, and we  
22 certainly appreciate your being here. A few  
23 questions. I get a little confused at times.  
24 Supervising special education teachers, whose job  
25 is that? Is that the job -- I know you used to

2 have, in the older schools, special education  
3 supervisors, but you don't have them anymore. So  
4 who does that?

5 MS. KESSLER: The building principals.  
6 The principals supervise the teachers.

7 ASSEMBLYMAN BENEDETTO: Okay. Now, I  
8 taught in special ed for so many years. I taught  
9 mentally challenged students. I can see myself  
10 in a classroom with a principal who really  
11 doesn't have a special education background.  
12 Could you just address that and how you handle  
13 situations like that?

14 MS. KESSLER: There are certain, as you  
15 all know, having taught, and I also taught  
16 students with mental retardation way back, there  
17 are certain things that are across the board,  
18 that teachers do and a principal knows how the  
19 children are being engaged in the lesson, what  
20 does your room look like, how do you prepare your  
21 lessons. That is not different for students with  
22 disabilities -- for teachers of students with  
23 disabilities -- than any other teacher, and the  
24 principals can certainly supervise that.

25 If there are, however, something that the

2 teacher needs to know that specific to this  
3 student's needs, then there are other people that  
4 you can go to. The school support organizations,  
5 have people in those organizations that can  
6 assist those teachers, specifically in  
7 disabilities. Go ahead.

8 DR. LYLES: Let me also just say, because  
9 I was a principal and I was a high school  
10 principal and my background was English, but I  
11 had to supervise teachers in math and science and  
12 social studies, there are a number of things that  
13 we do to address that. One of the things is that  
14 we provide a great deal of professional  
15 development for principals around supervising  
16 special education.

17 Linda Wernerkoff's office, as well as  
18 Bonnie's office provides administrators with the  
19 kinds of things that they need to know about  
20 supervising, about the expectations. We have  
21 many guides and handbooks for teachers, as well  
22 as administrators, as to what should be happening  
23 in the classroom. We also monitor that very  
24 closely in the Office of Special Education  
25 Initiatives. We have our school improvement

2 teams that visit the schools, that talk with the  
3 principals, that talk directly with the teachers.  
4 We provide a great deal of professional  
5 development directly with the teachers, as well.

6 As Lois indicated, the school support  
7 organizations are also charged and each school  
8 support organization has someone, at least one,  
9 often more, and teams of people that will support  
10 the schools and the principals directly around  
11 that.

12 MS. KESSLER: I would also like to make  
13 one other comment about the way that supervisors  
14 were used back when we had the supervisors. Most  
15 of those, many of those supervisors are itinerant  
16 and three, four or five schools. One of the  
17 things that happened was that if a parent of a  
18 student with a disability came into the school  
19 and said to the principal well, I have a problem,  
20 the principal would say, well, come back on  
21 Tuesday because that's when the special ed  
22 supervisor was there and they will know how to  
23 deal with your issue. That is what we don't  
24 want. We don't want separate systems.

25 The students with disabilities are part

2 of that school and need to, the principal needs  
3 to be accountable for all of the students in the  
4 school and not wait for somebody from the outside  
5 to help the parent or the student with the  
6 problems that are existing today.

7 MS. BROWN: Mr. Benedetto, I'd like to  
8 just add something, because I know how long  
9 you've been involved in special education and I  
10 know that you understand it well. There's been a  
11 real change in the support of teachers in special  
12 education and the way we do professional  
13 development. I mean, I've been around for over  
14 30 years, and I remember up until five years ago,  
15 going to workshops and conferences and if the  
16 money was available, being flown to other places  
17 in the country to collaborate with my colleagues.  
18 Professional development is now imbedded and  
19 sustained in classrooms. I know in District 75,  
20 we have 40 coaches from the district office that  
21 go into schools, work in the special education  
22 classrooms with the teachers. They either  
23 co-teach or they model or they demonstrate  
24 techniques. They help teachers differentiate  
25 instructions. It's no longer a place where, you

2 know, teachers go to a meeting, take notes and  
3 come back and try to remember what somebody said  
4 so they can replicate it in their classrooms.  
5 The support is ongoing and embedded into the  
6 classrooms. So when we say professional  
7 development, I want to make sure that the  
8 Councilmembers understand that we're not talking  
9 about sending people in a room like this or an  
10 auditorium with an LCD projector. We're talking  
11 about having very knowledgeable people in a  
12 grass-roots level, sitting on the floor with  
13 children and other people visually seeing what  
14 they're doing and learning how to emulate best  
15 practices.

16 ASSEMBLYMAN BENEDETTO: Let me follow up  
17 on that, please. This is one of the new things I  
18 know now, principals sign up with a school  
19 support organization --

20 MS. BROWN: Correct.

21 ASSEMBLYMAN BENEDETTO: -- within that  
22 school support organization, they have specialist  
23 in special education that the principal and  
24 teachers can go to for advice and those same  
25 school support organizations are the ones who

2 would provide the additional training for the  
3 special education teacher?

4 MS. BROWN: Correct. I can't speak for  
5 the system. I can only speak for District 75,  
6 but I know that my colleagues will -- I work with  
7 consultants from all over the country. We're now  
8 involved with a pilot research program with Yale  
9 University on emotional literacy and we bring  
10 people to New York. We either do Train the  
11 Trainers, where we have like 20 of our leadership  
12 team trained, and then we go into the schools or  
13 we have people go directly into the schools and  
14 consult in classrooms. They meet with  
15 administrators, they find out what the needs of  
16 the schools are through the administrators, but  
17 the work is not done in the principal's office.  
18 The work is done in the classroom.

19 ASSEMBLYMAN BENEDETTO: Thank you. A  
20 couple more questions. And forgive me, sometimes  
21 I'm just a little skeptical and I'm not  
22 criticizing you at all, but you give very good  
23 statistics and it's a wonderful thing seeing  
24 special education students achieve. It's very  
25 gratifying to see the numbers you've put forth.

2 It's also very gratifying to hear the  
3 numbers that the Chancellor put forth to us last  
4 week in our Manhattan hearing, and how much the  
5 students in the system in general are improving.  
6 But then, I also hear statements from people  
7 shortly after the Chancellor speaks, that maybe  
8 the statistics being put forth, well, they could  
9 be not accurate when compared to other testing  
10 instruments. And you look and you say, whose  
11 facts do I believe? I think back at times like  
12 this and I think what Don Quite said, facts are  
13 the enemy of truth. And I don't know what facts  
14 to believe. So tell me, and I really want to  
15 believe, why do I trust your statistics?

16 MS. KESSLER: The statistics that I gave  
17 on the progress on the State tests on ELA and  
18 math were based on the State tests and it came  
19 from the State education department. I mean,  
20 that's who presented those statistics.

21 In terms of the graduation rates, again,  
22 this is based on the cohort and actually the  
23 State provides those numbers based on student  
24 information. So, I think that while you could  
25 say -- the fact is that in terms of the State

2 assessments that are given in ELA and math, the  
3 students with disabilities have gone, the number  
4 that are on Level 1 have decreased and the number  
5 that are on Levels 3 and 4 have increased.  
6 That's a fact I think you can trust.

7 ASSEMBLYMAN BENEDETTO: Thank you. I  
8 have many other questions. I'll just ask one  
9 more, just about autism. We know what's  
10 happening here and God knows why and we've got to  
11 find that out, but the truth of the matter is, we  
12 know the rates of children who are being born  
13 today with autism. And I just think, what's it  
14 going to look like years from now in the classes  
15 of special education, I guess, Ms. Brown, this  
16 would be yours, are we getting ready for this  
17 influx, this deluge, of autistic children and the  
18 special techniques of teaching them and where are  
19 we going to find the teachers from? Can you --

20 MS. BROWN: Yes, I certainly can respond  
21 to that. I would say about five or six years  
22 ago, District 75 had about 800 children with  
23 autism. We're now looking at over 3,700. This  
24 is a national and international calamity that is  
25 going on in our world. I also feel confident in

2 saying that District 75 here in New York City is  
3 as state of the art as anyplace in this country.  
4 We host visitors from Norway, from Belgium, from  
5 Tasmania. We're constantly having people that  
6 see what we're doing on our website and come  
7 here. We cannot do this alone.

8 For 20 years, we have been collaborating  
9 with Rutgers on ABA. For the last four years, we  
10 have been collaborating with the University of  
11 North Carolina at Chapel Hill with Dr. Roger Cox,  
12 to teach methodologies. We've worked with Dr.  
13 Miller and the Miller Method. We've, in the last  
14 year, have started doing extensive amount of work  
15 with Dr. Vincent Carbone at the Carbone Clinic in  
16 Nyack. We have hundreds and hundreds of teachers  
17 that we have sent to all these institutions of  
18 higher learning and they're trained. We have an  
19 office of autism with coaches in every borough  
20 that are embedded in our schools.

21 We are constantly doing projections for  
22 space. And yesterday, at another meeting when I  
23 was with Dr. Lyles, we talked about how for the  
24 last three years we've been begging for space for  
25 early childhood children with autism and now

2 we're at a point where we need the middle school  
3 space and we have just been successful in working  
4 with the Portfolio Committee in identifying  
5 middle school space in every single borough for  
6 our middle school autistic children.

7 We are changing the way we look at  
8 transition. We are expanded our affiliation with  
9 agencies that work with students with Asperger's.  
10 And because these children are in our face, and  
11 there's no other way to say it, we are changing  
12 our methodologies. We are starting new programs.

13 We have programs for children with Asperger's  
14 that are technology and web based, where we teach  
15 them how to play chess. They blog. Children  
16 that never had a friend, that never spoke to  
17 other children, are doing movie reviews and  
18 talking over the weekend and parents are saying  
19 my child has never had friend before, he's going  
20 online at night and playing chess.

21 Just this week, we rolled out a new  
22 initiative called 3D World, which is an online  
23 program done in a program called Second Life,  
24 where the children develop their own Avatar, or  
25 caricature of themselves and they dress that

1 person and choose a voice for that person and  
2 what we've done is devise almost a practice for  
3 living. We have them going into a community  
4 where we give them an apartment, we give them a  
5 budget and we set up a community with a bank and  
6 a supermarket and an Ikea and a shoemaker in a  
7 regular community, and then there's a curriculum  
8 that we have just written and those children  
9 practice for real life online in this community  
10 and socialize with other children. Not only the  
11 curriculum, learning functional reading and  
12 functional math, but we're teaching them, if  
13 you're living in this apartment building and you  
14 have a neighbor, how do you treat a neighbor.  
15 You don't go and knock on your neighbor's door a  
16 hundred times every day and you don't call people  
17 every five minutes on your cell phone. But we  
18 are teaching them how to go out to a restaurant  
19 and order with friends. We're teaching them when  
20 you have somebody come to your house, what do you  
21 do when you have a guest come over, what do you  
22 do for your leisure time. We're having block  
23 parties. We're having tenant meetings. We're  
24 teaching them how to be productive members of  
25

2 society and we're doing it through web-based,  
3 online technology so that they can continue that  
4 at home. Children in the Bronx are talking to  
5 children in Staten Island, children that not only  
6 didn't speak, but had no ability to socialize.

7 Your point is so well taken, and we're  
8 also aware of it, but I think we're changing our  
9 way of looking at things and dealing with  
10 children and our instructional capacity as these  
11 children are coming forward and I truly believe  
12 we're building capacity.

13 ASSEMBLYMAN BENEDETTO: Thank you.

14 CHAIRWOMAN NOLAN: I should say we're  
15 joined by one of our colleagues, who has also  
16 been at all three hearings, from Manhattan, Danny  
17 O'Donnell, a member of the Education Committee.

18 ASSEMBLYMAN CUSICK: Thank you.  
19 following Mike Benedetto is a tough act,  
20 particularly when it comes to special ed, but I  
21 want to first before I ask my question, I want to  
22 thank Assemblywoman Nolan because when this was  
23 being planned, she asked me about doing it here  
24 on Staten Island, that we wanted to do it here  
25 and that it would talk about a broad base issue

2 of governance, but there would be a focus on  
3 special ed and students with special needs and  
4 that we would like to do that here on Staten  
5 Island. And as you can see out in the audience,  
6 I see a lot of my experts that I rely on out in  
7 the audience on this issue. So I just want to  
8 thank Cathy for having this focus here today.

9 I want to -- Mike asked a lot of the  
10 questions that I was concerned about, but one  
11 thing I wanted to talk to you about,  
12 Superintendent, was, you have a lot of stats  
13 here, but one thing here is you have the increase  
14 in growth in high school students graduating. Is  
15 there a number? Do we know how many high school  
16 graduations there were for special ed?

17 MS. KESSLER: For special ed. And again,  
18 they are growing, but they're not anywhere near  
19 where they need to be.

20 ASSEMBLYMAN CUSICK: I know we have  
21 percentages, but what's the number?

22 CHAIRWOMAN NOLAN: What's the percent  
23 that graduate and what's the actual number. We  
24 appreciate that you told us about the increase,  
25 but you didn't give us the bottom number.

2 MS. KESSLER: I don't have the actual  
3 number. I do have the percentage.

4 AN ASSEMBLYMAN: We'll follow up with you  
5 for that information.

6 MS. KESSLER: I have it for the four-year  
7 graduation rate, not for those who graduate after  
8 four years. And it increased in -- for the  
9 students that entered in 2001, it was 17.6  
10 percent and for those students who entered in  
11 2004, who graduated last year, it was 22.6  
12 percent. So there has been an increase. It is  
13 low. We are recognizing that. But also, we are  
14 seeing in grades 3 through 8, an increase in the  
15 number of students that are in Levels 2 to 4,  
16 which hopefully will translate into better  
17 graduation rates. But it's certainly something.  
18 We are focusing on middle schools to prepare  
19 those children for high schools, so that it's  
20 definitely a major focus to get that rate up. It  
21 is increasing, we have a long way to go.

22 ASSEMBLYMAN CUSICK: Okay. I have  
23 another question that is pertinent here on Staten  
24 Island, that I get a lot of questions about and  
25 that is transportation. And we get, I know in my

1 office, and I'm sure my colleagues, we get  
2 complaints about transportation for students with  
3 special needs. My question for you is how do you  
4 manage those complaints, first off, and can you  
5 add to that, are there any improvements on  
6 transportation?  
7

8 DR. LYLES: Just last night, as  
9 Superintendent Brown said, we also heard concerns  
10 from parents raised around the issues of  
11 transportation. At our most recent Parent  
12 Advocate Advisory Panel, we had Matt Berlin, who  
13 is in charge of transportation in the Department  
14 of Ed, to listen to -- they've set up a complaint  
15 center, they've set up a direct call line to try  
16 to address this. This is a priority. We  
17 recognize that many students are spending far too  
18 much time on the buses and there seems to be some  
19 things that are illogical.

20 We don't have -- this is a priority. As  
21 I said, Matt is working on it. Matt and his team  
22 have come out to talk to parents. We are  
23 forming, as a result of that meeting, at the  
24 Advisory meeting, we are forming a small subgroup  
25 of parents and advocates who will be working with

2 Matt Berlin's office to try to resolve many of  
3 the issues as quickly as possible systemically.

4 ASSEMBLYMAN CUSICK: So there's a plan,  
5 you're planning a plan right now?

6 DR. LYLES: Well, they've been working to  
7 improve it. First of all, as I said, they've  
8 instituted a hotline to take calls immediately,  
9 but parents have raised concerns about the  
10 efficacy of the hotline. We've made route  
11 changes and we've tried to improve that. It is  
12 not nearly where we need it to be and so part of  
13 this is now listening directly in terms of  
14 working collaboratively with those people who are  
15 hearing from all over the City about the kinds of  
16 issues that are faced and moving and working more  
17 closely with them.

18 ASSEMBLYMAN CUSICK: I'm sure you know  
19 out here autism is a very -- it's an issue near  
20 and dear to many parents here on Staten Island.  
21 I know that Mike had asked a question about  
22 autism and a plan. I just would like to stress  
23 that particularly out here on Staten Island, if  
24 there is a plan, could it be done quickly and the  
25 results of your study or your plan, can we get

2 that as soon as it's done?

3 DR. LYLES: You mean in planning for the  
4 students with autism?

5 ASSEMBLYMAN CUSICK: Autism. You  
6 mentioned that you're -- I think the exact  
7 question by my colleague was, how are you looking  
8 towards the future when autism is out there in  
9 full force, when we have right now on Staten  
10 Island, we have a lot of students, a lot of  
11 children out here with autism, and it seems to be  
12 getting prevalent and it's out there more and  
13 more. Is there a plan for the future? That's  
14 what I'm concerned about, expansion.

15 MS. BROWN: Well, we certainly every year  
16 have opened more and more sites on Staten Island  
17 for students with this disability. This year we  
18 opened 43 Richmond. Next year we're opening  
19 another new site, and we believe that the best  
20 way to deal with the children systemically is to  
21 build capacity amongst the teachers to deal with  
22 it instructionally. We're also looking at our  
23 world of transition services as these children  
24 begin to age out. We're starting linkages with  
25 OMRDD, with VESID, with other agencies early on,

1 before the children become 18 to 21. We're  
2 starting our transition IAP implementation at age  
3 15. We're involving parents more with adult  
4 service agencies. We're giving parents much more  
5 training than we've ever done before on things  
6 like guardianship planning, SSI insurance, estate  
7 planning, so they can think ahead for their  
8 children.  
9

10 We're also learning that, it's very  
11 interesting, but every autistic child is  
12 different and every child's behavior is different  
13 and every child's capability is different. It's  
14 a very different disability than mental  
15 retardation, which is where I started in my  
16 career. And if you looked at any 100 children  
17 with an IQ of 55 to 65, you more or less would  
18 see the same child.

19 Autism is very individualized and each  
20 child manifests, unfortunately, their challenges  
21 in a different way. So we've become very  
22 eclectic. We don't do only ABA and we don't do  
23 only teach. We have a variety of programs and  
24 Staten Island is a challenge because they're  
25 very, very vocal, involved and committed parents

2 and for every parent that believes that there  
3 should be a segregated District 75 building only  
4 for students with autism, there's another parent  
5 that wants their child fully included. And we've  
6 been trying to listen and work with our parents  
7 and give them a range of options, so that at any  
8 given time, a parent can say that I believe my  
9 child is ready to move on and then that option is  
10 there waiting for them, and that's what we've  
11 been doing on Staten Island, is building  
12 capacity.

13 ASSEMBLYMAN CUSICK: Okay.

14 MS. KESSLER: And, in addition, I just  
15 want to say specifically to Staten Island outside  
16 of District 75, we have a -- program --

17 CHAIRWOMAN NOLAN: The education program  
18 is filled with -- for those of us who don't know,  
19 please spell it out.

20 MS. KESSLER: Right. It's a program for  
21 students with Asperger's. It's an integrated  
22 program. We have it in every borough, but on  
23 Staten Island, we have it in two elementary  
24 schools. We started in a middle school, I524,  
25 and then in two high schools, New Dorp and

2 Tottenbille, we don't have that program exactly,  
3 but we have extra support for students with  
4 autism in those two high schools.

5 CHAIRWOMAN NOLAN: Thank you.  
6 Assemblyman Titone.

7 ASSEMBLYMAN TITONE: Thank you. I first  
8 want to say that, and being up front here, I have  
9 absolutely no professional experience with  
10 education or special education, but unfortunately  
11 for you I do have personal experience with my  
12 nephew. I just have to be a little honest here  
13 and forgive me if I'm a little bit snarky, but  
14 when I was hearing words like improved access to  
15 special education and equity of access to special  
16 education, I shook my head and I leaned over to  
17 my colleague, because I was a little bit  
18 confused. I couldn't help but wonder were we  
19 talking about New York City or someplace  
20 imaginary. Because my experience with special ed  
21 was first of all with my nephew, who is eight  
22 years old, which was misdiagnosis after  
23 misdiagnosis, to the point where finally, my  
24 sister and her husband had to shell out thousands  
25 upon thousands of dollars to finally get a

2 correct diagnosis of Asperger's, as well as  
3 Tourette's.

4 The City of New York fought them tooth  
5 and nail because they did not want to acknowledge  
6 Tourette's because that means he has to go to  
7 more specialized schooling.

8 Fortunately for my sister, her brother is  
9 a lawyer and he knows how to sue. I also -- and  
10 I did. I drafted up the legal papers to bring  
11 them to court just to get them to acknowledge  
12 what other professionals had been saying.

13 So I'm a little bit -- and once again, I  
14 apologize. I do appreciate you being here and  
15 giving testimony. I will say that since the  
16 acknowledgement, they are happy with the  
17 schooling that he is getting and his needs are  
18 finally being met. But when we talk about  
19 access, my personal experience has been that it's  
20 not fair. It's time consuming; it's expensive  
21 and it's very, very stressful.

22 I just wanted to bring that comment out,  
23 you know, with my background.

24 Ms. Kessler, State law grants the City,  
25 the Citywide Council on Special Education, power

2 to comment and to advise on the provisions of  
3 services. Can you describe for us the specific  
4 steps the Chancellor's office takes to seek such  
5 comment and advice from the Council?

6 MS. BROWN: You're talking about the  
7 District 75 Citywide Council on Special  
8 Education?

9 ASSEMBLYMAN TITONE: Yes.

10 MS. BROWN: Well, District 75 has their  
11 own Council. It's not a CEC, it's a CCSE and  
12 it's called the Citywide, because our District,  
13 District 75 is called Citywide programs.

14 So it's called the Citywide Council, but  
15 it doesn't really interface with parents  
16 throughout the Department of Education, it only  
17 represents the 23,000 parents that are in  
18 District 75. So I think there might be some  
19 confusion because the word Citywide is a  
20 misnomer. So if you're talking about the CCSE,  
21 that I deal with, they deal with 23,000 parents  
22 that have children in District 75, and then  
23 throughout the City there are the other CECs that  
24 deal with the parents of other children with  
25 special needs, so I'm not 100 percent sure on

2 what you're asking.

3 ASSEMBLYMAN TITONE: Okay. Then within  
4 District 75, can you provide us with some  
5 examples of when a Departmental policy was  
6 actually changed as a result of the advice from  
7 the Council?

8 MS. BROWN: Yes, I can. And also, it's a  
9 very nice kind of segue from your previous  
10 comment. One of the issues in District 75 over  
11 the years has been that we do not have equity of  
12 access to resources in school buildings. In many  
13 cases, historically, we were on the fifth floor,  
14 or we were in a wing and we didn't have access to  
15 the library, we didn't have access to the  
16 computer rooms. Our children had breakfast at  
17 8:30 and the lunch was at 10:45 because they  
18 didn't want our children eating in the lunch room  
19 with the general education students.

20 It is something -- we have monthly  
21 meeting. We had our meeting last night. There  
22 were 400 parents there. But one of the things we  
23 have been discussing continually with the  
24 Chancellor and his leadership team is the need  
25 for District 75 students to have equity of access

1 and resources in school buildings. And with the  
2 advent of many campus school buildings, where  
3 there are multiple principals in buildings, the  
4 Chancellor has started building councils. He's  
5 coming out with a Chancellor's regulation that is  
6 kind of governing those building councils, that  
7 says, and Joel always says this, I have to admit,  
8 that Joel always says this, "The real estate  
9 belongs to me. The real estate belongs to the  
10 Chancellor." So if there's a principal in a  
11 school that says my kids need that and your kids  
12 can't have it, Joel says, it's not my kids and  
13 it's not your kids, it's our kids and the real  
14 estate belongs to me.  
15

16 So I have to tell you, in all honestly,  
17 that in the last few years, there's been a  
18 tremendous amount of support for equity of  
19 access. There's been the advent of building  
20 councils. There's been regulations draw up.  
21 There's been sanctions against principals.  
22 There's been a tremendous amount of work with  
23 learning support and school support organizations  
24 and network leaders for principals that are more  
25 recalcitrant and less willing to collaborate.

2 There has been a big change from where I sit for  
3 the 23,000 students I represent in terms of  
4 getting support and backing and saying foul ball,  
5 no good, it's not going to happy anymore. Joel  
6 has done that.

7 ASSEMBLYMAN TITONE: Once again, you're  
8 talking specifically about District 75?

9 MS. BROWN: Yes, I am. Yes, I am.

10 ASSEMBLYMAN TITONE: It's being pointed  
11 out to me and I don't have my glasses, so I can't  
12 read it to you, but education law does provide  
13 for a Citywide Council. That's not a misnomer.  
14 It's exactly what it means. I guess the question  
15 would be, if that's what the law provides, I  
16 guess my question would be, really, where is this  
17 advice and comment going, if it's Citywide?

18 DR. LYLES: Well, the Citywide Council for  
19 Special Education right now really services in  
20 the Citywide programs from District 75. Within  
21 each council within each CEC, for each district,  
22 the issues around special ed are addressed there.  
23 The Chancellor meets with the presidents of the  
24 CECs. The Chancellor's representatives meet with  
25 the presidents of the CECs. Bonnie represents

2 and shares the issues that are most prevalent and  
3 most pointed. We also turn to those advisory  
4 groups and members before, for example, it was  
5 talked about that we are developing a parents'  
6 guide, etcetera. So, the guide has been given to  
7 advisory groups. It's been given to the Citywide  
8 Council for Special Education for them to review  
9 and in Bonnie's office, they're reviewing that to  
10 provide the input as well as the unions etcetera.

11 So the Citywide Council that has been  
12 formed, has been formed and serves the Citywide  
13 programs in District 75 very specifically.

14 However, across the system, the CECs represent  
15 the issues in terms of parents with special ed.

16 ASSEMBLYMAN TITONE: And how often does  
17 the Chancellor himself actually attend these  
18 meetings?

19 DR. LYLES: I can't say. I really can't  
20 say that. I don't attend those meetings.

21 MR. LASHER: We can get back to you with  
22 that information.

23 ASSEMBLYMAN TITONE: Thank you.

24 CHAIRWOMAN NOLAN: Assemblyman Brennan I  
25 know has something, but Assemblyman Tobacco, if

2 you have a quick question.

3 ASSEMBLYMAN TOBACCO: To kind of piggy  
4 back off of Matt, I thank you for your testimony,  
5 and Superintendent Brown, when you spoke about  
6 improved equity of access and resources, you  
7 spoke about through the Office of Family  
8 Engagement and parent coordinators at each  
9 school. I'm new to politics and government and  
10 I'm less than 20-something months, but I can look  
11 out at this audience and I would say half the  
12 parents that are seated here have actually come  
13 to me, as an Assembly person, looking for access,  
14 looking for resources and looking to go through  
15 the labyrinth because of their frustration with  
16 the system.

17 When you mention parent coordinators at  
18 each school, specifically talking about District  
19 75, are there parent coordinators that are just  
20 dedicated to special education, or is it a parent  
21 coordinator for the school in general?

22 DR. LYLES: Every school in the District  
23 75 schools, obviously they're dedicated  
24 specifically for these students in that school,  
25 however, every school, there's usually only one

2 parent coordinator who serves all the parents.

3 It is part of the, just as we talked about the  
4 principal being accountable for the outcomes for  
5 all of the children, we also expect every member  
6 of the school community to serve every child and  
7 every parent. We do not have a separate parent  
8 coordinator within the schools for students with  
9 disabilities.

10 ASSEMBLYMAN TOBACCO: Is there any  
11 outreach to the families to know that these  
12 positions exist? I'm just saying because I'm  
13 just being overwhelmed honestly, as a new member  
14 of the Assembly, just having parents come to my  
15 office and I find it odd that they would need to  
16 come to an elected official's office for them to  
17 advocate, and half the time, I'm finding myself  
18 sending them to parent advocates who are not  
19 within the system, the parent advocates who  
20 represent not-for-profit organizations.

21 MS. KESSLER: We have done training, and  
22 continue to do training for the parent  
23 coordinators in each school so that they are  
24 aware of the process for students with  
25 disabilities. In addition, we are finalizing a

2 parents' guide which will go up on our website as  
3 soon as -- it's under review by the various  
4 parent groups. We also established the 311 call  
5 center specifically so that if parents had a  
6 problem and they called 311, it was automatically  
7 transferred to our Office of Special Education,  
8 and those calls are all logged and those calls  
9 are definitely dealt with.

10 I think that -- in addition we created  
11 the parent advocate advisory group, which has  
12 represented by, in addition to parents, we have  
13 the different advocacy groups on there, including  
14 Advocacy for Children, Parent to Parent,  
15 Resources for Children, so that we would have an  
16 open dialogue. We meet regularly with them, Dr.  
17 Lyles and our office, meets regularly with that  
18 group. They review our policies. Any time we  
19 create a new policy now, it is reviewed by them  
20 before we, and we get their input, before it is  
21 sent out. We just did, in fact, there's a new  
22 regulation that parents can revoke consent --  
23 with them, they reviewed it before we finalized  
24 it. We do that regularly.

25 As I mentioned before, they brought to us

2 the fact of the orientation fairs for students  
3 turning five and that has been very successful.  
4 That was something that they brought to us. So  
5 that is how we try to deal.

6 The process should involve parents from  
7 day one. Our psychologists in the schools and  
8 our IEP teams in the schools should be aware of  
9 what they need to say to parents, but this is a  
10 very large system and there are parents who run  
11 into obstacles. It hurts me that this happens,  
12 but that's why we established these other  
13 mechanisms, such as the 311 call center.

14 CHAIRWOMAN NOLAN: Thank you. Jim. And  
15 Thank you, everyone, for your patience.

16 Obviously this is a critical part of our hearing  
17 today and we appreciate your testimony very much

18 ASSEMBLYMAN BRENNAN: Ms. Kessler, I just  
19 wanted to say for the record, that I have the  
20 greatest respect for education professionals and  
21 the special ed system. It's hard work. It's  
22 very difficult. It's a challenging job to  
23 organize and provide services for children with  
24 disabilities and I know that you and everybody  
25 else works hard.

2 When you testify about compliance, you  
3 are referring to compliance with the requirements  
4 of the Jose P. federal lawsuit; isn't that  
5 correct. And various timeframes under which --

6 MS. KESSLER: -- referring to compliance  
7 with State and federal law also.

8 ASSEMBLYMAN BRENNAN: Yes, well, there's  
9 a set of guidelines for assuring evaluation and  
10 placement of kids with disabilities related to  
11 Jose P. and the Department of Education is  
12 supposed to comply with them, right?

13 MS. KESSLER: Yes.

14 ASSEMBLYMAN BRENNAN: Those requirements  
15 are, if this is your understanding, DOE is  
16 required to complete each new evaluation within  
17 30 school days of receiving parental consent to  
18 evaluate or within 40 school within receiving a  
19 request to evaluate, and under the decree, a  
20 student must then be offered appropriate services  
21 within 60 school days of receipt of parental  
22 consent to evaluate or within 70 school days of  
23 the request to evaluate. Is that your  
24 understanding?

25 MS. KESSLER: Those timelines have

2 changed with the new laws that were revised in  
3 2004. And it is now, for an initial evaluation,  
4 it is 60 calendar days from consent to complete  
5 the evaluation, and State law still has 60 school  
6 days to arrange placement. So yes, I mean,  
7 basically yes. Just a little bit different.

8 ASSEMBLYMAN BRENNAN: All right. Now,  
9 Comptroller DeNapoli issued an audit in June of  
10 2008 saying thousands of New York City special ed  
11 students not receiving needed services,  
12 Department of Education efforts outpaced by  
13 demand for services. And he indicated in the  
14 audit that in 2005/2006, 18 percent of referrals  
15 in the system were from more than 30 days.  
16 2006/2007, 15 percent were in for more than 30  
17 days. There were 9,500 cases carried over from  
18 2005/2006 to 2006/2007. That was the highest  
19 level from 1997/1998, and that unfilled requests  
20 for related services had more than doubled from  
21 2003 to 2007.

22 So when you testified that your IEP teams  
23 are increasing their productivity, that is in  
24 relation to getting these referrals closer to the  
25 compliance requirements; isn't that right?

2 MS. KESSLER: Yeah.

3 ASSEMBLYMAN BRENNAN: Yeah. And you said  
4 you're now, 90 percent of your evaluations are in  
5 compliance with the required timeframes. Was  
6 that a particular year, 90 percent?

7 MS. KESSLER: 2008.

8 ASSEMBLYMAN BRENNAN: 2008. So that is  
9 an improvement over the 18 percent and 15 percent  
10 from the cases mentioned in the report, the  
11 Comptroller's audit?

12 DR. LYLES: I'm sorry, the 18 percent --

13 ASSEMBLYMAN BRENNAN: The Comptroller's  
14 office had in 2005/2006, 18 percent of the  
15 referrals that were in the system for more than  
16 30 days, 2006/2007, 15 percent were in for more  
17 than 30 days.

18 MS. KESSLER: Well, we're not -- okay,  
19 one thing is that the 30 days, there's no 30 day  
20 anymore. There's no 30-day clock anymore, so we  
21 don't look at the 30-day clock because it's not  
22 there anymore.

23 ASSEMBLYMAN BRENNAN: Okay, but not  
24 withstanding that, there had been some original,  
25 the original Jose P. requirement had some

2 guideline in relation to assuring that the kids  
3 would get needed services.

4 MS. KESSLER: All I'm saying is that that  
5 timeline used to be 30 school days, and now it is  
6 60 calendar days.

7 ASSEMBLYMAN BRENNAN: So in other words,  
8 your 90 percent compliance is with 60 days?

9 MS. KESSLER: Yes.

10 ASSEMBLYMAN BRENNAN: I see. So  
11 actually, in fact, the evaluations have been  
12 getting longer and longer during that time --

13 MS. KESSLER: No, I am not saying that.  
14 What I am saying to you is that the compliance  
15 timeline is 60 calendar days. We are looking at  
16 the -- I don't know what the 30 school day  
17 calendar timeline is because we're not looking at  
18 that. I am not saying it's taking us longer to  
19 do the evaluations. I'm saying that when you  
20 look at the 60 days, we're at 90 percent  
21 compliance.

22 ASSEMBLYMAN BRENNAN: Right. But in  
23 other words, it is taking much longer to do the  
24 evaluations -

25 MS. KESSLER: No, that is not what I

2 said.

3 MR. LASHER: Assemblyman, Assemblyman,  
4 just so we're clear, the legal yardstick for the  
5 timeframe for the compliance was changed, not by  
6 us, but that was a statutory change. Therefore,  
7 the time by which we're measuring it has  
8 accordingly changed.

9 ASSEMBLYMAN BRENNAN: Yes, but my comment  
10 to that is in reality, things are getting worse.

11 MR. LASHER: The 15 to 18 percent  
12 baseline that you quoted from the DeNapoli report  
13 is a measurement from the original statutory  
14 timeframe. Obviously, it's a comparison of  
15 apples and oranges that we did not make.

16 ASSEMBLYMAN BRENNAN: Understood, but in  
17 relation to the demand for services, and the  
18 reality, in terms of what people are getting, the  
19 timelines for conducting the evaluations are  
20 getting worse, even if you are in greater  
21 compliance with a more extended timeframe?

22 DR. LYLES: That is really hard to say.  
23 We would have to take a look at what our  
24 compliance rate was, or what our completion rate  
25 was within 30 days. We do not measure that. We

2 have not measured that. It could be even better,  
3 but we cannot draw that conclusion because we  
4 have not tracked that data as such.

5 ASSEMBLYMAN BRENNAN: Right. Gotcha.  
6 Anyway, in addition, when you testified that  
7 students recommended for occupational therapy,  
8 you've had a nine percent increase to 77 percent.  
9 That relates to getting the unfilled requests for  
10 services completed; isn't that right.

11 MS. KESSLER: Um huh.

12 ASSEMBLYMAN BRENNAN: In fact, the system  
13 that - there's a substantial increase in demand  
14 for services. You're attempting, as best you  
15 can, to meet these demands in relation to  
16 evaluations and placements and getting kids the  
17 services that they need, but considering the  
18 overall demand, the backlogs are very substantial  
19 and you're having a difficult time meeting the  
20 needs of the kids in the system?

21 MS. KESSLER: In terms of things like  
22 occupational therapy, speech and physical  
23 therapy, we do have, there is a shortage of  
24 people to hire. We are more than willing to hire  
25 people if we can find them, and what we have done

2 is, in addition to hiring staff and we hire staff  
3 every day if we can, in addition to hiring staff,  
4 that are DOE employees, we also have contracted  
5 out with agencies that can provide these  
6 services. And in addition to that, there are  
7 people who are providing it under what is called  
8 an independent provider agreement. So we are  
9 trying to reach as many providers as we can find.

10 It is a national shortage area. It is  
11 something that both the State and us are working  
12 very hard to find ways to find more people to  
13 provide these services, and we are doing  
14 everything we can to do it.

15 ASSEMBLYMAN BRENNAN: Just a couple more  
16 questions. Not to bring up comptrollers on a  
17 regular basis, but Comptroller Thompson completed  
18 an audit of the tracking system for special ed  
19 evaluations and placements and treatment and so  
20 on, and indicated that there were significant  
21 deficiencies in relation to your capacity to  
22 track the many thousands of students being  
23 evaluated and placed. And then you have  
24 testified that you have just undertaken a new  
25 contract to do tracking, I forget, SESIS, is that

2 correct?

3 MS. KESSLER: Yeah.

4 ASSEMBLYMAN BRENNAN: Special Education  
5 Student Information System. \$55 million, is that  
6 the -- you just presented it to the Panel for  
7 Educational Policy. The purpose of this \$55  
8 million is to improve management of special ed  
9 referral, provide real-time information to  
10 schools, etcetera, etcetera. This time SESIS new  
11 contract, is this related to the deficiencies  
12 found in the audit by the Comptroller?

13 MS. KESSLER: It's much more than that.

14 It is --

15 ASSEMBLYMAN BRENNAN: Well, my question  
16 is, is it related in some way to the  
17 deficiencies --

18 MS. KESSLER: It was not motivated by  
19 that.

20 ASSEMBLYMAN BRENNAN: Not motivated by  
21 that?

22 MS. KESSLER: No, it was not. It was  
23 really about having, first of all, an IEP that's  
24 online, so that we don't have paper flying all  
25 over the City --

2 ASSEMBLYMAN BRENNAN: Well, that's a good  
3 thing. Sure.

4 MS. KESSLER: Yes. That is a very  
5 important part of it. It is to ensure that  
6 people can manage their cases. It's not only  
7 evaluation and placement, but also provision of  
8 services. Making sure that that is done in a  
9 timely fashion, and it is real-time information,  
10 as opposed to what we have now, which we get  
11 reports and it's done on a weekly basis. It's  
12 also --

13 ASSEMBLYMAN BRENNAN: I believe the lack  
14 of real-time information was a deficiency  
15 identified in the audit, isn't that right?

16 DR. LYLES: You are absolutely right.  
17 That was one of the issues. But SESIS has been  
18 in development for several years. As we can  
19 imagine, first of all, the whole idea of  
20 developing an RFP, a request for proposal, but I  
21 know you know that -- in terms of looking at our  
22 entire system, one of the things that we have  
23 done is, we understand that there have been  
24 long-standing problems with how we collect data,  
25 how we track our services, how we make sure that

2 we are consistent across this. So this has been  
3 something that we have been working on before the  
4 Comptroller's audit.

5 ASSEMBLYMAN BRENNAN: I'm sure the audit  
6 related to things that had happened in the past.

7 DR. LYLES: Exactly.

8 ASSEMBLYMAN BRENNAN: So you're probably  
9 thinking along the same lines.

10 DR. LYLES: Right, we have always been  
11 looking for how can we make this better. It's  
12 been a multi-year process and we are now, just at  
13 this point, where we are beginning the pilot of  
14 this system.

15 ASSEMBLYMAN BRENNAN: Thank you.

16 CHAIRWOMAN NOLAN: Thank you, Jim.  
17 Assemblyman O'Donnell.

18 ASSEMBLYMAN O'DONNELL: I'd like to  
19 apologize for being late. On a windy day, like  
20 today, there's a lot of things being blown over  
21 from northern Manhattan to here, so it took me a  
22 very long time.

23 I want to talk briefly about 311 as a  
24 mechanism to assist parents with children with  
25 special needs. There was recently a story in the

2 New York Times of how it took over a year to get  
3 a street light fixed with 311, and my office  
4 regularly deals with complaints about people who  
5 say I tried to get something done in the City,  
6 like a street lamp and something simple, an  
7 inspector should have been here yesterday and  
8 they haven't shown up, it seems to me that the  
9 needs of a parent's child would be a very  
10 difficult thing to successfully navigate through  
11 the 311 system. So do you actually have examples  
12 of success in this, and are the people who are on  
13 the receiving end of these phone calls really  
14 that sufficiently trained to be able to deal with  
15 what must be a very difficult situation?

16 MS. KESSLER: Yes. When the parent calls  
17 311 and has an issue on special education, it's  
18 automatically transferred to the Special  
19 Education Improvement Office, where there  
20 are -- that is staffed with people, educators,  
21 highly trained in special education, who also  
22 know the system and can deal with the parents.

23 As I said, 98 percent of the calls were  
24 resolved within -- the average time is about a  
25 day, or two days, to resolve the calls.

2 ASSEMBLYMAN O'DONNELL: So how about we  
3 work on what is the definition of resolved in  
4 that sense. What does that mean to you, because  
5 what it means to me may be something different  
6 than what it means to you, so I'd just like to  
7 know what you mean by resolved in a day.

8 MS. KESSLER: Resolved means that the  
9 situation was, the parent either left satisfied  
10 with what happened, either with whatever the  
11 issue was with the student, the student was given  
12 whatever needed to be done, or there are times  
13 when parents are asking things that are --  
14 parents are of course very concerned about their  
15 children and they want certain things. Some of  
16 those things are not within our power to do and  
17 some of those things we disagree with. So  
18 that --

19 ASSEMBLYMAN O'DONNELL: So if a parent  
20 was asking for something that either you don't  
21 think is appropriate or you don't think you're  
22 required to give, you count that as a resolved  
23 phone call?

24 DR. LYLES: No. Many of the calls  
25 really, and it sort of speaks to what you're

1 saying about sometimes for parents the system may  
2 seem like a maze, and so many of the calls about  
3 parents not having access and not being able to  
4 reach the correct people to get the information  
5 that they need, so they may say I'm concerned.  
6 I'm looking for placement and I haven't received  
7 a response, etcetera. And so the resolution  
8 would be that we reach out to the placement  
9 office and we resolve and talk about where that  
10 parent should be and where that child should be.  
11 Or the parent will say that -- I have some  
12 questions about assessments and my child is  
13 supposed to have a modified assessment program  
14 and I don't think that. And the resolution would  
15 be we'd reach out to the school and we'd say to  
16 the school have you looked at the child's IEP,  
17 are we following the IEP and going over with the  
18 parent.  
19

20           When the parent calls, most of the calls  
21 that come through, it's a matter of the parent  
22 does not know necessarily where they should go,  
23 or the parent feels that they don't have all of  
24 the information. So when we're talking about  
25 resolutions, sometimes it's not necessarily that

2 a parent feels they should have something and  
3 that we give it to them, but we give them the  
4 information that they need.

5 ASSEMBLYMAN O'DONNELL: It would seem to  
6 me, just logical, that a parent would most likely  
7 only resort to calling 311 after they were not  
8 satisfied in talking to someone previously, so  
9 that you consider a resolution, telling them to  
10 go back to the people who they previously talked  
11 to and they didn't get anything that they wanted  
12 from, is not necessarily resolved from the  
13 perspective of the parent, it's only resolved  
14 from the perspective of the person who is  
15 answering the phone.

16 How many people are employed in that  
17 particular capacity, do you know, the special  
18 education people who are on the phone at 311?

19 MR. LASHER: Assemblyman O'Donnell, just  
20 to be clear, the system is that a parent calls  
21 311 with a special ed concern gets referred to --  
22 and your point is very well taken, from earlier,  
23 that reflected a change that folks were not  
24 dealing on complex issues with the general 311  
25 system.

2 ASSEMBLYMAN O'DONNELL: I just want to  
3 know how many people are employed who answer  
4 those 311 calls that get you the 90 percent  
5 resolution.

6 MR. LASHER: We'll get back to you with  
7 that number.

8 ASSEMBLYMAN O'DONNELL: Okay. And I'd be  
9 very impressed if they were all educators. I'm  
10 sure you've got two or three lawyers thrown in  
11 there. I'm kind of confident about that.

12 One other thing I would just like to  
13 correct. You mentioned that Mr. Klein is very  
14 proud of the fact that these are his buildings.  
15 I would humbly suggest that they are not his  
16 buildings. They are our buildings, and that  
17 although he's currently the appointed caretaker  
18 of them, that doesn't mean they are actually  
19 under his dominion and control and so the  
20 question before these hearings is whether or not  
21 the current system is set up in such a way that  
22 gives the parents, whether they are special needs  
23 kids or non-special needs kids, adequate avenues  
24 to get their kids educated to their satisfaction.

25 I thank you very much and I apologize

2 once again for being late.

3 CHAIRWOMAN NOLAN: Thank you, Danny. Let  
4 me just wrap up with this group, and I appreciate  
5 it if people try not to -- appreciate support and  
6 applause, but let's try to just keep it moving.  
7 And I appreciate that people have waited from the  
8 various parent's groups, but it is an opportunity  
9 for us, really the first opportunity I've had as  
10 Chair of the Committee, to be able to hear  
11 testimony from experts in this field and we  
12 appreciate their coming.

13 A couple of quick questions that I have  
14 just in reference to your testimony.  
15 Ms. Kessler's testimony, you mentioned the report  
16 by Dr. Herir, Harvard Graduate School of  
17 Education. Can we get a copy of that report?

18 MS. BROWN: It is on our website and we  
19 will get you a copy.

20 MR. LASHER: We'll get you a copy.

21 CHAIRWOMAN NOLAN: I appreciate  
22 Mr. Lasher jumping in. I've had four years of  
23 the DOE telling me it's on the website and I just  
24 must sometimes be not good enough to find it.  
25 I'm old school. So if somebody could get that to

2 us, or perhaps direct us properly. Okay. That's  
3 one question.

4 Now, I want to talk a little bit about  
5 collaborative team teaching, when you say the  
6 number is more than doubled, what are the actual  
7 numbers?

8 MS. KESSLER: We'll get you the numbers.

9 CHAIRWOMAN NOLAN: Do we have a rough? I  
10 mean, this is a key question, obviously, so do we  
11 have a rough, an approximate? We don't hold  
12 anybody -- I don't swear anybody in in our  
13 hearings, we don't ask people to testify under  
14 oath. We just want to have a general,  
15 governmental discussion, so perhaps you can give  
16 us a ballpark figure on that, like how many of  
17 them exist, elementary, middle and high school  
18 and how many youngsters are participating in  
19 them.

20 MS. KESSLER: I can't give you the  
21 breakdown now, elementary, middle, high, but  
22 there are 32,659 as of October of '08.

23 CHAIRWOMAN NOLAN: Participating in a  
24 CTT?

25 MS. KESSLER: Yes.

2 CHAIRWOMAN NOLAN: Of which then half of  
3 those children would be general education  
4 students, or less than half, Ms. Brown?

5 MS. BROWN: These are the special  
6 education. These are the students with  
7 disabilities in those programs.

8 CHAIRWOMAN NOLAN: Okay. Right. So then  
9 the number of children in CTT classes -- someone  
10 told me they're not going to be called CTT  
11 anymore. Is that true?

12 MS. BROWN: What happened is that we  
13 developed this program when we developed our  
14 current continuum in 2001. It is not in the  
15 State's continuum, but we got a waiver from the  
16 State to add it to our continuum. The State has  
17 just added this program to their continuum and  
18 they are calling it, they called it co-teaching.  
19 So we have to call it -- we will keep the  
20 collaborative team teaching, but the State in its  
21 continuum called it co-teaching.

22 CHAIRWOMAN NOLAN: Okay. So it's not  
23 ICT, it's just going to be CT. Someone told me  
24 it's going to be ICT. No? We can still say  
25 collaborative team teaching.

2 MS. BROWN: We can still say it.

3 CHAIRWOMAN NOLAN: So we're talking about  
4 65,000 youngsters who participate. One of the  
5 questions I have, my son is a general ed student  
6 in collaborative team teaching and I want to  
7 explain to you how that came to be, because the  
8 Chancellor often references in this tone of sort  
9 of like disapproval, there are people that know  
10 how to operate in the system and there used to be  
11 favored people. I never know who he's talking  
12 about. Presumably he might mean someone like me,  
13 who's a member of the Legislature, one would  
14 think that I would know. But surprisingly  
15 enough, that's not always the case. Maybe the  
16 fault is mine, as I have told the Chancellor.  
17 But, when my son, as he was growing up, we had a  
18 little day care, a little mommy time, a little  
19 grandma time, you cobble it together as a working  
20 parent. My locally zoned elementary school is  
21 way overcrowded, as it every school in my  
22 particular Assembly district, and as it has been  
23 for over 20 years. And the entire time I've been  
24 a member of the Legislature, I have worked to try  
25 to deal with some of those overcrowding issues,

2 and as you can see, with not as much success as I  
3 would like, and again, I'm sure that the fault is  
4 mine and not the DOEs, but it's certainly  
5 something that many, many people in our district  
6 have worked on.

7 So, when I went to our locally zoned  
8 elementary school, someone in the school, I was  
9 not the Chair of the Committee, said to me, You  
10 know, if you really don't want these real  
11 overcrowded classes, maybe you can find a CTT  
12 class that will take your kid. So of course, I  
13 didn't even know what that was and started  
14 asking. mayoral control had already -- my son  
15 entered the school system under mayoral control,  
16 and I was an enthusiastic supporter of mayoral  
17 control. So I started calling around to friends,  
18 not official people, other mothers, someone said  
19 oh, you could go to PS 78, they have a CTT.  
20 Well, we went over to -- I still wasn't sure what  
21 it was -- I went, I spoke to a principal, very  
22 cordial, she said You know, that would be great.  
23 We're allowing people to come in here. You can  
24 get a variance to come here because a lot of  
25 parents don't know what CTT is and they're a

2 little afraid of CTT. So if you're willing to  
3 have your child in a CTT class, you'll get the  
4 benefit of the smaller class size as a general ed  
5 student.

6 So I jumped. I was thrilled and I've  
7 been very happy with CTT and my son I think has  
8 flourished under it. But now we move through the  
9 system a little more. So I don't know if that  
10 meets the Chancellor's definition of knowing  
11 somebody, because it was really a very informal  
12 process.

13 I have not been able to really find out  
14 how the DOE promotes collaborative team teaching.  
15 Obviously, if you have a child in special ed, and  
16 you want that for your child, you've heard of it.  
17 But for parents like me, general ed parents, I've  
18 never seen any recruitment drive. And so what  
19 happened in our school is that some parents,  
20 after kindergarten, sort of reacted. They didn't  
21 want their child in CTT. Maybe they didn't fully  
22 understand or there was some confusion. So they  
23 kind of resorted people out again in first grade.

24 It seems to me the Department has  
25 something there that's a valuable thing and I've

2 never understood, number one, at least as I know  
3 they don't promote, but now we'll move through  
4 the system.

5 The initial group of children, it's been  
6 a wonderful thing to see that, a wonderful thing.  
7 We're a barrier-free school as well, so we have  
8 some children that have some physical  
9 disabilities as well. It's a beautiful thing.

10 Last year, however, in the fourth grade,  
11 somehow, someway, I still don't really know how,  
12 and now I'm Chair of the Committee and I still  
13 don't and I guess I'm one of those connected  
14 people that the Chancellor keeps referring to,  
15 but someway, somehow, two new children were  
16 dropped into our CTT. The first week, and the  
17 initial group you have to understand has been  
18 together since kindergarten, so there really was  
19 a lot of understanding and patience, within a  
20 week, those children had bit two children, my son  
21 was not one of them, they had hit a number of  
22 children and they were a handful, I guess is the  
23 old fashioned way of saying it.

24 There was a lot of parent buzz about  
25 that. A number of general ed parents, I don't

2 know, I'll use another non-education term,  
3 freaked out and wanted their children withdrawn  
4 from the CTT class. We have a new principal. I  
5 think he made an effort. There was a lot of  
6 discussion, all very informal. Things kind of  
7 settled down. I felt that transferring those  
8 kids in like that in fourth grade didn't help the  
9 kids, didn't help the CTT. So I guess one  
10 question I have is, how does that play out? Once  
11 you form one of these units, is there effort to  
12 ever keep them kind of intact and have the kids  
13 move through together, because you get the  
14 benefit.

15 And then, one of the two of the biters,  
16 they left right away anyway, so no one ever  
17 really found out like who they were, why they  
18 were there, did they leave on their own, did the  
19 principal get them -- so they were gone.

20 Now, we're looking at junior high school.  
21 I haven't had a single -- and I've been to  
22 everything, I've been to those crazy borough  
23 fairs with the 2,000 people. I've been to the --  
24 I've been to everything that I can possible go to  
25 and if I haven't gone, my husband has gone. I

2 have yet to find a middle school that has said,  
3 and again, I said to the Chancellor, there is no  
4 choice in western Queens, but separate that out,  
5 I have yet to find anybody who said to me, You're  
6 son is in a CTT class as a general ed student, we  
7 have that in this junior high and that's  
8 fantastic, so we're going -- so there's  
9 absolutely no -- if anything, at two of the  
10 fairs, I said, My son is in a CTT class, and this  
11 is literally what happened, and the person  
12 went -- no, no, if you have a special ed kid,  
13 that's not going to be the program for you. And  
14 I was really offended by that, first of all, that  
15 they would say that and second of all, don't they  
16 even know, these recruiters, that CTT doesn't  
17 mean just special ed kids.

18           So I don't know what the training is, and  
19 I do get the feeling that CTT is kind of in for a  
20 while, but now it's not. So there seems to be no  
21 recruitment and I would have honestly thought it  
22 might be a good idea for Nick, but I really  
23 retreated from it. I have to be candid. I've  
24 retreated from it, and I've retreated from it  
25 partly because if it's going to be a whole new

2 group of children, then we may have another biter  
3 or another kid that can't -- maybe it's too much  
4 of a transition for that child and -- I don't  
5 know. It's a little fear factor now. I don't  
6 want my son bitten or hit.

7 So that's one issue. And the second  
8 issue is, what are you doing to promote the  
9 program, both in the elementary grades and in the  
10 middle school grades?

11 DR. LYLES: Well --

12 CHAIRWOMAN NOLAN: Sorry for the long  
13 story. I always say it's been like a first  
14 opportunity for us to --

15 DR. LYLES: I appreciate the context. It  
16 helps to have a better understanding of your  
17 concerns. Well, first of all, I think that we  
18 probably have to do a better job in terms of  
19 making in particular general education parents  
20 aware of what this possibility is and the  
21 opportunity. We have indeed expanded almost  
22 exponentially on the elementary level, and  
23 subsequently, we have expanded on the middle  
24 school level, because what is driving the CTT  
25 expansion is the number of students who have

2 received that designation on their IEP.

3           Now, in terms of keeping them intact,  
4 they are, during their evaluation, it's whether  
5 or not the students should still be in IEP, so it  
6 is not necessarily -- some schools make  
7 decisions, and it sounds like your son's  
8 elementary school was on, where they do what we  
9 call loop the students, where the whole class  
10 moves up together with the next teacher, to the  
11 next grade. And there are certainly some  
12 advantages in terms of the students knowing one  
13 another and all of the history and knowledge  
14 around that, and that happens -- either they may  
15 move with the teacher, or the students may move  
16 intact together, and so this sounds like that.  
17 But that is not necessarily the case. Very  
18 often, the students in a CTT class who have an  
19 IEP will move up together, if there's only one  
20 class on that level, but the general ed students  
21 may not necessarily move up with that.

22           So that's part of what happens, and so  
23 part of what we are trying to do now is a greater  
24 outreach and identification for middle schools  
25 around schools that will need to have and where

2 we will need to have even more CTT classes. So  
3 we're expanding that.

4 But your point about in terms of making  
5 sure that all parents are as knowledgeable about  
6 that I think is something that we have just begun  
7 to do.

8 CHAIRWOMAN NOLAN: What happens with a  
9 child that's transferred into one of these in the  
10 fourth grade? Everybody else has been together.  
11 By the way, the general ed kids are not totally  
12 looped. There was always some movement. It's a  
13 small school. But, the special ed, because there  
14 was only one CTT in each grade, those kids have  
15 stayed together. And I do think it made for a  
16 tremendous support network among the parents and  
17 the children. When these other two kids --  
18 literally I felt they were sort of bounced in.  
19 They came in in October. And as I said, one of  
20 them didn't last.

21 It did create a lot of disruption, so how  
22 does that happen? I mean, I'm sure it happens in  
23 other places besides my child's class. In the  
24 Legislature, we use anecdotes a lot to try to  
25 understand what's going on. Is there a policy to

2 just do that or is there some effort to not?

3 MS. KESSLER: I think you have to think  
4 about it first as if in a general ed class, where  
5 the kids have been together since kindergarten  
6 and none of them have moved and everything has  
7 been stable and they just continue on, and then  
8 in the fourth grade, five new kids move in, so  
9 they go into the class. So I think that what you  
10 have to look at in terms of the students with  
11 disabilities in that class, and the class, by the  
12 way, it's not that the class size is necessarily  
13 smaller, it's that there's two teachers in it --

14 CHAIRWOMAN NOLAN: That's right.

15 MS. KESSLER: -- and there's a limit to  
16 the number of children with disabilities. But  
17 the class size is the same, the total class size  
18 is the same as any other general ed class. But  
19 at any rate, so now in this class, there were  
20 eight students in the class, okay, and we could  
21 have maybe 10 students in that class and now I've  
22 evaluated another child, maybe from that school,  
23 maybe from another school and now I have to place  
24 that child where the seats are. So that's how  
25 they come in at different levels.

2 CHAIRWOMAN NOLAN: Is there any effort  
3 though to make that transition a little easier,  
4 because I will tell you, I think -- and my heart  
5 goes out to the child, don't misunderstand. On  
6 the other hand, if it was your kid that got bit,  
7 you wouldn't be loving that. So how do you make  
8 that transition work? What do you do for that in  
9 your department?

10 DR. LYIES: Well, part of the work is in  
11 terms of the support that's given, we have  
12 special support for the students as well as the  
13 professional development that's provided for the  
14 teachers about that transition. When that's on  
15 their IEP, we don't just want to dump them into  
16 that class, and so they receive continued support  
17 and that's also one of the values of having the  
18 special ed teacher in the room. That teacher is  
19 supposed to be charged with that support and that  
20 transition as well. We recognize that --  
21 sometimes in the tension of -- a child has on his  
22 IEP that he should be in a collaborative team  
23 teaching class, we have to give him that  
24 placement, we have this class. It may be he has  
25 transferred to the school in the middle of the

2 year or whatever, we have to honor that.

3 CHAIRWOMAN NOLAN: It's challenging, we  
4 know that. But I will say that --

5 DR. LYLES: So we are aware of the need  
6 for transitional support.

7 CHAIRWOMAN NOLAN: I do think there has  
8 to be more support, having seen the experience,  
9 because it does spook parents and people then  
10 want to pull out, and I think, honestly I think  
11 it is a wonderful model, but it needs to be  
12 promoted more within the Department.

13 DR. LYLES: -- a very good point.

14 CHAIRWOMAN NOLAN: And I can tell you  
15 too, it was very upsetting to me to go to one of  
16 these middle school fairs and literally have  
17 someone physically move back when I said that my  
18 child was in a CTT class, as if somehow -- and  
19 then when I said they were a general ed  
20 student -- it wasn't a good encounter, let's just  
21 say that.

22 MS. KESSLER: I agree with you 100  
23 percent.

24 CHAIRWOMAN NOLAN: My other question, I  
25 just want to quickly say, we do want the actual

1 number of high school students. And look, I  
2 don't fault the mayoral control system, but it's  
3 an indictment of all of us, that 20 percent  
4 graduate. I mean, what are we talking about  
5 here? That's just not a good number, from the  
6 special ed kids, that's just not a good number.

7  
8 And I want to just ask one last question  
9 about special ed District 75 and the capital  
10 plan. Superintendent Brown knows because she  
11 came out with us, that I happen to represent a  
12 school called P 9, which is actually a  
13 multi-campus special ed District 75 school. P 9  
14 looks like, I don't know, maybe something that  
15 came out of One Flew Over the Coo-Coo's Nest.  
16 You know, it's a 100 year old building. The  
17 floors are totally warped. It's kept clean, but  
18 you know, broken windows here. It really could  
19 be a lot nicer and I salute the principal, I  
20 salute the people, but I don't understand why a  
21 school like that was not given a priority with  
22 all the billions that we've put into the capital  
23 plan. And as I started to question a number of  
24 people, and there's never a complaint from  
25 anybody at the school, people don't want to

1 complain, they don't want to be singled out, but  
2 where do the special ed schools and their  
3 campuses fit in the capital plan, because again,  
4 I don't see them there. This building in  
5 particular is just an embarrassment to all of us  
6 in government, that we've even let it get that  
7 old and that decrepit. I've been visiting it  
8 regularly and they've taken -- think there's been  
9 some small effort to improve it, but it's a very  
10 old building. One of the things that we found  
11 when we toured with Commissioner Mills, is that  
12 some of the children travel an hour and a half  
13 to get there. And I just, again, don't  
14 understand why we can't develop more sites that  
15 are closer to people's homes, and where do you  
16 fit when the SCA creates the capital plan,  
17 because there seems to be a real dropping off of  
18 District 75 schools in the capital plan?

19  
20 MR. LASHER: Assemblywoman Nolan, just  
21 speaking generally to P 9, then Superintendent  
22 Brown can speak to the capital plan in general, I  
23 did want to let you know that in response to the  
24 inquiry at the previous hearing, yesterday in  
25 fact, we sent out a team to P 9 to take a look at

2 the physical plans.

3 CHAIRWOMAN NOLAN: I feel embarrassed,  
4 but I guess that's a good thing.

5 MR. LASHER: All we can do is try to  
6 be -- I just wanted to --

7 CHAIRWOMAN NOLAN: I actually support  
8 Chancellor Klein when he says there should be no  
9 favoritism or no efforts to ever -- I'm into  
10 that. I want one system for everybody.

11 MR. LASHER: You raise -- absolutely.

12 CHAIRWOMAN NOLAN: But this school, how  
13 many years does it have to be on the most -- list  
14 to finally -- but it shouldn't take me at three  
15 public hearings, and I understand from other  
16 people -- there's a P 9 in every borough --

17 MR. LASHER: Agreed.

18 CHAIRWOMAN NOLAN: -- that's really run  
19 down and they can't do the lunches and there's no  
20 gym. So I appreciate that. Don't misunderstand.

21 And a coat of paint and a little TLC would do  
22 wonders for children who are severely, severely  
23 disabled. But where does District 75 fit in the  
24 capital plan?

25 MS. BROWN: District 75 gets 10 percent

2 of space in any new building that's opening. All  
3 the new buildings are barrier free. We get 10  
4 percent of that. Historically, many of our  
5 programs were self-contained because the children  
6 were volatile and violent or aggressive were in  
7 churches or in leased space, and increasingly, as  
8 those leases expire, our classes are moving into  
9 better real estate, Department of Ed real estate  
10 in new buildings. Just in September, we are  
11 moving out of Adelphi Street in Brooklyn, we're  
12 moving out of Marion Avenue in the Bronx, which  
13 have been very unattractive physical plants that  
14 we've been in for many, many years, and we're  
15 moving into much better reconstructed space  
16 within the Department.

17 I think that your point is well taken.  
18 God, you're talking to the chorus here, choir  
19 rather, but I think it's a process. I think  
20 those schools are not going to change overnight.  
21 I think -- I was there with you and Commissioner  
22 Mills was very shocked to hear that many of those  
23 children came from Rockaway and they came to  
24 Maspeth, and until their space identified in  
25 Rockaway, they will still need the intensive

2 services of a segregated special ed building.

3 We're working on that. Rockaway has some of the  
4 peninsula, some of their own challenges. But we  
5 are making progress. We are doing away with  
6 many, many leased spaces that are not desirable.

7 As you said, they don't have gyms, they don't  
8 have cafeterias. We're getting space in the new  
9 buildings. Every year we've opened at least  
10 three or four new sites in District 75, and we've  
11 also been meeting regularly, my deputy and  
12 myself, with SCA to readjust what's called the  
13 footprint for District 75 moving forward.

14 Because the footprint is not the same because all  
15 the new space that's barrier free, they are  
16 constructing, or were constructing for wheelchair  
17 children with changing tables. Well, the  
18 children that are coming into all these new high  
19 schools now are going to be mostly autistic  
20 because we've been very lucky in this world and  
21 this life, that the 12 to 1 to 4 has more or less  
22 stabilized and we don't have an influx of those  
23 children anymore. But we will eventually have a  
24 huge number of children with autism moving up to  
25 high school.

2 So we're reconfiguring the space. We're  
3 getting rid of the bathrooms in the classrooms.  
4 We don't need that. We don't need changing  
5 tables. But we do need to keep the OT room and  
6 the PT room. We want to have shops and ADL  
7 rooms, so we've been working together to change  
8 the space. But also, because it's so hard to  
9 predict, whoever predicted this autism --

10 CHAIRWOMAN NOLAN: We understand that.  
11 Again, we're not here to point fingers. We  
12 appreciate, and again, salute the service that  
13 all of you give the City of New York and our  
14 children and we know that things don't happen  
15 overnight, but I also know that some of these  
16 issues I've worked on for 20 years. I can show  
17 you files of seven chancellors and 20 letters.  
18 That's one reason why I did support mayoral  
19 control. I did expect perhaps a little bit more  
20 than we've gotten, but I understand there's an  
21 effort to move forward.

22 What percentage of District 75 is in  
23 leased space?

24 MS. BROWN: I don't have that information  
25 off the top of my head.

2 CHAIRWOMAN NOLAN: Can somebody get back  
3 to us on that?

4 MS. BROWN: Very minimal amount.

5 CHAIRWOMAN NOLAN: I think Mike had a  
6 quick follow up. Do you want to follow up. All  
7 right. I really apologize. We took a little too  
8 long and I want to move on, but Assemblyman  
9 Titone.

10 ASSEMBLYMAN TITONE: I was very curious  
11 with the whole discussion about the capital plan.  
12 You said District 75 is getting 10 percent of all  
13 new construction. In your opinion, is that  
14 enough? I'm sure as superintendent you'd like to  
15 say I'd like to have all the new construction,  
16 but realistically speaking, is that enough?  
17 Could we do even better?

18 MS. BROWN: I don't think that it's a  
19 question of enough or too little. I think it's a  
20 question of the mindset and what we're really  
21 working towards and I think we've made progress.  
22 I don't want a wing in a building and I don't  
23 want to be on the fifth floor and I don't want a  
24 small room that's going to be my library. I want  
25 access to that building. I want my kindergarten

2 next to the gen ed kindergarten and if the fifth  
3 graders are on the fifth floor, my fifth graders  
4 will be on the fifth floor, but I don't want my  
5 kids in a wing. And I don't want any more  
6 separate libraries and OT rooms, so that's what  
7 we've been working on. It's not the amount of  
8 space. I mean, I don't need an OT room if I have  
9 access to the gym.

10 ASSEMBLYMAN TITONE: I understand. I  
11 think my question is, is 10 percent meeting the  
12 needs of the kids?

13 MS. BROWN: Yes, it is.

14 CHAIRWOMAN NOLAN: When did that change,  
15 by the way, happen, the 10 percent?

16 MS. BROWN: It's been in effect for quite  
17 a reasonable amount of time. But most of it has  
18 to do with because the new space is barrier free  
19 and it was meant for children that are not  
20 ambulatory.

21 CHAIRWOMAN NOLAN: We appreciate it very  
22 much. We appreciate your testimony very much.  
23 We appreciate the dedicated work that you do.  
24 Any follow up questions we will let Mr. Lasher  
25 know and again, thank you. And yes, if there is

2 some effort to address some of the most -- P 9 is  
3 the second-most violent school in the State for  
4 three years in a row in a very old plant, so if  
5 there is any effort to address those concerns,  
6 and the Marion site in the Bronx, and others.  
7 And we look forward to touring more of those  
8 sites with you. And now that I have my new hip,  
9 I can go visit those schools. I could barely walk  
10 up those -- those stairs at P 9 were so poorly  
11 warped at that time, I had this physical  
12 problem -- I could not -- it was so painful to  
13 walk up them, I'll never forget it. But now that  
14 I'm feeling better, we can go out and see some  
15 more.

16 Thank you very much. We'd like to just  
17 keep moving. A number of people have asked us if  
18 they could move up because of some health issues,  
19 so I'm going to ask Andrea Anna Lella from  
20 Families Helping Families to come down. We also  
21 do things in panels, so I'd like to ask the  
22 president and vice president of Community  
23 District Education Council 31, Sam Pirozzolo and  
24 Frank Squicciarini to come down, and Edward Josey  
25 from the President of the Staten Island NAACP.

2 If they can all come down and we'll hear  
3 all of them, and then keep moving. And then the  
4 next panel will be Ann-Marie Caminiti and Micahel  
5 Minis from Parent to Parent, and we'll go on from  
6 there. We'll probably call -- I know  
7 Dr. Cammarata has to go, and if he wants to come  
8 down, we'll try to work him into the second pane.

9 Why don't you start.

10 MS. LELLA: Thank you honored panel  
11 members for coming. I'd like to say hello to old  
12 friends. Hello, Matthew. I don't where Lou  
13 went, so hello, Lou.

14 CHAIRWOMAN NOLAN: Please say your name.

15 MS. LELLA: My name is Andrea Anna Lella.  
16 I am a parent of three children with special  
17 needs. I am a special education advocate and I  
18 am the CEO and program director of Families  
19 Helping Families Resource Center.

20 Coincidentally, luck and God destined me  
21 to leave my script in my printer tray, and I'm  
22 glad, because I followed people that I've been  
23 making a lot of notes for and I think I'd rather  
24 comment to some of those issues --

25 CHAIRWOMAN NOLAN All right. That makes

2 it a little more difficult for us, so if you can  
3 try to summarize it, we would appreciate it and  
4 then you can get us the written testimony at  
5 another time. Okay?

6 MS. LELLA: Okay. I'm going to testify  
7 now. Thank you very much. I'd like to speak to  
8 mayoral control. Personally it stunk for me, as  
9 a parent of special needs children and as a  
10 special education advocate, because it seems that  
11 the system, although I was on Mr. Sanders  
12 committee to develop the law, it left it too  
13 vague to have true accountability, checks and  
14 balances, and even consequences for miscompliance  
15 with the law. And to that, I ask, if you can't  
16 revert it back to State control, if you're going  
17 to keep it with mayoral control, you need to make  
18 it a system that has true checks and balances,  
19 true accountability, and in essence, true  
20 consequences to miscompliance to the law.

21 I'd like to speak to the CEC issue. It  
22 should be a true election, not a selection  
23 process. I was on the CEC from the first day it  
24 was conceived with 57 votes. I shared a council  
25 seat with someone that had one vote. To me, that

1 doesn't speak to being a parent leader. Even  
2 this council right now has people on it with five  
3 or six votes, so we need to make it a true  
4 election process.  
5

6 We need to expand the scope of parents  
7 that were combing for CEC and have it from  
8 kindergarten through 12<sup>th</sup> grade. And I might even  
9 say that if your child has graduated 12<sup>th</sup> grade  
10 within five years that you would be an  
11 appropriate candidate, because you've navigated  
12 the system and you know it well. And you also  
13 know if your child when into post-secondary life,  
14 with the solid foundation of skills to be  
15 successful, because as we know, that is part of  
16 State law, making sure that children are able to  
17 transition form secondary education to  
18 post-secondary life.

19 I would also state that the Citywide  
20 Councils on special education and the Citywide  
21 Council on High Schools is one council to service  
22 an entire city. It is inappropriate, inadequate  
23 and it doesn't meet the needs of the students, so  
24 that we should look at our CECs, expand them by  
25 four seats, put two District 75 seats and two

2 high school seats on it so that we can have  
3 representation of the community, in the community  
4 that it's being served, and a council meeting in  
5 Manhattan isn't going to be advocating for all of  
6 the City.

7 That being said, I'd like to speak  
8 reorganization of special education. One of  
9 those situations where I attended every single  
10 parent meeting and I heard what we were all  
11 saying, and yet when the reorganization came to  
12 pass, they said this is what you wanted, this is  
13 what we're doing, sort of like the 95 percent of  
14 all special ed parents who are happy, I keep  
15 wondering, and I know Lou and Michael and Matthew  
16 keep wondering who keeps calling us if everyone's  
17 happy, because we're getting a lot of phone calls  
18 from parents that are unhappy.

19 So that's a problem. To you, Assemblyman  
20 O'Donnell, wonderful question, 311. I called  
21 311. at first 311 asked me if I had a child in  
22 the special ed program and I said no, I didn't,  
23 and they said, oh, you've got the wrong extension  
24 and transferred me back. then I told the girl,  
25 my kids are in general ed but they get special ed

1 services and I got transferred back, and then she  
2 said to me, no, I don't think we do services,  
3 just programs and they transferred me back. And  
4 then I insisted on going back and they  
5 transferred me back and I gave the woman a huge  
6 education in special education. When I was all  
7 done telling her the websites and the laws that  
8 she could look up to find some of this  
9 information, she asked for my home number because  
10 she wanted me to advocate for her special needs  
11 child.  
12

13 So it goes to the qualification of these  
14 311 operators. We're paying exorbitant salaries,  
15 and they really don't know the system.

16 My problem was resolved because I was  
17 told, if you don't like it, take it to a hearing.  
18 My problem was that I had a child in  
19 collaborative team teaching that was supposed to  
20 get collaborative team teaching services for all  
21 core academic subjects and my high school was  
22 telling me that doesn't include foreign language.

23 No Child Left Behind was telling me, LOTE, which  
24 is foreign language, includes -- is a core  
25 academic subject. I brought it to my principal's

1 attention and he went, no, no, no, no. Then I  
2 showed him the Board of Regents that said LOTE is  
3 a foreign language and he went, I'm not getting a  
4 budget for it. And then when I showed him he was  
5 getting a budget for it, he told it's too late  
6 now for this semester, we have to do it the next  
7 semester. And here we are the next semester and  
8 he's telling me, gosh, I didn't know I had money  
9 for it and I already spent it.

10 So that was how my problem was resolved.

11 When I called the State they said we have no  
12 authority to oversee the schools anymore, you  
13 need to follow State education complaints or take  
14 it to hearing. But meanwhile, there's my son not  
15 getting his needs met, there am I paying a \$150 a  
16 week for Spanish tutoring when my son has an IEP  
17 mandated service to have a special education  
18 teacher in the classroom.

19 When we talk about autism, Ms. Brown,  
20 they're not all in District 75. As a matter of  
21 fact, the lion's share of them are in District  
22 31. The high functioning child with autism is  
23 sometimes mis-educationally classified as speech  
24 and language impaired, other health impaired and  
25

1 learning disabled, but there they exist and those  
2 services aren't there.

3  
4 I went to a meeting and said my son needs  
5 transitional support services, and I was told,  
6 oh, we don't do those services in District 31.  
7 You might need to put him in District 75 and make  
8 him an inclusion child. So there goes the  
9 misnomer that special education is a service not  
10 a place because I was invited to put my child in  
11 a different place to get the services that he  
12 required. And he was already enrolled and  
13 successful, but now I have to have him included  
14 so I can get a service. It doesn't make any  
15 sense.

16 The budget is not transparent. My  
17 principal had no idea he was receiving a budget  
18 to provide special education support in  
19 collaborative team teaching.

20 When it comes to accountability, I sat at  
21 a meeting the other day where an -- actually said  
22 to the school, you're breaking the law and  
23 they're going to win it in a hearing, but I have  
24 no authority to make you fix it. And they said  
25 that's okay, by the time she wins the hearing,

2 the kid will graduate out of the school and be in  
3 junior high. So there is no accountability and  
4 checks and balances. When it comes to  
5 compliance, 90 percent compliance, I'll tell you  
6 what they do. I write a letter saying I want a  
7 speech evaluation, an OT eval and to discuss test  
8 accommodations. Four weeks later I have a  
9 meeting where we discuss test accommodations. My  
10 case is now closed. Where are my evaluations?  
11 You have to reopen your case to get your  
12 evaluations. So are we being compliant or are we  
13 playing computer games?

14 I don't have a child with mental  
15 retardation, but I advocate for children with  
16 mental retardation and to say that a child with a  
17 56 IQ, we know who they are, is ridiculous. All  
18 children have strengths, they have weaknesses and  
19 we shouldn't classify a child by an IQ number.  
20 We should look at the whole child. And I have to  
21 tell you, the mental retardation population is  
22 the least-served population in the community  
23 school district and in District 75. There are  
24 not good programs. They are deemed uneducable.  
25 They're not even taught their life skills. And

2 they can attain so much more than what they're  
3 being given and what they're allowed to attain.

4 We're referred to as stakeholders,  
5 parents. I need to tell you, we're not  
6 stakeholders, we're stockholders. We pay taxes.  
7 Those taxes go to paying those services, so  
8 although the Mayor and the Chancellor are the  
9 CEO, we're stockholders and we deserve a vote,  
10 not just speaking, having people hear us, take  
11 notes and then go ahead and doing things your own  
12 way anyway, but an actual voice. And that goes  
13 to the Advisory Panel that Ms. Bernstein  
14 mentioned. That actual voice should be strong  
15 parent leaders that know the system, or advocates  
16 who are educators that wish to see the system  
17 successful, to be on a panel to serve, with not  
18 just a voice to be heard and discounted, but a  
19 real say in what's going on.

20 Our Panel on Educational Policy should  
21 not be a servant of the Mayors and the Borough  
22 Presidents. Politics do not belong in education.  
23 Education is what we need to have.

24 Thank you, but just let me speak so they  
25 don't cut me off. When we look at our District

2 75 data --

3 CHAIRWOMAN NOLAN: We don't cut anybody  
4 off.

5 MS. LELLA: Okay, good, because I'm just  
6 going to go. When we look at our District 75  
7 data, the reason that there's decreases in Level  
8 1 is because those children who were formally  
9 receiving Level 1 have been turned into  
10 alternative assessment children. So of course  
11 we're going to see a decrease in Level 1, but  
12 we're also seeing an increase in alternative  
13 assessment.

14 We're also seeing a large increase of  
15 students in District 75. So when we look at  
16 these numbers and we say look at the Level 2, the  
17 Level 3, the Level 4, I can site to you, look at  
18 the initial IEPs given to community school  
19 district children that have increased putting  
20 them into District 75. So now we're getting high  
21 academic children who might be high need, who  
22 could be served in the community school district,  
23 but they get shipped to a warehouse in District  
24 75 and that's why those scores are looking  
25 better.

2 All those wonderful services that Bonnie  
3 Brown was talking about for autistic children, I  
4 want to get me a piece of those. I have a 12<sup>th</sup>  
5 grader who has Asperger's who has a 185 IQ, 1590  
6 on his SAT, accepted to every single college he  
7 applied to with a full ride, but I couldn't get  
8 him transportation training. And even though  
9 Princeton is offering him a full ride, he's  
10 picking his college by which direct bus route he  
11 can make it to because he doesn't have the  
12 security of being able to travel alone. What a  
13 sad statement of affairs that my child with 30  
14 college credits, with a 4.0 average, who's a 98  
15 student and in a gifted student program in  
16 general ed wasn't given transportation training  
17 because it wasn't available in the community  
18 school district.

19 CTT in high school, it's not being done  
20 properly. They're not following the IEPs. When  
21 we're looking at the large increase in CTT, that  
22 is because parents fight every single day to get  
23 our children the least restrictive environment.  
24 We're making twice the fight to get have the  
25 services and that's why those programs are being

1 increased. Because believe me, those principals  
2 really don't want us for the most part in their  
3 school. And I say that wholeheartedly, as a  
4 parent and as an advocate.  
5

6 I'm sorry. We have an issue with the  
7 fact that there's no accountability when OSEP,  
8 the Office of Special Education Placement makes  
9 placements. We are now trying to save money on  
10 buses, so we're looking on least restrictive  
11 environment and placing children in the  
12 neighborhood schools as an excuse to save money  
13 on buses. So a child with a first grade reading  
14 level is being recommended to a sixth grade  
15 collaborative team teaching environment and I  
16 looked at a class profile yesterday and I was  
17 shocked, at IS 49, the functioning level and sir,  
18 you're going to understand what I'm saying, I was  
19 looking at reading levels from 1.5 to 7.2, math  
20 levels from pre-primer, which is before  
21 preschool, to 7.2. Only one collaborative team  
22 teaching class. And the mantra was, least  
23 restrictive environment, neighborhood school, and  
24 by the way, let's save money on buses. So that  
25 is a huge issue.

2 I just advocated for a child that lives  
3 literally .3 miles from the school and he is on  
4 an hour and 15 minute bus ride. So that's an  
5 issue as well.

6 The Department of Education has just  
7 recently invested a tremendous amount of money on  
8 hiring new lawyers and when we asked why are you  
9 hiring new lawyers, they said, well, because  
10 we're loosing too many impartial hearings to  
11 these inexperienced lay persons, parents, and we  
12 need more lawyers to handle the appeals.

13 We suggested perhaps they invest that  
14 money into providing new programming, new  
15 professional development.

16 Professional development is key training.  
17 They send a couple of people to a building, they  
18 learn from somebody that went to another building  
19 to learn from someone that went to a seminar.  
20 They come back, they go to the school, they try  
21 to teach everyone, nobody knows nothing, and it's  
22 very sad. It really is.

23 I'm sorry.

24 CHAIRWOMAN NOLAN: We look forward to  
25 your written testimony as well. Maybe --

2 normally, frankly, we ask people for their  
3 written testimony. You've had tremendous  
4 testimony, but we do have a lot of witnesses. We  
5 don't cut people off, but maybe you would feel  
6 comfortable in summing up.

7 MS. LELLA: I'm just taking a deep breath  
8 and I'm just going to go very quickly to the  
9 graduation numbers.

10 We are looking at increase in numbers of  
11 students, so when we compare our graduation  
12 numbers from this year to that year, we're not --  
13 well, my son took a statistic course and he said,  
14 Mom, you can make the numbers say anything you  
15 want to say as long as you change around the  
16 variables. That's the child with autism. The  
17 reality is, when we're looking at an increase in  
18 the number of students and we're looking at an  
19 increase in graduation rates, we need to measure  
20 if the increase in students is equal to the  
21 increase in graduation rate. What you'll find is  
22 we have more students coming in than we have that  
23 increase in graduation so the numbers really  
24 aren't higher than they were before.

25 I guess I'm taking your hint. I'm going

2 to close with this one sentence, when you have a  
3 child with special needs, nobody gives you a  
4 guidebook, nobody explains anything to you. You  
5 go to an IEP meeting hoping that they're going to  
6 know. It's a sad state of affairs when an  
7 inexperienced parent, a layman, knows more about  
8 the system than the school does. So I beg you to  
9 please look at the impartial hearing numbers.  
10 Look at how many cases are resolved in  
11 resolution, because if it's resolved in  
12 resolution, that doesn't mean the parent caved,  
13 that meant that what she was asking for was  
14 exactly what she needed and it was given to her.

15 I want you to look at the parent win  
16 numbers and I want you to really look at this and  
17 say to yourself, if a parent with no legal  
18 background and no background for the most part as  
19 an educator, can win these impartial hearings and  
20 prove that the Department of Education is not  
21 providing a free and appropriate public  
22 education, then that's a sad state of affairs.  
23 I'm sorry. Thank you.

24 CHAIRWOMAN NOLAN: No, no, that was  
25 terrific. Thank you. Mr. Josey.

2 MS. LELLA: I would like to know if anyone  
3 has any questions.

4 CHAIRWOMAN NOLAN: What we do, what I  
5 tend to do is, we have so many witnesses, that we  
6 do a panel of three or four people, and then we  
7 take questions from the panel. Thank you.

8 MR. JOSEY: Thank you for having this  
9 hearing today. I appreciate that. I'm President  
10 of the Staten Island branch of the NAACP and I  
11 will give you a testament that was made by our  
12 State President, Hazel Dukes, last week.

13 CHAIRWOMAN NOLAN: It's not necessary to  
14 read what Ms. Dukes sent to us, so if you could  
15 summarize or perhaps add your own insights, that  
16 would be helpful.

17 MS. JOSEY: Okay, well, basically I was  
18 going to read it, but anyway, today is the 100<sup>th</sup>  
19 birthday of the NAACP, so we've been in the  
20 education business since day one. You're  
21 familiar with Brown versus the Board of  
22 Education, 1954. We've been involved with  
23 education based upon that document. And  
24 basically speaking, the system as we see it now  
25 is not serving all the students that it should.

2 I don't think there's any dispute about that.

3 If you look at the ratings of the various  
4 schools, you'll see the schools and the minority  
5 areas, they seem to get the lowest rates as  
6 opposed to those in the so-called white  
7 neighborhoods. There's a disparity there  
8 someplace. At this point we always hear the  
9 teachers, the educators, complain about they're  
10 not really teaching the students as they should  
11 be taught, they're basically speaking, trying to  
12 teach the students to take these tests. And  
13 these tests often have a lot of discrepancies,  
14 which give you not apparently an equitable  
15 education for everybody.

16 And one of my biggest complaints through  
17 the years is that on Staten Island especially,  
18 you have a large black population of students in  
19 the school system. Now when you break down the  
20 amount of black students in the school system  
21 versus the amount of black teachers in the school  
22 system, there's a tremendous disparity.

23 Now, if black students would see black  
24 teachers -- mind you, I'm in -- high school, PS  
25 1, all Staten Island, I never saw a black teacher

1 in my life until I was a senior in high school.  
2 Now, that's a shame, but if black students see  
3 black teachers, this might give them some kind of  
4 encouragement to become teachers themselves. It  
5 also gives white students the impression that  
6 fine, blacks can become good teachers. But the  
7 way it is right now, I say based on racial  
8 breakdown, the students are being denied a full  
9 education because they're not seeing role models  
10 of all ethnic backgrounds. And that's one of by  
11 biggest peeves on Staten Island here. And I  
12 think you should do something about that. And I  
13 often bring this up and I often get back the  
14 statement we want qualified teachers. I would  
15 never say get an unqualified teacher. I want a  
16 black teacher who is qualified. I would never  
17 entertain the thought of an unqualified teacher.

18  
19 And this No Child Left Behind, we all  
20 know that's a program that might be successful,  
21 but it's not funded the way it should be funded.  
22 There's no dispute about that.

23 And basically speaking, Hazel Duker has  
24 said that the school system, she is pretty much  
25 in favor of mayoral control, but the way the

2 Mayor is doing right now, there's got to be some  
3 checks and balances. He cannot just do what he  
4 wants to do. Perhaps you should get some kind of  
5 committee or whatever the case might be, to  
6 oversee what he is doing. A committee not of  
7 educators strictly, but of community people,  
8 civil rights leaders, advocates. So that's my  
9 biggest complaint.

10 I would have liked to have read this  
11 verbatim, but I've asked not to do it, so I just  
12 quickly summarized it during these past through  
13 minutes. And I'd also like --

14 CHAIRWOMAN NOLAN: It was read. Let me  
15 just explain. It was read in its entirety at the  
16 Manhattan hearing and we all heard it, so that's  
17 why if you could just summarize it.

18 MR. JOSEY: -- but I would like to say,  
19 this morning in Queens, there was an ACP  
20 president going into school with a parent  
21 advocate to deal with some issues and they were  
22 denied access for 45 minutes. So I don't know  
23 the reason why, but I don't think it's really a  
24 good thing to have an ACP president go to school  
25 to advocate on school issues and be denied access

2 to the school. So I would hope you could look  
3 into that. It was in Queens someplace this  
4 morning. Thank you.

5 CHAIRWOMAN NOLAN: Thank you, Mr. Josey.  
6 Thank you, and certainly copies of your testimony  
7 are available and we would urge members of the  
8 audience to review it and it will be printed in  
9 its entirety in the official transcript. So we  
10 thank you and give our best regards to Hazal  
11 Dukes.

12 The next gentleman, just say your name.

13 MR. PIROZZOLO: Good morning, my name is  
14 Sam Pirozzolo. I'm the President, currently the  
15 President of CEC 31 on Staten Island.

16 I would like to thank you for this  
17 opportunity to speak before you today. I would  
18 like to start my comments by saying that I think  
19 that Mayor Bloomberg and Chancellor Klein are  
20 doing a good job in improving the education that  
21 our children receive. If you actually think  
22 about how difficult it must be to educate and  
23 provide services for well over one million  
24 students, the task is daunting. The New York  
25 City Public Education System is a home to every

1 child. While some schools and school systems may  
2 turn away or not be able to provide for their  
3 students, New York City schools care for  
4 everyone. They are most likely the largest  
5 education corporation in the nation. While they  
6 do provide a tremendous service, they are not  
7 unlike any other corporation. There is much room  
8 for improvement.

10 I am the father of two young children.  
11 My daughter is in the third grade and my son is  
12 in kindergarten. Just like any other parents, my  
13 wife and I are very involved with our children's  
14 education and we want the best for our children.  
15 I have successfully owned and operated my  
16 business for 20 years now. I have had multiple  
17 locations in multiple boroughs. On some scale, I  
18 can understand the task at hand for Chancellor  
19 Klein and Mayor Bloomberg. What has allowed me  
20 to be successful and able to stay in business is  
21 my employees and my ability to change. Just  
22 because a promotion was successful in Queens did  
23 not mean it would be successful in Brooklyn or  
24 Manhattan. I tell you this because I relate my  
25 experience to the way the DOE runs its business,

2 which is education. There is no one size fits  
3 all, cookie-cutter approach to education. While  
4 some issues may be big on Staten Island, that  
5 same issue may not be as big in Queens or the  
6 Bronx.

7 It seems to me that the DOE squanders a  
8 very valuable resource, parental input. I am not  
9 saying that every idea put forth by parents  
10 should be implemented immediately. What I am  
11 saying is that just because an idea comes from a  
12 parent does not make it a bad idea.

13 As a CEC member, I work for the DOE for  
14 free. So do thousands of parents that volunteer  
15 at schools across the City. The problem we have  
16 is while the DOE seems to listen to us, we don't  
17 know if they actually hear us. Not even the  
18 President of the United States has the ability to  
19 act freely and he has control of both Houses.

20 The Mayor and the Chancellor must be  
21 brought to the table and be made to explain their  
22 actions. They should be made in some cases to  
23 modify their policies when better policies are  
24 brought forward. In the case of the Panel for  
25 Educational Policy, how is it possible that

2 employees of the Mayor are appointed to PEP and  
3 are expected to act independently? Why bother?  
4 Has the PEP panel ever changed their vote after a  
5 public hearing? How can we have a district  
6 superintendent with zero authority over  
7 principals in their districts? Why are parents  
8 being told they must speak to the leader of the  
9 Learning Service Organization that has been hired  
10 by the principal of their school if they have a  
11 problem or concern with that principal? This  
12 system just does not make any sense.

13 As a CEC, we are asked to work on  
14 projects that we find out were dead in the water  
15 before they even started. The lack of  
16 communication and the unwillingness or inability  
17 to answer a question is astounding. I can give  
18 you examples from across the City, where no  
19 matter how high ranking the DOE official is,  
20 through no fault of their own, they speak to  
21 topics they have incomplete knowledge about and  
22 therefore, they are wrong, simply because no one  
23 person has the ability to work on a project from  
24 start to finish.

25 It is very scary to see that the index

2 finger of the right hand doesn't know what the  
3 middle finger is doing in a multi-billion dollar  
4 corporation as the DOE, which is funded by  
5 taxpayer dollars.

6 As a parent I feel that parents must have  
7 a way to question the system and get a straight  
8 answer. As a CEC member, I know that we must  
9 have another alternative to be heard. I believe  
10 that is what the CEC was intended to be, a way  
11 for parents to bring their ideas and problems to,  
12 the DOE and to get results. Even if the answer  
13 is no, we know we were heard. Right now, for the  
14 most part, the only result we get is silence. I  
15 am not anti-DOE. As I have said before, I  
16 believe the Mayor and the Chancellor have made  
17 significant progress in educating our children,  
18 but we are parents, we are taxpayers, and we are  
19 voters. We are stakeholders in this system. We  
20 are asking you to restore what is legally ours, a  
21 voice in our children's education. Just because  
22 the idea came from a parent does not make it a  
23 bad idea. Thank you.

24 CHAIRWOMAN NOLAN: Thank you.

25 MR. SQUICCIARINI: Good morning. Thank

2 you for coming to Staten Island. My name is  
3 Frank Squicciarini. I'm the first Vice President  
4 of CEC 31. Mr. Titone, you had asked a question,  
5 has anybody ever listened to one of the Community  
6 Education Councils resolutions? Hopefully your  
7 panel will. We passed a resolution at our last  
8 meeting in regard to school governance and  
9 mayoral control. Mr. Pirozzolo went to numerous  
10 meetings that he was invited to because it seemed  
11 like every group had an opinion or an idea on how  
12 mayoral control or school governance should go.

13 I was reading all the e-mails that were  
14 sent to me and we realized something. Nobody was  
15 actually looking at the law itself that  
16 established mayoral control or school governance  
17 from these numerous groups that he intended and  
18 that were sending us e-mails.

19 So I went to Mr. Pirozzolo and I said,  
20 can I start a committee amongst the CEC and  
21 invited a couple of the parent leaders from  
22 Staten Island, which I did. I invited the two  
23 co-chairs of the State Island Federation of PTA,  
24 Sue Dietrich and Joanne Wojick and also the  
25 corresponding secretary, Lisa Giogrande, who is

1 over my left shoulder here. And we formed a  
2 committee, along with Marianne Siewers, who is my  
3 co-chair, and we formed a committee. And we  
4 looked at the actual law itself. We took it item  
5 by item. And you know what, it's a pretty good  
6 law. Here's the problem, the City isn't  
7 following the law, and I'll give you a couple of  
8 examples. I don't know if Mr. Benedetto  
9 remembers his first few questions to the first  
10 two ladies who spoke, the PEP panel itself, you  
11 had asked about what their idea for the PEP panel  
12 was. We came up with a possible solution that  
13 might work, so that way the Mayor doesn't have  
14 dictatorship control of the PEP panel.

15  
16 In our statement we advise five  
17 appointees from the individual borough  
18 president's office, five appointees from the  
19 Mayor's office, and then five appointees from the  
20 City council, which each City council, let's say  
21 the City council people who live in Queens  
22 appoint one person, the ones from Brooklyn, one  
23 person. And then we also recommend that the  
24 public advocate appoints someone and then the  
25 school chancellor sits on it as a pro tempore

1 only to break a tie vote. The reason for this is  
2 so everyone has a voice in it.

3  
4 The other issues came up in regard to the  
5 CECs. We feel the CEC should stay the way it is,  
6 nine members, two appointed by the borough  
7 president. But, the high school councils, each  
8 CEC member, including high school and District 75  
9 members, are given certain schools to be layered  
10 onto. The high school members have a total of 15  
11 to 35 schools each. How could one person working  
12 full time hit 15 to 35 schools in a couple of  
13 months. Our recommendation is form individual  
14 borough-wide high school panels. The same with  
15 special education District 75 CEC, form a  
16 borough-wide one for each of them.

17 The fourth thing, I'm sorry, is the same  
18 thing that Mr. Pirozzolo just said. The  
19 community superintendent, according to the law,  
20 she's empowered. She's each of the principal's  
21 bosses. It's not happening that way. As we see  
22 it. I mean, we can't speak for her, but it is  
23 not happening in that way. Same thing, parents  
24 have called us that they have grievances with  
25 principals or issues at school and what's

2 happening is, the parents are referred to the  
3 LSO, the leader of that LSO. Now who is the LSO  
4 going to side with, the principal who's paying  
5 the salary of the LSO and that crew, or are they  
6 going to side with the parents? So we're looking  
7 for some kind of impartial panel or group that  
8 will hear these parents concerns, not the LSO.  
9 In some cases it could have been the community  
10 superintendent. But according to what we see,  
11 she's more of a -- senior achievement  
12 facilitator, which means she does training.

13 CHAIRWOMAN NOLAN: You guys have the  
14 lingo down beautifully by the way, all of you do,  
15 so I thank you for that.

16 MR. SQUICCIARINI: And same thing, Mr.  
17 Titone, early on you asked a question that wasn't  
18 answered, how many recommendations had come  
19 through the Committee for Special Education for  
20 high schools that was actually implemented. We  
21 don't know.

22 The other thing that we have been  
23 noticing is the DOE rolls out a policy, okay, and  
24 then they hold the hearings in the boroughs just  
25 to say this is what we're going to do, because

2 the law says they have to hold those hearings.  
3 After the input, I don't think anything gets  
4 changed. Now, I'm not saying that's a bad thing,  
5 but like was said from the first two ladies who  
6 testified, even the president can't pass a bill  
7 without the two houses on board.

8 So what we're looking for is more, I  
9 don't want to use the word transparency, because  
10 we've seen that that don't work in this City, but  
11 we're looking for more checks and balances, when  
12 policies and educational issues are put forward.

13 They should come to the community and ask our  
14 opinion, but they should take our opinion into  
15 account, not just say this is what we're doing  
16 and we're only holding this hearing because State  
17 law says we have to hold a hearing in each  
18 borough. Thank you.

19 CHAIRWOMAN NOLAN: Thank you all very,  
20 very much. Let me see if my colleagues have  
21 questions. I appreciate CEC 31 doing this. We  
22 have a number of CECs that have done something  
23 similar and we are going to be coordinating all  
24 of those as well, so we appreciate that, and we  
25 appreciate everyone's testimony. Again, if you

2 want to submit additional written testimony,  
3 we're absolutely open to that and look forward to  
4 that. Assemblyman O'Donnell?

5 ASSEMBLYMAN O'DONNELL: Mr. Pirozzolo,  
6 you make reference to in your testimony to being  
7 in business. What sort of business are you in?

8 MR. PIROZZOLO: I'm the owner and  
9 operator of JV Optical. It's located on Steinway  
10 Street in Astoria, Queens.

11 ASSEMBLYMAN O'DONNELL: Okay. So what's  
12 your background to run that business?

13 MR. PIROZZOLO: I'm a New York State  
14 licensed optician.

15 ASSEMBLYMAN O'DONNELL: Okay. So my  
16 question is, if the business of the DOE is  
17 educating, don't you think maybe an educator  
18 should run that? Under law, the head of the  
19 Department of Buildings has to be an architect,  
20 and you could put a gun to my head before they  
21 would let the head of the Department of Law not  
22 be a lawyer, and so it is sort of intriguing to  
23 me the idea that so many people who work for the  
24 DOE seem to be not educators, but seem to be  
25 lawyers, and I wonder whether or not you as a

2 businessman would sort of change your business  
3 model to say that somebody who runs your kind of  
4 business should be somebody who has no experience  
5 in what you actually do?

6 MR. PIROZZOLO: I don't disagree with  
7 your statement. What I had said was that I do  
8 think that the Chancellor has made progress in  
9 the New York City school system.

10 ASSEMBLYMAN O'DONNELL: I understand  
11 that. The question I'm trying to get at is  
12 whether or not you, given your testimony, think  
13 that the people who run the business of education  
14 in the City of New York should be required to be  
15 educators? That's what I'm asking, what your  
16 opinion is.

17 MR. PIROZZOLO: My opinion is yes, the  
18 people who run the education system in the City  
19 of New York should be educators.

20 ASSEMBLYMAN O'DONNELL: Thank you very  
21 much. I'm all done.

22 ASSEMBLYMAN BRENNAN: The members of the  
23 District 31 council, you testified that you want  
24 to modify the structure of the City board to make  
25 it more balanced, but you didn't say how the

2 Chancellor should be selected. So my question  
3 is, what is your view in relation to whether or  
4 not the board should select the Chancellor or the  
5 Mayor?

6 MR. SQUICCIARINI: I really can't speak  
7 on that because in order for me to speak on that,  
8 I would have to present it before the council --

9 ASSEMBLYMAN BRENNAN: You didn't take a  
10 position on that?

11 MR. SQUICCIARINI: No, we did not take a  
12 position on that, sir.

13 ASSEMBLYMAN BRENNAN: Okay. Thank you.

14 ASSEMBLYMAN CUSICK: I just want to say I  
15 know we're getting to the Staten Island part of  
16 the program, and I just want to say thank you to  
17 the groups that are here in the panel that's in  
18 front of us, and to the groups that are about to  
19 come up. I know my colleagues and I have been to  
20 numerous forums with all of you, numerous  
21 meetings. We know your concerns, but this is a  
22 good reinforcement for us as to the details and  
23 what each organization needs when we go to the  
24 table in negotiating governance.

25 So I just want to thank you. I know

2 we've gotten position papers from organizations  
3 about where they would like us to go and I know  
4 that we're discussing it and talking it over and  
5 that your ideas and your input are very important  
6 to all of us, so I want to thank you. Thank you  
7 for taking the time.

8 I'm sorry, Michael has a question.

9 ASSEMBLYMAN BENEDETTO: Mr. Squicciarini,  
10 did I get that right? Italian names, they get me  
11 all the time.

12 You mentioned your panel, your  
13 suggestions, and I kind of have a feeling that  
14 not a bad idea, 17 people, a bit large?

15 MR. SQUICCIARINI: Well, the reason why  
16 we said 17 people was because we wanted five  
17 borough presidents -- in other words, we wanted  
18 representation from each and every borough, so we  
19 came up with the idea of that for the simple  
20 reason -- right now it's 13, so 17 is only four  
21 more. So you just have to put a couple more  
22 seats on.

23 The other reason 17 is we wanted an odd  
24 number for the tie breaking issue. So we said  
25 the five borough presidents and then we said the

2 Mayor is going to want a piece of the action, so  
3 he's got to pick five people too. And then, like  
4 I said, the City councils, we discussed this and  
5 said the Queens delegation should pick five  
6 people, the Brooklyn delegation picks five, so on  
7 and so forth and we're up to 15. And then  
8 currently on the PEP panel is a representative  
9 from the public advocates office and then that  
10 makes it 16 and then the 17<sup>th</sup> person becomes the  
11 Chancellor as pro tempore, that he votes on tie  
12 breakers. And there was one other thing, I'm  
13 sorry, I forgot to hit, is that a PEP panel  
14 member should also not be a City employee for the  
15 simple reason, there's actually a law on the  
16 books that says if you are employed by the City  
17 of New York, you're not allowed to hold two  
18 positions of trust simultaneously. From what I  
19 understand there are two or three members on the  
20 panel who are City employees.

21 And the reason why we came up with that  
22 conclusion is because if a guy disagrees with the  
23 Mayor's plan on an educational issue, he should  
24 not worry about how he's going to feed his family  
25 tomorrow, that he's going to get a pink slip.

2 ASSEMBLYMAN BENEDETTO: I can understand  
3 that. Ms. Lella, I thank you for your very  
4 impassioned and concerned testimony. It was  
5 really well received and I certainly agree with  
6 you on many of the things you said. I can't let  
7 go however, that I do take issue, at least on one  
8 of the things you said in relation to the MR  
9 population and how they're serviced in this City.  
10 Not that I take a personal offense, because for  
11 27 years, actually for 30 years, I was teaching  
12 in special education --

13 MS. LELLA: But that was the good old  
14 days when we taught them to learn instead of  
15 right now, where we're teaching to a progress  
16 report.

17 ASSEMBLYMAN BENEDETTO: No, I understand  
18 what you're saying, but I'm not even taking it  
19 personally, but I am talking about other  
20 professionals I know in this field and their  
21 dedication to those students and I really believe  
22 they're doing a wonderful job, at least the  
23 people that I know and the classrooms I've seen,  
24 teaching the MR population. I do have problems  
25 with the alternate assessments. That was

2 something I'm planning to address with

3 Ms. Brown --

4 MS. LELLA: The IEP certificate. Our  
5 concerns are not with the teachers, we love our  
6 teachers. Our concerns are with the lack of  
7 programming. On Staten Island, if you have a  
8 child that's mentally retarded and you're in the  
9 community school district, you have your choice  
10 of two schools. In there, the functioning level  
11 spread could be as many six to seven years.

12 ASSEMBLYMAN BENEDETTO: Excuse me, let  
13 me interrupt you. Within each class?

14 MS. LELLA: Yes, sir. I'm not talking  
15 about chronological age, which is limited to 36  
16 months --

17 ASSEMBLYMAN BENEDETTO: I know what  
18 you're talking about.

19 MS. LELLA: -- we're talking about the  
20 functional level spread.

21 ASSEMBLYMAN BENEDETTO: It was always --

22 MS. LELLA: In the good old days.

23 ASSEMBLYMAN BENEDETTO: -- well, I've  
24 only been out of the classroom for about five  
25 years now and we were always very, very concerned

2 about the functional level -- a spread like that  
3 and the spread should be no more than three  
4 years.

5 MS. LELLA: But that was prior to the bus  
6 changes. When they started to recognize that  
7 busing was getting very expensive, which was  
8 about four years ago, they started placing  
9 children by zip code and address as opposed to by  
10 functioning level or even by specific need. In  
11 the old days we had the 12 to 1 to 1 MR program,  
12 the 12 to 1 to 1 ED program, the 12 to 1 to 1  
13 speech and language impaired program, where we  
14 were able to put children in appropriate function  
15 levels with similar needs.

16 Now, we have a 12 to 1 to 1 that's either  
17 for behavioral children, or a 12 to 1 to 1 for  
18 children that have academic delays. And in the  
19 12 to 1 to 1 with academic delays, it could be a  
20 child with Down Syndrome, a child with CP, a  
21 child with mental retardation, a child with  
22 dyslexia that got slipped through the cracks  
23 before, you know, they fell four grade levels  
24 below and they're all miss moshed. And so our  
25 concern is that we don't have a wide diversity of

2 program choices.

3 ASSEMBLYMAN BENEDETTO: Do you have a  
4 suggestion about how they could better organize  
5 that?

6 MS. LELLA: We need to follow the State  
7 law to the letter. We need to place these  
8 children in programs. And of course, we're  
9 looking to get them as close to their home-zoned  
10 school as possible and it would be wonderful if  
11 we could have them in their home-zoned school,  
12 even six kids in a class would be better than  
13 paying the bus fee. But to place them at a  
14 functional level that is appropriate for an  
15 educator, I don't care how great a teacher you  
16 are, you can't teach 12 kids with 12 different  
17 issues at a sixth grade spread. It's just not  
18 possible to do it appropriately in a day. So  
19 they all become alternative accessed, where a  
20 child could get a GED or could get a six year  
21 high school diploma, is now doomed to an IEP  
22 certificate, which is not accepted anywhere. It  
23 is a piece of paper that looks really, really  
24 pretty on the wall and that's all it's good for.

25 And I have to tell you, that same

2 sentiment goes to transitional services in the  
3 community school district with our special ed  
4 children. We had this huge movement to put  
5 children in the least restrictive environment and  
6 all we cared about was academic functioning. Now  
7 we have this entire mass of children who hit the  
8 high schools this year that have high academic  
9 functioning and no social or emotional abilities,  
10 a scattering of skills like this, and they're  
11 going to, my son, my 14 year old son with his 98  
12 average and on his principal's list, is  
13 emotionally assessed through the bi-land as being  
14 six years old. He is going to graduate in four  
15 year's time, in three and a half more years, with  
16 an advanced Regents diploma, and my son still  
17 thinks that if we closes his eyes when he crosses  
18 the street, the cars won't see him, he won't get  
19 hit. My son still thinks that if you have a  
20 burner on a flame on the stove, and there's no  
21 grown up in the room, if you blow it out, it's a  
22 safe thing to do.

23 So we've focused on numbers and data and  
24 we've stopped focusing on children. We stopped  
25 listening to teachers and we started focusing on

2 how we can make the numbers look like we're  
3 making real progress. And like my 18 year old  
4 said, you can make those numbers look like  
5 anything you want as long as you play with the  
6 variables.

7 ASSEMBLYMAN BENEDETTO: Ms. Lella, thank  
8 you very much. I look forward to seeing your  
9 written testimony.

10 MS. LELLA: We're going to be pen paling,  
11 I assure you.

12 CHAIRWOMAN NOLAN: Thank you, and thank  
13 you all very, very much. Some of you we've  
14 worked with before and we'll be in touch with  
15 again, and some of you are new colleagues and we  
16 appreciate that as well.

17 Our next group includes Michael Minis and  
18 Anne Marie Caminiti from Parent to Parent, Joan  
19 McKeever-Thomas, who has had a long career here  
20 on Staten Island and Citywide on education  
21 issues. Now we can say retired, but she served  
22 as a member of Public Advocate Gotbaum's, not so  
23 retired, Public Advocate Gotbaum's special  
24 commission on school governance.

25 And I'd like to ask Dr. Cammarata, I know

2 you had to go, so join the panel. And then, you  
3 see how we work it. Everybody says their two  
4 cents, so to speak, and then we just take some  
5 questions that way. It moves things along.

6 The next group after that, if he's here,  
7 Emil Pietromonaco. I don't know if had gone to  
8 the funeral or not.

9 A VOICE: He's at the funeral.

10 CHAIRWOMAN NOLAN: Okay. And then we  
11 have a number of PTA presidents, Kim Baldwin,  
12 Iris Perez, Darlene Woodhouse, Gina Mohamed.  
13 You're kind of in the on deck circle, so you know  
14 that you're going to be called. If it's all  
15 right, Joan, since you're at the ready, we'll  
16 start with you.

17 MS. McKEEVER-THOMAS: Thank you. I'm  
18 going to give you the abridged version of my  
19 testimony. Good afternoon members of the State  
20 Assembly and Education Chair Nolan. Thank you so  
21 much for this opportunity to testify before your  
22 Committee. My name is Joan McKeever-Thomas and I  
23 am testify as a Commissioner on the task force  
24 created by Public Advocate Betsy Gotbaum to study  
25 school governance and mayoral control.

2 Betsy sends her regrets, as she was  
3 planning to be here today but instead is at the  
4 funeral also.

5 The commission began in September 2007  
6 and made public their report in September 2008.  
7 It consisted of nine commissioners appointed by  
8 the Public Advocate. Our charge was to elicit  
9 input from a broad and diverse range of  
10 individuals, both locally and nationally. We  
11 also made it clear to people testifying that we  
12 were looking at school governance practices and  
13 not the history of the Bloomberg/Klein  
14 administration. We also reminded people that our  
15 objective was to make observations and  
16 recommendations that would be useful to all those  
17 concerned, who would be crafting a system that  
18 will serve the future needs of the City and its  
19 school children, regardless of who the Mayor and  
20 the Chancellor is going to be.

21 We moved along many paths in collecting  
22 data including stakeholder meetings; an open  
23 website was created; borough forums; public  
24 hearings and expert reports.

25 The findings of the Commission are as

2 follows. mayoral control of the schools should  
3 be maintained so that the Mayor can remain the  
4 principal public official who charts the  
5 direction of the school system.

6 Two, in order for mayoral control to  
7 deliver on its promise of greater public  
8 accountability, the current law needs to be  
9 revised to provide additional checks on the power  
10 of the Mayor, without encumbering the Mayor's  
11 capacity to exercise strong executive leadership  
12 in education.

13 And three, the existing law needs to be  
14 revised in order to guarantee that there is more  
15 opportunity for meaningful input by parents and  
16 communities in the decision-making process and  
17 education of their children.

18 And here are the following  
19 recommendations of the Commission. One, the  
20 Mayor should continue to appoint the Chancellor  
21 and the majority of the members of the Panel on  
22 Educational Policy.

23 Two, members of the Panel on Educational  
24 Policy should serve for fixed terms and removed  
25 only for cause.

2 Three, the PEP should be explicitly  
3 required to approve by majority vote all policies  
4 that relate to the establishment of educational  
5 standards, the executive and capital budget,  
6 collective bargaining agreements and all  
7 contracts that exceed a certain amount. The PEP  
8 should also review and approve my majority vote  
9 an annual educational plan for the school system  
10 that outlines annual priorities and programs that  
11 are aligned with the budget.

12 Four, the PEP panel should appoint a  
13 chairperson from its own membership by majority  
14 vote. The Chancellor shall serve as an ex  
15 officio non-voting member of the panel. The  
16 chair of the panel should be given resources in  
17 order to operate.

18 Five, the DOE should be required to abide  
19 by rules of the Procurement Policy Board as  
20 defined in the current City charter, and followed  
21 by other municipal agencies when contracting for  
22 services. All contracts should be registered  
23 with and audited by the City Comptroller.

24 Six, the Independent Budget Office of New  
25 York City should be given explicit statutory

2 responsibility to report on performance of the  
3 DOE in the same way that it has such  
4 responsibility with regard to other operating  
5 agencies in the City government.

6           Seven, the State Legislature should  
7 establish standards for requiring meaningful  
8 public input in the adoption of education  
9 policies and practices at the Citywide, community  
10 and school levels. The Budget and Reform Act of  
11 2007 passed by the State Legislature regarding  
12 implementation of the Contract for Excellence  
13 provides a useful model based on fundamental  
14 democratic principles of participation,  
15 transparency and accountability.

16           Eight, the PEP should be required to hold  
17 well-publicized, monthly public hearings on all  
18 matters concerning education standards and  
19 policy, budget and contracts. The calendar and  
20 agenda must be published well in advance so that  
21 the public is informed.

22           Nine, school district offices must be  
23 re-established. These offices should be headed  
24 by a community superintendent appointed by the  
25 Chancellor, in consultation with the Community

2 District Education Councils.

3 Ten, Community District Education  
4 Councils should be maintained at the district  
5 level. Parents, including officers of the PTAs  
6 and other interested members of the community  
7 should be permitted to serve. The Chancellor  
8 must be required to consult with the CDECs when  
9 selecting the district superintendents and the  
10 CDEC should retain a formal role in evaluating  
11 superintendents on an annual basis. A process  
12 should be developed to assure that the CDECs have  
13 meaningful input into decisions that concern the  
14 budget, general education practices and the  
15 opening and closing of schools within their  
16 district.

17 And lastly, the Legislature must reaffirm  
18 the role of the School Leadership Teams to serve  
19 as a voice for parents and a resource for  
20 principals, teachers and staff in developing a  
21 Comprehensive Educational Plan which is aligned  
22 with the school budget. To enable parents and  
23 other school leadership team members to perform  
24 their duties ably, relevant training must be  
25 provided regularly.

2 In conclusion, I would like to just say  
3 that mayoral control should be maintained but  
4 major changes need to be addressed in reference  
5 to transparency, checks and balances and  
6 community and parental input into the system. As  
7 a personal note, I feel the present law is not a  
8 bad one. It's just that it has not been obeyed  
9 by the Mayor or the Chancellor. Also, this is  
10 too important to think that we will get it right  
11 with just this one review. I strongly feel that  
12 the new law should also have a sunset date to it.  
13 Thank you.

14 MS. CAMINITI: Good morning, or good  
15 afternoon. My name is Anne Marie Caminiti. I am  
16 a parent of a District 75 student who does not  
17 have autism. My daughter Elizabeth is 19 and  
18 she's severely mentally retarded.

19 My introduction into education started  
20 the day she was born because I knew it was going  
21 to be a little different. And it has been, but  
22 it's been enriching, it's been a challenge and  
23 it's been something that I'm very proud to be  
24 part of.

25 Thank you for this opportunity to present

2 comments regarding governance of New York City  
3 public schools. As I said, my introduction into  
4 the intricacies of the public school system began  
5 as a parent in 1991. I still have a personal  
6 connection, as Elizabeth still has two more years  
7 left in the Department of Education. I've been  
8 involved in the education of students with  
9 disabilities since becoming an employee of Parent  
10 to Parent, of which I am a co-director since  
11 1993.

12 Because this Committee requested comments  
13 be limited to special education services, I will  
14 focus on that. Keeping in mind that we cannot  
15 discuss special education without discussing  
16 parent involvement, both have been greatly  
17 affected by mayoral control.

18 It seems that a lot of what I had put in  
19 my report is in direct contradiction to what DOE  
20 personnel spoke about this afternoon. But in  
21 addition to that, a lot of what I indicated was  
22 also voiced by the leadership at the Community  
23 Education Council, which goes to show you that  
24 we're all basically on the same page.

25 There is no doubt that we are facing

2 challenges in the education system, locally,  
3 State and federal levels. Economic difficulties  
4 don't make it any easier. But again, what we  
5 must do is discuss mayoral control as a whole  
6 leaving out those variables.

7           Regardless of who the mayor is of New  
8 York City, we need to have a clear educational  
9 structure. There have been many Children First  
10 initiatives put into practice by this  
11 administration. A promotion policy that dictates  
12 the presentation and the drive of the curriculum.  
13 Almost every facet of special education has been  
14 changed massively, every one on the back of our  
15 most vulnerable students, children with special  
16 needs.

17           The rollouts have been glossy and the  
18 text is inviting and every expensive. PowerPoint,  
19 well-dressed presenters. Yet not one of these  
20 programs has been successful enough to be put  
21 into action in every classroom. In 2006, a  
22 Children First initiative indicated that 23,000  
23 teachers had been trained in a Wilson Reading  
24 Program. Wilson is a research-based, Orton  
25 Gillingham-based reading program, yet students

2 with identified learning disabilities have little  
3 access to this program. Why is that? Why do  
4 parents have to fight at countless meetings to  
5 implement a very important supportive service?

6 The whole special education system has  
7 been through two major reorganizations and we are  
8 facing a third. The restructure is based on  
9 cutting services and defining a system that  
10 appears inclusive, with the addition of an  
11 integrated classroom settings, but provides  
12 self-contained classrooms for students who are  
13 not successful in taking a test, or should I say,  
14 the test.

15 We are segregating a whole population of  
16 students that don't have clinical or medical  
17 disabilities. The New York State Regents Policy  
18 is all children should read by second grade.  
19 Yet, individual schools request parents evaluate  
20 their child for smaller, segregated classes in  
21 kindergarten when they cannot complete a written  
22 sentence. Please allow me a small vignette  
23 because I believe case scenarios are important  
24 and I would like to put a face to the statistics  
25 and the data that the DOE personnel spoke about

1 this morning.

2  
3 A lovely school on the south shore of  
4 Staten Island, one young boy in third grade and  
5 one young lady in fifth grade. Full time special  
6 education students. Both are several reading  
7 alphabet letters behind where they should be with  
8 their non-disabled peers. The school is telling  
9 both families to exempt their child from testing  
10 and recommends them to a District 75 program  
11 where they can enter a more work study  
12 environment, where they'll be alternately  
13 assessed, making a determination at this age that  
14 a high school diploma is unattainable.

15 This young lady is 12 years old, she  
16 watches High School Musical, she has sleepovers  
17 with her cousins, but she's not even being  
18 considered for a smaller classroom within her  
19 community intermediate school. Why? She has  
20 such reading difficulties that the library in her  
21 school doesn't have books that she can read. She  
22 is told that they're in boxes in the basement.  
23 Where are the research-based interventions for  
24 this child? She is being recommended for a work  
25 study environment without an emphasis on

1 academics, when what she needs is an environment  
2 that is enriching.

3  
4 This young boy is doing fairly well,  
5 check, check pluses on all his work. He's in a  
6 second/third grade split class with an emphasis  
7 on second grade curriculum, but has to take a  
8 third grade test in January. Naturally, he can't  
9 be successful in this endeavor and scores a Level  
10 1, far below standards, because this is the only  
11 barometer we used for testing and measuring  
12 children's achievement. To the school it seems  
13 that he will never be successful and the  
14 principal, without attending a team meeting with  
15 the parent or looking at any updated testing,  
16 tells the school psychologist to call the parent  
17 and refer this child to an 8 to 1 setting, which,  
18 by the way, is a Citywide program for severely  
19 disabled students. Not only is that not how the  
20 regulations are written, it's an unfair process  
21 to this child and to his family. But this is the  
22 environment that has been created. No enrichment  
23 or research-based program, creating a standard  
24 operating procedurals manual that says this is  
25 what the principal can do and no one, no one

2 above or beyond, can say no, you can't.

3 Principals were empowered to make the  
4 final decision. The most important piece of that  
5 team is the parent. If there is an issue with  
6 the recommendation, the principal has the final  
7 say, regardless of State or federal regulations.

8 We, and I emphasize we, parents and  
9 families must maintain our place at the table.  
10 There has to be maintained, followed and  
11 respected a procedural outline that guides the  
12 education system, not wielding a great sword as  
13 if creating a fiefdom.

14 Personally, I feel mayoral control limits  
15 the successful implementation of public school  
16 education. The legislative decision to begin  
17 this comprehensive governance change put in  
18 process for Community Education Councils to  
19 replace the local school boards. The only  
20 persons allowed to vote for these councils are  
21 limited to representatives from each school.  
22 That is the most unfair, unjust, unconstitutional  
23 election process. Education councils should be  
24 objective, open-minded and inclusive. The voting  
25 process must include all registered voters

1 because everyone in the community is a taxpayer,  
2 I hope, and a stakeholder. How can we pay for  
3 education and have no say in the election  
4 process? It sounds like time for a tea party.  
5 This is totally neglecting parent involvement.  
6 Where are the educators? We can't mandate the  
7 mayor have an educational background, but  
8 shouldn't the Chancellor?

10 Where is the transparency? And I like  
11 that word. This is the highest bill the New York  
12 City taxpayer funds and yet there is nothing that  
13 is voted on by the borough-appointed  
14 representative. The same individual who should  
15 be reporting to that same panel spearheads the  
16 PEP on education policy. It's a political  
17 smokescreen used to give the Chancellor total  
18 power, and we all know if a member disagrees,  
19 they're dismissed. It's despotic. It's a  
20 structure that must be changed. Do you have any  
21 idea how much the Mayor and the Chancellor have  
22 spent since 2003? The millions in consulting  
23 fees? The task forces that are put together in  
24 order to give a sense of credibility to cut  
25 programs to the very barest? In District 75, the

2 superintendent is now mandated to report to an  
3 individual who has no experience in educating  
4 special education students. Why is that allowed  
5 to happen? The test prep material, the staff  
6 used to train for the assessments, proctor the  
7 assessment and then test, test, test, test.

8 Mandated services taken away from  
9 students with special needs because the schools  
10 are told that is what they have to do, regardless  
11 of procedures that have to be followed. Teachers  
12 chasing parents into the street at three o'clock  
13 in the afternoon to sign a piece of paper, an  
14 Individualized Education Plan, that is a federal  
15 document, that can be used in a court of law to  
16 reduce services without proper notification of a  
17 convened meeting.

18 Unlike other minority groups, individuals  
19 with disabilities and their families have no  
20 available person, office, legal or administrative  
21 forum by which procedural violations of their  
22 educational rights and entitlements by local  
23 educational districts or their agents are  
24 penalized.

25 There is no recourse for a parent when

2 there is a problem, an incident or an unfilled  
3 mandate. There needs to be an individual the  
4 family can turn to for assistance. Parents are  
5 told that principals have the final say and it  
6 remains a school issue. Without a higher chain  
7 of command, there is zero accountability.

8 According to the Mayor and the Chancellor, their  
9 empowerment allows schools to have the option to  
10 purchase services from a school support  
11 organization. That translates to the support  
12 organization being the one entity that oversees  
13 the running of the school and the principal. So,  
14 when there is an egregious and flagrant violation  
15 of State special education law and regulations,  
16 is that the same SSO that receives money from  
17 that school going to intervene? Absolutely not,  
18 because it is not a service office for parents  
19 and students, it's a process for the school.

20 The question of full mayoral control has  
21 the potential to only become political gain. Can  
22 we talk again about the consulting contracts?  
23 Have you seen the personnel involved in public  
24 relations, and yet support services are becoming  
25 extinct. In this case, it has not worked.

2 Students with disabilities need protection in  
3 order to be successful and federal legislation  
4 provides that. The local educational agency in  
5 this City needs to abide by those laws and  
6 regulations, not create ways to bypass them.  
7 Thank you.

8 CHAIRWOMAN NOLAN: Thank you.

9 Dr. Cammarata, and then we'll take questions of  
10 the panel.

11 DR. CAMMARATA: Good afternoon, ladies  
12 and gentlemen, members of the Assembly and  
13 members here in the audience. My name is Jerry  
14 Cammarata. I'm a former member of the New York  
15 City Board of Education, Staten Island school  
16 district 31, also a member of the New York State  
17 School Board Association and the Big Five School  
18 Districts.

19 I'm here to testify today on new  
20 governance and I think you've heard the  
21 sentiments of the parents of Staten Island. That  
22 is clear enough as to how outcome has treated us  
23 here, not only on Staten Island, but I believe  
24 through the five boroughs. Today I'd like to  
25 give you my comments, generally, about

2 governance.

3           The abolition of the Board of Education  
4 and subsequent restructurings of the Department  
5 of Education under Mayor Bloomberg have,  
6 honestly, been a breakthrough, a system that had  
7 ossified was smashed and thus the future was  
8 opened to a wide range of possibilities. No  
9 progress was possible under a system that had  
10 become interested primarily in perpetuating and  
11 protecting itself, and the strong action of an  
12 executive was the requirement for ending the  
13 dedication to the status quo and removing the  
14 limits and boundaries on what could be imagined  
15 and therefore what could be accomplished.

16           What we've actually done in that new  
17 universe of an infinite number of possibilities  
18 has sometimes been quite successful and,  
19 obviously as you've heard today, sometimes has  
20 not been so successful. Now, at least having  
21 learned the value of flexibility, we can revisit  
22 the issue of governance and strengthen what is  
23 weak while preserving what is valuable.

24           The following documents are very  
25 important. These are documents that have been

2 presented to your panel and documents which I  
3 think need to be read, reread, reexamined,  
4 because they represent the foundation, I believe,  
5 the actions that need to take place at the  
6 Assembly level.

7 The documents are, one, Commission on  
8 School Governance's report, "Mayoral Control:  
9 What We Can and Cannot Learn From Other Cities."

10 "Mayoral Control of Schools: Concepts,  
11 Tradeoffs, and Outcomes." Other works that were  
12 undertaken by the Commission and the Fund for  
13 Public Advocacy, as well as Diane Ravitch's  
14 testimony and her "History of School Governance  
15 in New York City." All of those documents are  
16 superb in terms of the background knowledge that  
17 has been given to us in the decision-making  
18 process.

19 All provide inspiration for a  
20 re-invigoration of the process by which the  
21 public and specific stakeholders are engaged by  
22 the school system, and the system's  
23 administration is made transparent to the people.

24 Holding the mayor politically accountable  
25 for the schools is a good thing. Under the

2 former system of governance, political leaders  
3 could abdicate their responsibility before the  
4 voters by pointing to the Board of Education's  
5 independence, while the Board could complain  
6 about the limitations placed upon them, at least  
7 fiscally, by politicians. And the people of the  
8 City were faced with a kind of three-card Monte  
9 game of blame.

10           Mayoral accountability and therefore,  
11 mayoral appointment of the Chancellor and the  
12 Chancellor's appointment of superintendents and  
13 principals creates a clear, easily identifiable,  
14 easily followed chain of responsibility.

15 However, such an authority can induce a kind of  
16 tunnel vision, a concentration that results in a  
17 deafness that can shut out of the government  
18 process the very talent and inventiveness and the  
19 public scrutiny that smashing the old system was  
20 meant to encourage.

21           The most important problem we face is the  
22 lack of accountability the superintendents and  
23 Chancellor have to a cooperative consensus. And  
24 I would submit to you, ladies and gentlemen, that  
25 the point of all of the hearings, perhaps over

2 what has taken place and what will take place in  
3 the next couple of weeks, really is imbedded in  
4 that one sentence. And that is cooperative  
5 consensus, that being the most important problem  
6 we have today.

7 If we can create that cooperative  
8 consensus, I think we will have reformed our  
9 governance law and we will make more of the Board  
10 of Education receptive and responsive to the  
11 people of New York City.

12 The mayor and State Legislature have  
13 wisely enhanced their authority to achieve great  
14 things, but we now need to balance this with a  
15 more stringent requirement that they may be  
16 responsive in a variety of stakeholders beyond  
17 simply waiting for the verdict of voters on the  
18 mayoral administration as a whole every four  
19 years. First, to restore stronger sense of  
20 assistance toward governance, each local school  
21 district should have its own advisory board to  
22 whom the superintendent is accountable, not in  
23 the sense that the Chancellor's power to appoint  
24 the superintendent is diminished, but in that the  
25 superintendent would be required to at least hear

1 the advice of the board and make a specific  
2 response to it, that he or she would be required  
3 to keep the board fully informed of policies and  
4 decisions. And that he or she would be  
5 answerable to the board's inquiries.  
6

7 Now, the creation of the Community  
8 Education Councils in each school was Mayor  
9 Bloomberg's key step toward local accountability,  
10 but these school councils suffer from a lack of  
11 communication and coordination among themselves.

12 As a school principal has its CEC, so the  
13 superintendent should have a district advisory  
14 board, and one with some teeth to require the  
15 superintendent to hear them and answer them,  
16 without impairing his or her ability to act.  
17 Specifically, quarterly reports should be made by  
18 these school district advisory boards and they  
19 should be given the right to demand information,  
20 testimony and reports from district personnel.

21 The ideal candidate for a superintendent  
22 in this scenario then, would be one who makes a  
23 personal commitment to working toward a consensus  
24 of the school district advisory board for all  
25 decisions.

2 The school district advisory board should  
3 be include the following: the superintendent, ex  
4 officio member; two parents or community leaders  
5 appointed by the City Council member in the  
6 superintendency; two parents or community leaders  
7 appointed by the Assembly member in the  
8 superintendency; one parent or one community  
9 leader appointed by the State Senator in the  
10 superintendency; and three elected by the CECs in  
11 the school district representing the direct voice  
12 of the parents. In other words, all parents.

13 In addition, one parent or community  
14 leader appointed by the Borough President of the  
15 superintendency. All the members should have  
16 clear, fixed terms, and you've heard that  
17 multiple times.

18 At the top of the system, the Chancellor  
19 should have a more empowered advisory board,  
20 consisting of the following: one representative  
21 from each Borough President who could appoint,  
22 from the CECs of the borough, for a total of five  
23 members appointed by the boroughs; one parent or  
24 one community leader appointed by the Speaker of  
25 the Assembly; one parent or community leader

1 appointed by the Speaker of the City Council; two  
2 elected by all the CECs in the City. The Central  
3 Advisory Board would similarly have authority to  
4 require of the Chancellor, his staff or  
5 administrators, the information necessary, the  
6 reports and testimony that would help to better  
7 understand the decision-making process of the  
8 Department of Education, and the outcomes that  
9 they deliver. Each board would therefore meet  
10 monthly with personnel from their district, or  
11 the central administration. Work to coordinate  
12 efforts would be assigned as an additional duty  
13 to a current administrative staffer.

14  
15 The Chancellor's advisory board will be  
16 responsible for hearing and coordinating the  
17 voices of the district advisory boards, and will  
18 produce a quarterly report, evaluating the  
19 operations of the system's central  
20 administration, as well as each of the districts.  
21 This report will not only be made to the  
22 Chancellor to guide him or her in operations and  
23 policy making, to the mayor and to the borough  
24 presidents, but will also be presented to the  
25 Assembly Committee on Education so that the

1 central advisory board itself is responsible and  
2 accountable to a competent body.

3  
4 The school system now must report to the  
5 Board of Regents and this quarterly report will  
6 also be of assistance to that body as they  
7 provide guidance and support.

8 Far from impeding the work of the  
9 executives in each case, this should actually  
10 facilitate such work. The current Department of  
11 Education model is executed by Mayor Bloomberg  
12 draws talent from outside the system.  
13 Principals, for instance, are no longer  
14 necessarily long-term veterans of the public  
15 schools, but may be products of principal  
16 academies and other programs which help us to  
17 access talent from the private sector or other  
18 professional realms. Through this, an  
19 imaginative new paradigm for principal training,  
20 it does have the weakness that these new  
21 principals, rich in experience in other areas,  
22 may not have the most wide-ranging experience in  
23 school/community relations. The advisory board  
24 model fills that gap, at least to some degree, at  
25 the school, and even the superintendency and

2 chancellorship levels.

3 In New York City, for too long we were  
4 afraid of trying something totally new. We  
5 feared re-visioning the system from the ground  
6 up. Mayor Bloomberg broke through that fear. We  
7 need to guard against falling back into that  
8 paralysis. Let us talk now, or let us look now,  
9 from what we have learned and adjust and grow and  
10 fix its flaws.

11 To the new model of mayoral control,  
12 let's add real, meaty public accountability,  
13 responsibility to State Legislators,  
14 collaboration between neighborhood and school,  
15 between lower grades and upper grades, between  
16 university and elementary educators and let's put  
17 New York back at the cutting edge of educational  
18 advancement again.

19 Whatever the final paradigm in a return  
20 to local parent and community input and shared  
21 decision making, you cannot avoid the relevancy,  
22 the diversity and the value of each and every  
23 school district in New York City. Different  
24 dreams in different school districts with  
25 principals and dedicated teachers, are eager to

2 be creative and they all want to change the lives  
3 of our young people. There's no return to the  
4 old style board of education. But, advisory  
5 boards must be an absolute respectful tool in a  
6 democratic tradition of public education. Public  
7 opinion and public input must be preserved,  
8 however, we should do this in collaboration with  
9 the mayor, with the State Legislators who can and  
10 must require a reinvigoration of public  
11 participation in the Department of Education.  
12 The same inclusion or cooperative consensus, such  
13 notables as Jimmy Reagan, John Mulvell (phonetic)  
14 and others brought to Staten Island, it will now  
15 be up to the Assembly to try to do that for us  
16 and recreate a board of education that will be  
17 responsible for the parents. Thank you.

18 CHAIRWOMAN NOLAN: Thank you. Thank you  
19 very much. I know Assemblyman Titone had a quick  
20 question.

21 ASSEMBLYMAN TITONE: Joan, in your report  
22 you have some recommendations, one of them is the  
23 checks and balances, basically a revamping of the  
24 PEP. I only got to thumb through the report.  
25 I'm wondering do you have any recommendations

2 that would put some meaningful input by the  
3 parents and the community -- what would you  
4 recommend in order for that to happen?

5 MS. McKEEVER-THOMAS: For parent input on  
6 Staten Island? Well, the CECs, the PEP, they all  
7 need to have some teeth to them. They are  
8 advisory boards at best, but when the Chancellor  
9 comes to having been on the PEP panel for a  
10 little while, the decision was made already, and  
11 then there was the meeting, where the PEP panel  
12 was told about it.

13 The CDECs also have the same problem.  
14 They need to be listened to. The parents need to  
15 be at the table, getting the advice from the  
16 parents. The parents know best. The parents  
17 have a piece of education that's in their own  
18 kitchen.

19 ASSEMBLYMAN TITONE: My point, Joan, is  
20 it your recommendation that a parent actually be  
21 seated on a PEP panel, after it's rehashed or  
22 re-hauled, overhauled, sorry?

23 MS. McKEEVER-THOMAS: Absolutely.  
24 According to the Commission, the PEP panel should  
25 remain the way it is now and that a parent member

2 from each borough should be selected. I'm sorry,  
3 I didn't understand what you were asking.

4 ASSEMBLYMAN TITONE: Okay. Thank you,  
5 Joan.

6 CHAIRWOMAN NOLAN: Jim, go ahead.

7 ASSEMBLYMAN BRENNAN: Ms. Caminiti, you  
8 testified that we are now in the third  
9 reorganization --

10 MS. CAMINITI: We're facing a third  
11 reorganization.

12 ASSEMBLYMAN BRENNAN: We're facing a  
13 third reorganization. I know you may not be able  
14 to recollect all the details of the prior two  
15 reorganizations, but if you even had a sketch of  
16 what you meant by that and what the difficulties  
17 for parents have been in relation to that, I  
18 would appreciate that.

19 MS. CAMINITI: The first reorganization  
20 that was done had to do with the elimination of  
21 staff at the school level, whether it was a  
22 special education supervisor that was removed  
23 from the school, or if it was specific personnel  
24 that were trained in dealing with staff. That  
25 was the first phase of the reorganization of

2 special education.

3 In addition to revising what we used to  
4 refer to as the district office, it was first put  
5 into the ROC, which is Regional Operation Center,  
6 that was reconfigured. So what happened was,  
7 special education students in a community school  
8 district had a supervisor of special education  
9 that not only was used for staff resources, but  
10 parent resources. Parents had a question or if  
11 they had a problem, if they had an issue, they  
12 were able to call the district office and speak  
13 to the supervisor of special education --

14 ASSEMBLYMAN BRENNAN: What changed? What  
15 was the change?

16 MS. CAMINITI: The change that time was  
17 there was no more supervisor of special  
18 education. There were a few people put in that  
19 place. They were called RASE, Regional  
20 Administrators of Special Education. There's  
21 maybe six or seven.

22 ASSEMBLYMAN BRENNAN: Districts?

23 MS. CAMINITI: At the district level.  
24 This is at the district level at Staten Island,  
25 when we were first revised to 10 regions, eight

2 regions as opposed to 32 districts. That was the  
3 first change.

4           When that changed a second time, they  
5 eliminated the regions and went back to  
6 districts. What happened at that point was most  
7 of, a good portion of the personnel, which was a  
8 district office, which went to a regional office  
9 of operations, was now the ISE, the Integrated  
10 Service Center. Business managers were put into  
11 place. We were going to run special education  
12 like a business. We had an executive director,  
13 who was not necessarily a special educator or a  
14 clinician, and under them there would be a  
15 certain amount of people that are now called  
16 managers of customer service, Supervisors of  
17 related services. There's a supervisor for  
18 speech, there's a supervisor for occupational  
19 therapy, a supervisor for physical therapy,  
20 supervisor of testing, supervisor of nursing.  
21 But it's not concentrated to Staten Island  
22 schools. They're very wide spread through the  
23 City.

24           That again removed parents from where  
25 they could go for assistance because the ISE is

2 there for school support only. It is not their  
3 job to support parents, although I must say on  
4 Staten Island, they are very responsive to  
5 parents. So what that created was -- CECs,  
6 Committee on Special Ed, going into the school  
7 level, having a school psychologist and various  
8 personnel to help parents when the evaluation  
9 process came, when IEPs had to be reviewed, when  
10 students needed to be evaluated, or if there was  
11 support services that needed to be brought into  
12 the classroom.

13 Federal and State regulations are very  
14 detailed in what the service delivery should be.  
15 The interpretation at the local level gets a  
16 little muddied. So currently, and excuse me for  
17 using the acronyms, we're at the ISE level. We  
18 started at the district level, we went to the ROC  
19 level, we're now at the ISE level and we have not  
20 seen the new reorganization yet.

21 The Department of Education is using two  
22 pieces of information, the first being the Hehir  
23 Report, which is the Harvard professor who did a  
24 wonderful presentation on what special education  
25 could be, and the second one is the Great Schools

2 Report.

3 Now, I can't comment on the new  
4 reorganization because it has not been introduced  
5 to parents yet. But DOE officials will tell you,  
6 they are in the process of doing a third  
7 reorganization of special education. I cannot  
8 comment on it because I have not seen it yet.  
9 But those are the two pieces of documentation  
10 that the DOE is extrapolating information from.  
11 And at no point is it based on what the feds have  
12 written regarding students with disabilities.

13 ASSEMBLYMAN BRENNAN: And so, what's your  
14 conclusion in relation to where parents and the  
15 needs of the kids have ended up in relation to  
16 the old system?

17 MS. CAMINITI: As a New York City parent  
18 center that is funded through the New York State  
19 Education Department, I follow policy to the law,  
20 so what we would like to see and what we demand  
21 is that the State, the City and the local  
22 educational agencies follow procedural  
23 safeguards.

24 ASSEMBLYMAN BRENNAN: Comply, you mean?

25 MS. CAMINITI: At the very least.

2 ASSEMBLYMAN BRENNAN: Okay. Thank you.

3 CHAIRWOMAN NOLAN: Mike, question?

4 ASSEMBLYMAN BENEDETTO: Yes, please. To  
5 Dr. Cammarata. You have proposed a Chancellor's  
6 central advisory board.

7 DR. CAMMARATA: Yes.

8 ASSEMBLYMAN BENEDETTO: Which is a good  
9 deal smaller than the one we --

10 DR. CAMMARATA: Whether we call it  
11 council, board, the name doesn't matter, but the  
12 function and the advisement is what is important.

13 ASSEMBLYMAN BENEDETTO: I understand.  
14 Interestingly enough, nobody on this board is  
15 appointed by the mayor.

16 DR. CAMMARATA: Right.

17 ASSEMBLYMAN BENEDETTO: Tell me why.  
18 What was your reasoning behind it.

19 DR. CAMMARATA: Well, because the mayor  
20 is accountable through the electorate when he is  
21 elected. He is going to appoint the Chancellor  
22 and he is responsible for all of the staff under  
23 the Chancellor. So there is a reporting  
24 responsibility there. The advisory board is to  
25 give him input and to give his subordinates input

2 as to what is going right or what is going wrong.  
3 And it is only advisement. Ultimately he still  
4 will be responsible for making the final  
5 decision. So there really are no votes here, but  
6 there is a advisory board that will still have a  
7 commitment to have a report generated that will  
8 be for the mayor and will be for the other  
9 stakeholders, whether the stakeholders be locally  
10 the City Council, or up in Albany, you, so that  
11 that information can have a second method of  
12 movement through the system, holding the mayor  
13 responsible when there are calculations as to  
14 value of what is taking place in New York City.

15 ASSEMBLYMAN BENEDETTO: But since this  
16 particular board would be advisory, they won't  
17 have any real power. Couldn't you see a board  
18 like this maybe getting a little frustrated that  
19 they vote on things and then the mayor doesn't  
20 want to do all of these things and he never acts  
21 on it?

22 DR. CAMMARATA: The power will come from  
23 those that appoint the parents. There will be  
24 direct access to Assembly seats, to City Council  
25 seats and to borough president seats. It will be

2 that collaboration between the parents reporting  
3 back to their members as to what is taking place,  
4 so I think there really will be a great deal of  
5 diversified power that will come through this.  
6 And I think Betsy in a sense is alluding to  
7 having some of this take place as well.

8 If we're going to keep with the law and  
9 we're going to give governance in the hands of  
10 the mayor, then we still need another method of  
11 being able to have information move in a way in  
12 which it is being translated perhaps differently  
13 than the mayor, so that we ultimately can  
14 evaluate what is taking place in the Department  
15 of Education.

16 ASSEMBLYMAN BENEDETTO: Thank you,  
17 Doctor. Ms. Caminiti, I'm still processing part  
18 of your testimony here, so please forgive me if I  
19 fumble, because part of your testimony, I just  
20 find it hard to wrap my mind around it. You're  
21 saying here in your testimony that a principal  
22 will suggest that a child be evaluated for a  
23 particular program, in this particular case, an 8  
24 to 1.

25 MS. CAMINITI: I'm sorry if you thought I

2 said suggest. I said he's told the school  
3 psychologist. He made it very clear to the  
4 school psychologist that that child be removed  
5 from this school. I've been working with this  
6 family for about eight months.

7 ASSEMBLYMAN BENEDETTO: I just have to  
8 tell you I'm totally shocked.

9 MS. CAMINITI: This is a random sample of  
10 what goes on on Staten Island on a day to day  
11 basis. Parent to Parent is a New York City  
12 parent center and parents have access to me at  
13 any time they have difficulty accessing services,  
14 understanding services. The main role of my  
15 office is to train parents to go into any type of  
16 situation with their child empowered on what  
17 services are available, always based on the needs  
18 of that student. So as I said, I've been working  
19 with this family for quite some time, so it was  
20 interesting because she called me about 48 hours  
21 ago and I was very happy because I needed to put  
22 that information in this report, because it's in  
23 direct violation of every law ever written to  
24 protect students with disabilities.

25 ASSEMBLYMAN BENEDETTO: Again, I tell

2 you, I'm shocked. I come from a background in  
3 special education that principal, yes, may  
4 suggest a child to be evaluated because let's  
5 take a look at this child a bit more closely, but  
6 to actually recommend where the child should go,  
7 and it also goes on the next couple of pages  
8 where you talk about what seems to be a planned  
9 reduction of mandated services to students  
10 because they want to save money. I guess that's  
11 what you're maybe implying.

12 MS. CAMINITI: That's why the OT and PT  
13 numbers that the Department of Education  
14 presented this morning have been reduced.  
15 Parents are getting phone calls saying to a  
16 parent your child has no longer met the need to  
17 have related services, so therefore, we are  
18 changing the child's IEP. No five day written  
19 notice, no evaluation by a licensed, registered  
20 therapist, and no meeting convened to say this is  
21 the goal that your child has had for the past six  
22 months, they've met that goal, he's ready to be  
23 decertified, he's ready to be moved on and can  
24 remain academically successful in the placement.

25 Parents are being told your child is no

2 longer, can no longer have this service. The  
3 service is either not available, or we can only  
4 give OT once a month or once a week.

5 ASSEMBLYMAN BENEDETTO: I'm --

6 CHAIRWOMAN NOLAN: We'd like to hear more  
7 about that.

8 ASSEMBLYMAN BENEDETTO: We certainly  
9 would.

10 MS. CAMINITI: Okay.

11 CHAIRWOMAN NOLAN: Not today, but I think  
12 as a follow up.

13 MS. CAMINITI: Okay, I will definitely  
14 follow up with that. And the situation with the  
15 teacher chasing the parent into the street to  
16 sign an IEP --

17 ASSEMBLYMAN O'DONNELL: I have some  
18 questions, Ms. Caminiti, for discussions of CECs.

19 I represent primarily in Manhattan -- was  
20 considered District 3, a little bit of District  
21 5, and we recently had a very explosive situation  
22 where the CEC was empowered to make allocation of  
23 resources questions, and the parents who didn't  
24 agree with the assessment that was made felt  
25 extraordinarily disempowered because they felt

2 they had to recourse about who the CEC was. And  
3 so I wrote a letter to the mayor, thankfully it  
4 was answered last week after I told him at his  
5 hearing that it had never been answered, that  
6 asked about that particular question, and that  
7 letter unfortunately got, well, it was discussed  
8 on some website, so then my letter was put on the  
9 website. I don't even know what the website is.  
10 I'm not really good with that stuff, but my staff  
11 put it on the website. And one of the things  
12 that I raised in it was the fact that the CEC  
13 members are not elected and that in the old  
14 system, we used to have elected school board  
15 members, which meant that when the school board  
16 member went to Fairway, and a parent saw them in  
17 Fairway and said, hey you, you're the school  
18 board member, I don't like whatever that is. And  
19 that by having a system where we disconnect them  
20 from the electorate, there's less degree of  
21 control.

22 Well, these CEC members were very unhappy  
23 because they believed that they were elected. I  
24 said, well, how did you get your job and he said,  
25 well, the PTA president picked me. So I don't

1 really know how that gets to be an election. In  
2 the old system though, there were some problems  
3 with the elections. The elections were held at a  
4 very unusual time, had very low voter turnout,  
5 and in contrast to elections outside the City of  
6 New York where they were voting in elections that  
7 also voted on their taxes, which guaranteed  
8 people might actually pay attention, those  
9 elections had very low voter turnout. And what  
10 ended up happening for example, one year in  
11 District 3, the majority of the members of the  
12 school board who were elected kids were in GNT  
13 programs. Now, I don't object to GNT programs,  
14 but it's hardly reflective of the entire thing.

15  
16 And, sometimes in elections like that, we  
17 can elect non-parents. Now, we've had wonderful  
18 school -- Yasmine Hurtzen (phonetic) did not have  
19 children at the time, the late Larry Sower  
20 (phonetic) did not have children and they were  
21 wonderful school board members. So the question  
22 I have for you with that very long preface is,  
23 would you support us making those CECs elected  
24 and if you did, what would you say about the  
25 possibility that those CECs then are not just

2 comprised of parents, because a lot of what we  
3 hear is the parents need more accessibility, the  
4 parents need to be more involved. And in an  
5 election, let's say we did it when we elected  
6 City Council members, so we had greater turnout,  
7 still the election could mean that a majority of  
8 members of the CEC in a particular district are  
9 in fact not parents, either currently or ever, of  
10 the schools that these people are having that  
11 role in.

12 MS. CAMINITI: Thank you for asking that  
13 question. That's a great question.

14 ASSEMBLYMAN O'DONNELL: You're very  
15 welcome. I'm good at the questions. I'm not  
16 good at the answers, just good at the questions.

17 MS. CAMINITI: I learned all the training  
18 I needed to be in this position from being a PTA  
19 president. I was a PTA president. I was a  
20 president of the Staten Island Federation of  
21 PTAs. I found that myself as a working parent,  
22 I'm a student of this great facility that you're  
23 sitting in. I have been a student here for eight  
24 years. Being a parent of three, I don't really  
25 get to school as often as I would like. When my

2 great friend, the late John LaValle (phonetic)  
3 said to Joan and I, she was my first VP at the  
4 time, what do you think about dismantling  
5 community school boards and putting parents in  
6 their place? Joan said great, I said no. I  
7 disagree with it 100 percent. The greatest thing  
8 about the City of New York is that we are diverse  
9 and we really care. I said in my English class  
10 the other day that the kindest, greatest people  
11 are in the City of New York and my peers, of  
12 course, most of them are around the age of 23,  
13 thought I was crazy, because they think people in  
14 New York City are mean, obnoxious and having a  
15 rich life behind me, I disagreed and I believe  
16 the City of New York, we don't educate children  
17 in a vacuum and we should not limit any type of  
18 involvement in education be limited to parents.

19 In two years I will no longer be a public  
20 school parent. And I would be an excellent asset  
21 to a community school board. I believe Joan, who  
22 is a great PEP member, who is no longer of an  
23 existing public school child, should not be  
24 prohibited from serving on a community school  
25 board. Never should any of us who live in this

2 City not be allowed to vote. I still to this  
3 day, after testimony that we had -- how that went  
4 through, that we were allowed to have Community  
5 Education Councils making decisions on the  
6 education of our next generation, but I couldn't  
7 vote. I find it exclusive. I find it extremely  
8 discriminatory and against the civil rights of  
9 everybody that lives in the City.

10 ASSEMBLYMAN O'DONNELL: Well, as a person  
11 who does not have children and therefore I've  
12 never put them into any school or not put them  
13 into any school system, I still care passionately  
14 about the education of the children in my City  
15 and in my neighborhood and pay very close  
16 attention to that, so the idea that this decision  
17 about closing a school and moving a school and  
18 changing -- and all that stuff was being made by  
19 people that I had absolutely no ability to either  
20 reward for doing the right thing in some  
21 mechanism, or to punish because I couldn't have  
22 anything to do with them because somebody  
23 appointed them -- I don't want anymore to  
24 construe what I say as disparaging to those  
25 individual people, nor to PTA presidents who make

2 those decisions, my mother was a PTA president.  
3 I learned more about education through that  
4 process as a 10 year old than I probably have  
5 learned since. But that doesn't mean that we  
6 should have to do that.

7 So I would take it that if I were to  
8 fight to have the election process, I would have  
9 your support in that?

10 MS. CAMINITI: Absolutely. 100 percent.  
11 And may I say that your involvement in this panel  
12 and your colleagues has extremely appreciated by  
13 myself, who, number one, I am a Staten Island  
14 resident and I am a New York State resident and  
15 to me that holds more credence than anything.  
16 And the greatest thing again about the City of  
17 New York is you don't have to be a parent to  
18 really care about public education and that's  
19 what makes it so great.

20 ASSEMBLYMAN O'DONNELL: Thank you very  
21 much.

22 CHAIRWOMAN NOLAN: Thank you very much.  
23 Thank you, all three of you, and I appreciate  
24 your patience with us. I do try to move it  
25 along. I thank my colleagues for their

2 questions. Sue Dietrich is here from the Staten  
3 Island Federation of PTAs and I have Kim Baldwin,  
4 President of PTA PS 14R, Iris Perez, Vice  
5 President of PTA PS 14, Darlene Woodhouse,  
6 President and Gina Mohamed, PTA PS 29. If  
7 they're all still here, and I know that some  
8 people probably had to leave. We certainly --  
9 did they leave testimony, do you know? Would you  
10 like to read it on their behalf or just hand it  
11 in? If you want to read it on their behalf,  
12 you're welcome. We've had people do that.

13 Okay. Say your name.

14 MS. DIETRICH: I'm Sue Dietrich.

15 CHAIRWOMAN NOLAN: And again, we will  
16 stay until everyone has had an opportunity to  
17 speak, so feel free, if you can stay, we  
18 appreciate it very much.

19 MS. DIETRICH: I just wanted to say --I  
20 just got here. I was at the CPAC meeting in  
21 Manhattan. I am the co-chair of the Staten  
22 Island Federation of PTAs currently and I'm the  
23 representative to CPAC. They're not letting  
24 trucks and buses over the Verrazano Bridge, so it  
25 took me forever to get home, to get back to

2 Staten Island, so --

3 AN ASSEMBLYMAN: I would like to propose  
4 a law that those little orange cones should be  
5 outlawed when it's windy. It's my own personal  
6 thing because I have to drive back that way.

7 MS. DIETRICH: Our organization has  
8 discussed school governance quite a bit, and  
9 we've come up with some recommendations. I  
10 haven't been here and listened to the comments  
11 other people made, but the bottom line is, we  
12 don't want to lose the parental input. We feel  
13 we haven't had enough parental input with the  
14 educational decisions affecting our children.

15 One idea we had is potentially place the  
16 chair of CPAC on the PEP panel. That is an  
17 elected parent for the whole City. Other parent  
18 leaders elect that person. So to us, that might  
19 be a good way to get real parental input on the  
20 PEP panel.

21 We would support three-year terms or some  
22 terms and only remove for cause for PEP panel  
23 members. That way they have some degree of  
24 autonomy. And we would also recommend that the  
25 chair is selected from the PEP members by the PEP

2 members and the Chancellor be an ex officio  
3 member of the PEP.

4 For the CEC, we did discuss elected by  
5 the parents, but right now it's only elected by  
6 three parents from each school, which to me  
7 doesn't make a lot of sense. And each of those  
8 electors only votes for two people, which makes  
9 even less sense to me. It really -- not  
10 necessarily the best people are getting on that  
11 way. We do feel that it should be parents of  
12 students in the system and we even said the  
13 borough president appointees should be past or  
14 present parents of public school students.

15 Another idea we had is that the CEC could  
16 represent pre-K to grade 12, because right now,  
17 the high schools are sort of getting lost in the  
18 shuffle in many cases, especially here on Staten  
19 Island, Staten Island Federation of PTAs covers  
20 all 12 grades and it works very well. Especially  
21 in Manhattan, where there's 150 high schools and  
22 they have one representative on a Community  
23 Council for high schools, they're lost. They're  
24 not getting any input there.

25 On a district level, we're very

2 disappointed that basically we don't have  
3 district superintendents. We have district  
4 superintendents in name, but that's a tiny part  
5 of their job. They never have -- and we tell it  
6 to her face. We're not complaining about the  
7 person we're dealing with. The high school  
8 superintendent on Staten Island has to spend  
9 three quarters of her time traveling to the Bronx  
10 and Queens and Manhattan to do her job and is  
11 never around for us. And again, that's not at  
12 all a negative to her. We need a superintendent  
13 who is a superintendent.

14 At the school level, the SLTs should be  
15 given small budgets, if nothing else, so they can  
16 do something, even go to training. Right now  
17 they have no budget other than give the stipend  
18 to the members of it.

19 Principals. To some extent the principal  
20 is out there and if you have a problem with the  
21 principal, the parent really has nowhere to go  
22 because the principal doesn't answer to the  
23 superintendent anymore. The superintendent  
24 really can't do anything to the principal.

25 We feel an outside agency should report

2 on the status of the DOE, maybe the City  
3 Comptroller or the Public Advocate or something,  
4 just to make sure things are going well.

5 And we also would support another sunset  
6 in the law because maybe we won't get it right  
7 this time either. Give us another chance to look  
8 at it.

9 So those are the general ideas that we  
10 have.

11 CHAIRWOMAN NOLAN: Thank you. We're  
12 going to have this other testimony read and then  
13 we'll take some questions.

14 Yes, as best we can to accommodate. This  
15 was a large PTA group and then we're going to get  
16 to everyone, so we ask your indulgence. We ask  
17 your indulgence. We're getting to everyone. We  
18 really are. Just go ahead and read it. Thank  
19 you.

20 MS. McKEEVER-THOMAS: This is Darlene  
21 Woodhouse. I am a concerned Staten Island parent  
22 of two children in the system. I would like to  
23 see changes in mayoral control. I don't want to  
24 say I don't want the mayor in control, because we  
25 all know that will not happen. I would like to

2 see more parent participation. I don't feel we  
3 have a say in our children's education.

4 I think the next chancellor should have  
5 an educational background as a prerequisite.  
6 Someone that understands the education system and  
7 has started at the bottom as a student, teacher  
8 and maybe a principal. You can't truly  
9 understand how something works unless you have  
10 experienced it. We want checks and balances. I  
11 would like an independent board to choose the new  
12 chancellor.

13 You can't say, oh, I'm sorry. I know how  
14 you feel when someone's mother passes away and  
15 you still have yours, or someone divorces or  
16 anything in life, you can only feel and know  
17 things if you have truly experienced whatever it  
18 is. The chancellor can't understand the teachers  
19 if he has never been a teacher. He or she can  
20 only understand the parents if he or she has  
21 children.

22 Someone just changed the chancellor's  
23 regulation A660. The way they are written, it  
24 makes it extremely difficult for the PTAs to run.

25 I feel like these new regulations are driving a

2 wedge between parents and the school when we  
3 should be all working as a unit. It is very  
4 important for the children to see there is unity  
5 within the schools and home. When the  
6 regulations need to be updated, I think parents  
7 should be on the committee, to let officials know  
8 what is working and what is not. We are in the  
9 schools. We are busting our butts raising money  
10 so our children can have the books they need  
11 because the mayor keeps taking money away from  
12 our children. We have to work harder and harder  
13 as the budget gets smaller and smaller. Where  
14 will the extra money come from if parents are  
15 pushed out?

16 We are educating the next mayor,  
17 president, scientist, teacher, et cetera. We  
18 want them to have good values. We want them to  
19 see everyone working together not separately. We  
20 don't want to teach them the truth about politics  
21 just yet. Maybe when they are of age to vote,  
22 the world will be a more truthful place.

23 Hopefully the leaders of the future will  
24 really have everybody's best interest in mind.  
25 Right now, if you don't agree with the mayor, you

2 can find yourself another job. We need people  
3 that come from different backgrounds so we can  
4 all come together and discuss different points of  
5 view and all decide on what's best for our  
6 children on Staten Island. We are the melting  
7 pot so let everyone's opinion count. Thank you  
8 for taking the time to come to Staten Island and  
9 listen to us.

10 CHAIRWOMAN NOLAN: Thank you. What I'd  
11 like to do here is, Ms. Dietrich, you're going to  
12 be available for a few minutes? I know that you  
13 just came from another meeting.

14 MS. DIETRICH: Yes, I'm fine.

15 CHAIRWOMAN NOLAN: We have another group  
16 from the PTA that we're going to read?

17 MS. McKEEVER-THOMAS: PS 14 is not here.  
18 They're going to submit their testimony.

19 CHAIRWOMAN NOLAN: Okay, fine. Let me  
20 call then -- do you have something else to read?

21 MS. McKEEVER-THOMAS: Well, this is from  
22 Gina Mohamed. It's very short. It's only a  
23 paragraph.

24 CHAIRWOMAN NOLAN: Okay. Go ahead.

25 MS. McKEEVER-THOMAS: Gina Mohamed,

2 mother of three boys, two attending PS 29, one  
3 attending IS 27, PTA board mom, concerned  
4 taxpayer. I am against mayoral control. I do  
5 not think the mayor should have the right to pick  
6 the chancellor. They loyalty of a chancellor  
7 picked by the mayor would lay with the mayor not  
8 with our children and that is unacceptable. We  
9 need a chancellor with an educational background,  
10 someone who knows the needs of our children. We  
11 cannot afford to have our children's future run  
12 by dictatorship. We the parents need a stronger  
13 voice in our children's education than we are  
14 receiving now. We do not necessarily advocate  
15 scrapping the entire system, we want to implement  
16 checks and balances to the current system and  
17 have an acceptable balance of power. A  
18 chancellor should be picked by a diverse group of  
19 parents, educators and community reps. Also, our  
20 CEC board should have a stronger voice. Their  
21 input needs to be heard before decisions are  
22 made, not after.

23 CHAIRWOMAN NOLAN: Thank you. And if Ms.  
24 Dietrich is kind enough to just stay a minute,  
25 we're going to call some people so we can move as

2 quickly as we can.

3 MS. DIETRICH: No problem.

4 CHAIRWOMAN NOLAN: We have Tammy

5 Greer-Browne, CEO of Real Family Life, Lorna

6 Harris. Is Lorna Harris here? Rosalind Joseph?

7 Are they with you? Maybe we can just ask you to

8 hold on a minute. I know you just got here too,

9 so Lynda Bernstein? She spoke. I'm sorry.

10 Loretta Prisco, Gene Prisco and Josh Bence, the

11 students.

12 Ms. Greer-Browne, you just got here,

13 right? Would you mind then just since you're

14 waiting for two other people, wait a little bit

15 longer and we'll have these people -- right,

16 since these people have been here since 10:00

17 they say, I would like to try to move them on if

18 we could. Okay, thank you. We'll get to the

19 bottom of it. Ms. McDonough in the back will

20 figure it out. And we thank you. Thank you,

21 Ms. Dietrich for staying with us a little longer

22 and Ms. McKeever-Thomas for reading that. Why

23 don't we start with -- do you want to start with

24 the students or with you?

25 MR. BENCE: Hello, my name is Joshua

2 Bence. Thank you for this chance to relate my  
3 story of mayoral control of the schools. Until  
4 May of last year, I was a very happy student at  
5 William Morris School for Magnet Performing Arts.

6 I went two years earlier to speak with  
7 the principal and the teachers of the journalism  
8 program, the principal, Richard Gallow,  
9 (phonetic) about requirements for the journalism  
10 program. The next two years I used to put  
11 together the required portfolio, which included  
12 pieces that won national writing contests and  
13 were published in New York Times and Yankees  
14 magazine. I was overjoyed to get in. This was  
15 one of only two schools in New York City to have  
16 separate journalism programs, so I worked very  
17 hard to succeed. I won a science gold medal  
18 twice. My project helped pass a child safety law  
19 in New York City Council. Each marking period, I  
20 made the high honor roll and received excellent  
21 behavior marks and citizenship awards for helping  
22 others. My teachers placed me on the student  
23 leadership council, whose motto was we lead by  
24 serving others. In a Christian young man, I  
25 loved it.

2 In November of 2008, a teacher confessed  
3 to enabling students to physically abuse me. The  
4 school and the district office said that she  
5 broke many regulations. My parents and I went to  
6 meet with Principal Gallow. When my mom cried I  
7 his office on hearing confirmation of the abuse,  
8 he told her that he would fix the problem and  
9 personally get back to her within 48 hours. He  
10 told me that I was a huge asset to this school  
11 and that he had been using my story to promote  
12 it. He shook my hand and then never spoke to me  
13 or my parents again.

14 The problem was not solved and the  
15 assaults grew worse, resulting in costly hospital  
16 visits and surgeries, which are not finished yet.  
17 I still believe that if I could speak with  
18 Mr. Gallow, this problem could be solved. He  
19 refused to talk to me or my parents.

20 We went to the Staten Island district  
21 office. They were impressed with my work and  
22 appalled at the school's behavior. They assured  
23 me that they would help and they sent a notice  
24 for Mr. Gallow to meet with me. He refused. The  
25 district superintendent told him to meet with me.

2 He again refused. The network supervisor at the  
3 school board told him to meet with me. He said  
4 that only Mayor Bloomberg can order him to meet  
5 with one of his students.

6 The district office told us the policy on  
7 mayoral control of schools gives principals  
8 complete power. That would be fine if the  
9 principal does a great job. And if you have a  
10 bad one, you can contact the mayor and the buck  
11 would stop with him. I had met Mayor Bloomberg  
12 before and know him to be a good man, but he does  
13 not have time for little me.

14 Why did Gallow refuse to meet with either  
15 me or my family? The district office asked him  
16 if his refusal was due to any bad behavior on our  
17 part. Mr. Gallow replied that the Bence's are a  
18 very nice Christian family and have never behaved  
19 badly. But he still will not meet with us.

20 I am amazed that it was easier to have  
21 Derek Jeter speak with me privately and give me a  
22 free autographed baseball than to speak with my  
23 own principal. The district office pulled me out  
24 of the school for my own safety. It was not what  
25 I wanted.

2 The matter was investigated by  
3 Mr. Condon's office. He found that my  
4 educational rights were denied. This is all well  
5 and good, but where am I to go to school? The  
6 district office said my work showed I had  
7 outgrown Staten Island and would have to go to  
8 Manhattan. They filed the paperwork, but the  
9 schools were not taking anymore transfers. I'm  
10 in limbo. Several of my fellow students had  
11 similar problems and left the school. The author  
12 of "The Guide to Middle Schools in NYC" had  
13 listed the school as one of the two best on the  
14 Island, but no more. She said that what  
15 traumatized kids more than the assaults, is the  
16 lack of response by adults in charge.

17 Of couple of independent school report  
18 websites also found that safety and principal  
19 issues overwhelmed my school. The Chancellor  
20 brought in a team from England to evaluate NYC  
21 schools. They gave my school an A-plus in  
22 programs, but were shocked at the student  
23 perception of their safety and how the principal  
24 handles the issue. The team gave these areas an  
25 F, bringing the A-plus down to an overall grade

2 of a D. What good are great programs if you're  
3 in the hospital all time?

4 I'm not asking you to help me out of this  
5 situation. I'm here today to serve others by  
6 pleading with you to do what you can do by  
7 reconsidering this policy. Please do not let the  
8 tragedy that happened to me happen to any more  
9 children. Even a child knows that when a bad  
10 player keeps fumbling, you don't give him  
11 complete control of the ball. Thank you.

12 CHAIRWOMAN NOLAN: Thank you.

13 MS. PRISCO: My name is Loretta Prisco  
14 and I was a parent of two children that graduate  
15 that school and it was a fine school. My older  
16 daughter is 39, my younger one is 33, and I'm  
17 sorry to hear that.

18 Thank you for opening this discussion.  
19 You have asked for comment on the results of  
20 mayoral control and I answer in one simple word,  
21 fear. But you've given me five minutes, so I'm  
22 going to elaborate a little. Children fear being  
23 tested, retained and being identified as a one or  
24 a two. Parents fear that once labeled by their  
25 score, their child's career will be over, their

2 ELL and special ed child would not get mandated  
3 services and fear that if their child commits  
4 even a minor infraction that used to result in  
5 just a call home or perhaps even a suspension,  
6 now means an arrest.

7 Communities fear the labeling or closing  
8 of their schools and the detrimental effect that  
9 will have on their neighborhoods. Teachers fear  
10 that a tap on the shoulder to comfort a child or  
11 the return of a hug will cause them to be sent to  
12 the rubber room. Pedagogues, who once enjoyed  
13 collegial relationship, are fearful that low  
14 scores will bring the wrath of their supervisors  
15 and their peers upon them. Nothing grows in  
16 fear, at least nothing worth harvesting.

17 As a 47 year public school advocate,  
18 former public school student, a teacher in and  
19 out of the classroom, a district coordinator, a  
20 City graduate student and a college instructor at  
21 this university, a PTA member, a PTA president, a  
22 member of the Federation of PTAs and a major  
23 critic, I daresay, I doubt anyone was more  
24 pleased that the old system folded and doubt that  
25 anyone was more enthusiastic than I was for a new

2 governance and I welcomed mayoral control. The  
3 mayor was probably happier than I.

4 It was in 30 years as a parent and child  
5 advocate in this district -- I was up every  
6 single month for 30 years, condemning,  
7 criticizing and blasting school boards, so I'm a  
8 major critic of them.

9 I will not repeat the testimony about the  
10 data, which was to show that schools were moving  
11 toward success, you know that it's been  
12 manipulated. You've heard it from more reliable  
13 sources than I. Allow me to share one fear that  
14 I personally have as an educator. As our schools  
15 have become test-taking factories with children  
16 trained to select from a few possible answers on  
17 tests with as few as 34 questions, I fear that we  
18 will not have a citizenry prepared to be the  
19 scientists solving the problems of the survival  
20 of this planet, the social scientists to help us  
21 navigate a more complex world, the peacemakers  
22 for nations continually at war. I fear that we  
23 won't have the artists who express ideas in  
24 creative and innovative ways and help make this a  
25 more beautiful world, and urban planners to help

1 us plan our cities for healthy living, the  
2 problem solvers of the world. Our children are  
3 not learning to be problem solvers.  
4

5 I am a member of a group that met for  
6 over two years on Staten Island to design a  
7 school governance system. Our plan has been  
8 reviewed and approved by the Issues Committee of  
9 our local democratic Club and a caucus of the  
10 UFT.

11 Attached is a detailed version and I knew  
12 I wouldn't have time to go through it this  
13 morning, but I do want to identify our basic core  
14 principles. The system must be based on  
15 democratic participation of the community with  
16 decision making flowing from the school level to  
17 a central body. And yes, that means elections of  
18 school boards. The DOE must be politically  
19 neutral and not tied to any one political office.  
20 A school system cannot change or adjust according  
21 to the political aspirations, the career, the  
22 whim, the caprice or the ideology of any  
23 politician. It must be an independent office  
24 with responsibilities to the people of the City  
25 and operate within the regulations of the New

2 York State Ed Department ad the laws of New York  
3 City.

4 Benchmarks must be established and  
5 evaluations conducted by an independent agency.  
6 It's very nice if we could measure our own  
7 performance. It doesn't work that way.

8 Inherent in the system design must be  
9 respect and support for all constituents and  
10 recognition of their expertise. Funding must be  
11 fair, equitable, transparent, with budget  
12 decisions made at the school level. School and  
13 district lines must be drawn to preserve and  
14 strengthen the integrity of neighborhoods and  
15 communities.

16 A system of checks and balances must be  
17 put into place to give voice to all constituents.  
18 Professionals, including the chancellor, creating  
19 and implementing instructional policy must have  
20 classroom teaching experience so that they have a  
21 clear understanding of the implications of their  
22 decisions. No waiver should be granted. Their  
23 commitment must be to public non-charter schools.  
24 Schools in distress must be supported. Closing a  
25 school should be the last resort. It seems as

2 though in this system if you go down a little,  
3 the first response is close your school, which  
4 reeks havoc, and I'm sure you know of all the  
5 other schools in the area.

6 Our children do not deserve to go back to  
7 the old, don't deserve to suffer under the  
8 present or have the current system even tweaked.  
9 We would like to suggest that an appointed task  
10 force be assigned to govern the system for the  
11 period of one year, continue the present  
12 structure; we can't deal with continuing change,  
13 and hold public hearings to help plan for a new  
14 system.

15 We cannot make another seven-year  
16 experimental error. A kid gets one bite of the  
17 Big Apple. A child entering kindergarten in 2002  
18 and now leaving the fifth grade has gotten a bit  
19 of the Apple, and forgive me, it's been a rotten  
20 apple.

21 I just want to mention, because I've  
22 heard a lot this morning about tweaking and this  
23 is not in my written testimony. Accountability.  
24 The Mayor doesn't hold himself accountable. He  
25 points fingers. He points to the kids, he points

2 to the teachers, he points to the principals.

3 Accessibility. Look in the phone book  
4 and try to find the number of your local public  
5 school. You can't get it. You have to call 311  
6 to get a phone number. And when you call 311,  
7 you have to hear about all the parking  
8 regulations in existence that day and tomorrow  
9 before you get even the phone number of your  
10 local public school.

11 Checks and balances. We already have  
12 checks and balances. We have a City Council that  
13 has some oversight. We have State law. We have  
14 a Comptroller that issues all these wonderful  
15 reports about how money is misspent, how things  
16 aren't happening, and what happens, they're  
17 completely ignored. Thank you.

18 MR. PRISCO: Good afternoon. My name is  
19 Eugene Prisco. I appreciate you all being here.

20 I knew Matt would be here and Mike and  
21 Lou. I didn't expect someone from the Bronx. I  
22 know how tough it is in the morning. I visit my  
23 mother once a week up the Morris Park section and  
24 I know how hard it is. I appreciate that. And I  
25 know you haven't eaten. See, I left to get a

2 bagel and you guys just -- so I'll keep it short.  
3 I'm going to talk about two things. One, this  
4 concept of accountability -- now the mayor is  
5 accountable. Mr. Cammarata said he's  
6 accountable. I got into a little conversation  
7 with Mr. Walcott. He says the mayor's  
8 accountable. I want to challenge that straight  
9 up.

10 Surveys done of New York citizens place  
11 education usually third or fourth. If you did a  
12 survey today, they'd put the economy, the  
13 economy, the economy, then maybe safety. Here on  
14 Staten Island, tens of thousands of parents send  
15 their kids to private schools and parochial  
16 schools. They've delivered a block of votes for  
17 Mayor Giuliani and for Mayor Bloomberg. No one  
18 can contest that that looks at it, and schools  
19 and how the schools have been doing have not been  
20 at the priority of their list. So for us to say  
21 that that were secondly, you use the Daily News  
22 and the daily Post to spin.

23 My cousins, who are not in education,  
24 they say, oh, he's doing a good job, the scores  
25 are rising. Well, of course. We're training

2 youngsters like Pavlovian dogs to take tests.

3 I know from friends that are still out in  
4 the system -- oh, by the way, I was a high school  
5 PTA president in Brooklyn, of John Dewey High  
6 School, the first male ever to hold a high school  
7 PTA position. I taught in this district for 33  
8 years. I was a middle school counselor. Both of  
9 my children went through, and I was a school  
10 board member here for five. And I gave testimony  
11 in the school boards. I looked forward. I gave  
12 them the benefit of the doubt, but after seven  
13 years of seeing what they've done, and Sam used  
14 the word, he's gone, corporate; that's precisely  
15 and exactly what's happening here.

16 We have a graph on of a corporate model.

17 The wonderful center that they created to train  
18 people, where Jack Welch is its hero, not Mother  
19 Theresa, not Richard Mills, but Jack Welch. Cut  
20 him off at the knees Jack Welch. Lay 10 percent  
21 down all the time, get a golden parachute.

22 There are men and women becoming  
23 principals who never taught. When I was in the  
24 system, you have to teach for a number of years  
25 to even try to be an AP, then be an AP for a

2 number of years and then try to be a principal.

3 They knew the system. They knew how it  
4 operated. They knew how to deal with people.  
5 They knew how to be collegial. They knew how to  
6 be supportive of staff. Go into the schools, the  
7 fear Loretta talks about is the major movement.

8 A few months ago I attended a most  
9 learned conference at Columbia University,  
10 Michael Rubel, Campaign for Fiscal Equity.  
11 Loretta and I were part of that for 12 years, to  
12 bring the State to do what it ought to be doing.  
13 Every, and I will have my testimony for you. We  
14 ran from Staples, the machine went down. Every  
15 presenter on the research said community-based  
16 schools, dealing with the whole child, his  
17 physical needs, his emotional needs, his mental  
18 needs. Somebody says Staten Island is different,  
19 but Mike and Matt and Louis will tell you, within  
20 Staten Island there are profound differences.

21 I do a little work down in the African  
22 immigrant community, called Little Liberia, in  
23 Park Hill. We have 9,000 Liberians. The largest  
24 number of Liberians outside of Africa living in a  
25 five square block area. Some of the students

1 were war soldiers. Some of the girls went  
2 through horrendous things. They go to PS 57,  
3 IS 49. The needs of those students are far --  
4 when -- came around at IS 49 with his middle  
5 school commission, those commissioners left with  
6 their hair on fire. They never thought that on  
7 little 'ol Staten Island they were going to hear  
8 some of the stories that they heard.  
9

10 The research says that what the DOE is  
11 doing is absolutely wrong, focusing exclusively  
12 on instruction, rug reads, improvements in  
13 instruction, laser light precision and forgetting  
14 the whole child, his physical needs, his  
15 emotional needs, and bringing the community in,  
16 creating an organic relationship in the  
17 community. And unless we get back -- we are  
18 flying in the face of all the research and we  
19 need to get back to that.

20 And where can accountability be, and then  
21 I'll end, at the school level? At the school  
22 level. Let the leadership teams to be empowered  
23 to do what they can and have a superintendent who  
24 can look that over and those schools that are  
25 moving in the right direction, work with them,

2 reward them, keep them going, the others, make  
3 the changes. The people closest to the -- know  
4 how to build it best. The people closest to the  
5 youngsters know how to do that best. Allow them.  
6 Give them the power. Don't buy the excuse that  
7 having the mayor in charge is real  
8 accountability. Every evidence you heard today  
9 is the exact opposite. Thank you.

10 CHAIRWOMAN NOLAN: Thank you, Mr. Prisco.

11 MS. PRISCO: If I may, Assemblywoman  
12 Nolan, the structure that we worked on is  
13 attached to your testimony. I wasn't specific in  
14 my testimony. It's attached.

15 CHAIRWOMAN NOLAN: We appreciate that.  
16 We've had a large crowd of people.

17 MS. PRISCO: But it is there.

18 CHAIRWOMAN NOLAN: -- that everything is  
19 the way people want it to be. I just want to  
20 thank all of you. I want to ask our young  
21 student, what grade are you in, dear?

22 MR. BENCE: Seventh.

23 CHAIRWOMAN NOLAN: Seventh grade. You  
24 have someone here with you here, I hope?

25 MR. BENCE: Yes.

2 CHAIRWOMAN NOLAN: Okay. And this  
3 experience has gone on for how long?

4 MR. BENCE: How long? Well, ever since,  
5 basically --

6 CHAIRWOMAN NOLAN: A year? Sixth grade?

7 MR. BENCE: Yeas.

8 CHAIRWOMAN NOLAN: We're be obviously,  
9 this is a very serious case and we'll be  
10 following up, the Committee will be following up,  
11 as I'm sure your local -- Mr. Titone, I think  
12 represents your district. So we'll be following  
13 up to try to find out what has happened and  
14 certainly advocate for a resolution. It was very  
15 brave of you to come forward and really a great,  
16 incredible opportunity for us to hear you and we  
17 appreciate it very, very much. So I thank you  
18 for that.

19 I want to just also ask Ms. Dietrich a  
20 question and then perhaps Mr. Titone or somebody  
21 else, but we want to also move it on forward.

22 Yesterday the DOE, Ms. Dietrich,  
23 announced changes to the way the CECs are going  
24 to be selected. I will tell you I was quite  
25 taken aback. We had just come off two hearings

2 where they swore that it was the best method and  
3 that they wouldn't change it, and then we got  
4 this press thing that we saw from somebody else,  
5 I think a CEC member sent it to us, so it's a  
6 classic thing in terms of our experience with  
7 them. Someone from the DOE the day before had  
8 said they were looking at changes, but I guess  
9 they moved quick after that.

10 What do you think of this hiring of a  
11 grass-roots initiative group and maybe just  
12 elaborate a little bit on that.

13 MS. DIETRICH: From what I know of it,  
14 and Martine Guerrier had mentioned it at CPAC  
15 last month and then she was here again, that they  
16 were probably doing it and she's basically saying  
17 it's to save a lot of money. Supposedly it's 60  
18 percent cheaper than the other way.

19 Well, you still have the same people  
20 doing the voting. You're going to have a straw  
21 vote of other people.

22 CHAIRWOMAN NOLAN: Do you think it would  
23 set -- I shouldn't interrupt you. in other  
24 words, these two people are running, right, and  
25 the PTA president wants to choose him, but the

2 straw vote chooses her, I don't see that as a  
3 prescription for harmony in the school building  
4 itself.

5 MS. DIETRICH: That's right. There's no  
6 commitment. The straw vote is there, but there's  
7 no, the person doesn't have to, which is strange.  
8 The one thing I do like about it, what she has  
9 told us, is that the person running must attend a  
10 forum, where they can answer questions. In the  
11 past, we've elected people who didn't even come  
12 to the forums. And I think half the problem was  
13 that the people didn't know when the forums were  
14 until three days before and then couldn't, or  
15 didn't know at all, and couldn't change their  
16 schedule. That part is good.

17 CHAIRWOMAN NOLAN: We heard a lot about  
18 vacancies at the two hearings we've had and the  
19 DOE representation was that only two CECs had  
20 vacancies. And then it came that no, there were  
21 only two that had so many vacancies they couldn't  
22 function. But almost all of them have had  
23 vacancies for long periods of time. What's  
24 happened here on Staten Island, that maybe --

25 MS. DIETRICH: On Staten Island, we have

2 had vacancies, but they do get filled.

3 CHAIRWOMAN NOLAN: But you only have your  
4 one CEC for the whole borough, right?

5 MS. DIETRICH: Yes. We have one CEC. We  
6 have had a couple of vacancies. We have had a  
7 few people, two or three, and the committee  
8 actually has included parents, the CEC has  
9 included parents to help choose. They voted,  
10 but -- they heard our input, so to that extent it  
11 worked.

12 ASSEMBLYMAN TITONE: Just very quickly, a  
13 a comment. Josh, I know that there are some  
14 other problems in the school as well, such as  
15 recruitment by gangs, and I know in the  
16 afternoons when the school gets out, that there's  
17 some traffic safety issues that are very, very  
18 serious. I've had parents come and see me on  
19 those issues and I'm working on the.

20 I'm just going to encourage you and your  
21 dad or your guardian to come and see me at my  
22 district office, okay? And I'll make sure that  
23 you guys get my card so you can come and make  
24 that appointment, all right?

25 CHAIRWOMAN NOLAN: Thank you. Any other

2 questions?

3 MR. PRISCO: I just wanted to add this.

4 CHAIRWOMAN NOLAN: Yes, a final comment.

5 We have -- Ms. Greer Brown -- if they're here, we  
6 just want to get that panel --

7 MR. PRISCO: A final comment. I meant to  
8 mention, I'm sure you're aware, that you know  
9 when the change took place, the School Board  
10 Association filed a federal suit under the civil  
11 rights act and it was turned down by ASCRAW  
12 (phonetic) -- as a people were disenfranchised.  
13 You can argue that only five percent turned out,  
14 you know, low turnout. Here on Staten Island,  
15 over 20-something people ran for nine seats. We  
16 don't stop elections, presidential elections,  
17 because under 50 percent vote. I'm meeting with  
18 some people who are thinking of refilling a  
19 federal suit.

20 Also, why is it in this state? I have  
21 cousins in Garden City, Scarsdale, why is it that  
22 they get to exercise the franchise for a school  
23 board and only five cities in this State do not?  
24 And the phony argument that it has to do with the  
25 finances and taxes doesn't hold up under

2 examination. How a city is financing its school  
3 system and the ability of the citizens in  
4 Brooklyn, in the Bronx and in Queens, to vote for  
5 someone to say that man or woman -- you know,  
6 they used to run into me, Daniel, in Key Food and  
7 say to me, hey, you were there last week and so  
8 on and so forth. I did not support the  
9 continuation of school boards, but I was not for  
10 ending the franchise of ordinary people. We pay  
11 taxes here just like everybody else in the State  
12 and I hope you think about that when you devise a  
13 new system. Thank you.

14 CHAIRWOMAN NOLAN: Thank you very much.  
15 It was a very succinct way to put it and I  
16 appreciate that final remark. I think it's a  
17 light motif for us as we move forward, so I thank  
18 you.

19 I want to ask Ms. Greer Browne and the  
20 two people with her, and then after that will be  
21 our final group, Ken Mitchell, Kristen Nguyen,  
22 but I like to call out the names -- Mr. Mitchell  
23 is not here then. All right. Kristen Nguyen,  
24 good, you'll be in the on-deck circle. Aimee  
25 Horowitz, who I understand had to leave, or was

2 not here, Joan Washington, Pastor Demetrius  
3 Carolina, Josephine Marino.

4 Okay, and we have some add-ons too.

5 MS. GREER BROWNE: Hi. My name is Tammy  
6 Greer Browne. I wanted to thank you for this  
7 opportunity and Joan for putting me on for this.

8 CHAIRWOMAN NOLAN: I just want to make  
9 sure, do you have the two people with you?

10 MS. GREER BROWNE: No, they couldn't make  
11 it. They tried, they had to work.

12 CHAIRWOMAN NOLAN: We understand. They  
13 can send something in. If you'd be kind enough  
14 to deliver your testimony, that would be great.  
15 Why don't we ask though, Ms. Nguyen from APEX to  
16 come down and sit with you if that's okay. I  
17 just want to make sure that all the names I  
18 called are not here.

19 I'm going to do that one more time. Ms.  
20 Loretta Prisco, Mr. Gene Prisco went, Mr. Bence,  
21 the student, went, Ms. Bernstein went, Ms. Harris  
22 and Ms. Joseph are not here. So then on my other  
23 list I have Mr. Mitchell, Ken Mitchell. Is he  
24 here? Ms. Nguyen is coming down. Ms. Horowitz?  
25 Ms. Washington? Pastor Carolina? Josephine

2 Marino? If none of those people are here, we  
3 have some add-ons. John Scarso? Lisa  
4 Giangrande? Okay, but she spoke earlier  
5 actually. David Sealy? Okay, you can come down.  
6 Jeanne Johnson? And Nieves Kaufer? You're the  
7 final two witnesses, so why don't we have one  
8 panel of four and then we'll be ready to finish  
9 up and then if there is anybody else, we'll  
10 always toll that bell one more time, making sure  
11 everybody has been included.

12 Frank, as always a great job and we'll  
13 make sure everybody -- please state your name  
14 clearly and perhaps you want people to spell  
15 because some of these were not on the list.

16 Go ahead Ms. Greer Browne, why don't we  
17 start with you.

18 MS. GREER BROWNE: My name is Tammy Greer  
19 Browne. I'm a parent of a public school six  
20 grader, and I'm going to read my testimony based  
21 on the past four months of educational  
22 entanglement with the public school.

23 I wish Pastor Carolina was here and Ed  
24 Josey because they've been with me through this  
25 journey.

2 CHAIRWOMAN NOLAN: Mr. Josey spoke  
3 earlier.

4 MS. GREER BROWNE: Okay. First and  
5 foremost, I'm for mayoral control, under some  
6 provisions and definitely more checks and  
7 balances and accountability. I'm not a native  
8 Staten Islander but I do take very seriously what  
9 my husband has said. He said things haven't been  
10 perfect, but it was better than it was a long  
11 time ago, and I trust that he knows. But there  
12 are some things that I definitely think need to  
13 be improved and I'm going to start my testimony  
14 from there.

15 Portions of this testimony were sent to  
16 Benjamin Jealous, CEO of the NAACP nationally.  
17 Some of them are excerpts which were basically  
18 sent after a series of incidents that occurred in  
19 my opinion that violated the civil rights of my  
20 child, as well as myself, in the public school.

21 Over the past year, it has become an  
22 acceptable and tolerated norm to view civil  
23 rights violations as a customary practice. By no  
24 means have I become numb to the civil crisis  
25 currently confronting our children of color in

1 public schools, nor have I bought into the notion  
2 that these sentiments have become more palatable  
3 or digestible over time.  
4

5           What I do know now is the time is now for  
6 change in our public schools. In spite of our  
7 enormous commitment and dedication to our  
8 children, we Staten Islanders are still faced  
9 with some of the most appalling discriminatory  
10 practices that are subtly permeating the fabric  
11 of what is good and decent in our public schools.  
12 Today I stand before you to solicit your ear as  
13 we move into a new era of awakening on Staten  
14 Island.

15           What is most disturbing to me today is  
16 the fact that not only is discriminatory  
17 practices occurring in the schools, but also  
18 allegedly within our district parental leadership  
19 as well. Some advocates and leaders representing  
20 parents and children of color in this borough  
21 have echoed and/or inferred negative sentiments  
22 about families of color without any recourse from  
23 the New York City DOE or the New York State  
24 Office of the Attorney General. It is apparent  
25 that we, as people of color, are not taken

1 seriously on Staten Island, thereby our concerns  
2 ignored or better yet, twisted to benefit the  
3 educational leaders holding the key to unlocking  
4 the future of our minority children. They very  
5 same people who solicit our support in everyday  
6 public school.  
7

8           When we as professional, concerned  
9 advocates for our children voice our issues,  
10 which contradict the brick wall of silence by  
11 those who pretend to advocate on behalf of our  
12 children and families of color on Staten Island,  
13 our vocal leaders are subjected to what I call, a  
14 high tech lynching reserved for uppity blacks who  
15 in any way dare to think for themselves. It is a  
16 message on Staten Island in public schools with  
17 some of our parental leaders, that unless you kow  
18 tow to an old order, you will be lynched,  
19 destroyed or caricatured by a committee, rather  
20 than hung from a tree.

21           In my observation, this perceived notion  
22 inhibits our ability to be recognized as parents,  
23 citizens and human beings and kills any efforts  
24 to advocate on behalf of our minority children.  
25 Our efforts are deduced to mere rhetoric and

2 thrown out with yesterday's garbage allegedly by  
3 some of our borough-wide parental leaders.

4 In this mental rape that we experience  
5 daily when we meet with principals, parent  
6 coordinators, teachers and some borough-wide  
7 parental advocates, and which tears us down as  
8 adults and breaks down the spirit of our  
9 children.

10 There's no effective regulatory system in  
11 place within the DOE or the New York State  
12 Attorney General's office that makes anyone who  
13 works with parents and children of color  
14 accountable for their bullying tactics,  
15 unrestrained disrespect, unconcealed hatred,  
16 obvious contempt and open abuse of perceived  
17 power. If this is as good as it gets with the  
18 mayoral control we have now, Governor Paterson,  
19 President Obama and our elected officials, we  
20 need divine intervention.

21 People say to me we need to talk about  
22 budget cuts. My answer is parents of color just  
23 want to go into a school or a borough-wide  
24 meeting, perhaps at Petrides, without feeling  
25 harassed, ostracized or treated like criminals

2 who deserve to die. We want to be respected and  
3 valued and not just used as concubines that pump  
4 out children to cover mortgages and private  
5 school education of DOE employees.

6 Since my journey as a parent in public  
7 school, I can tell you that life has not been a  
8 crystal stair. Excuse me, let me rephrase that,  
9 because this is actually a poem by Langston  
10 Hughes. Life ain't been no crystal stair. For  
11 my children, they have experienced some of the  
12 most excruciating lessons that I, as a 42 year  
13 old woman, have yet to live through. My 11 year  
14 old son has experienced more transparent racism  
15 in the four months he has been in public school,  
16 this is his first year, than with all of his  
17 educational years combined.

18 I am appalled at the level of comfort and  
19 support in which acceptable racial hatred goes  
20 unchecked by the DOE and justified by some  
21 district parental leadership. Here are some  
22 examples of a few incidents which occurred in the  
23 past few months and the NAACP was with me when  
24 some of this occurred.

25 When I asked the school, "Why did my son

2 have to take the science test twice, the  
3 unfoldment sounds a little suspect." The answer  
4 was, "Well, your son is a suspect." I replied,  
5 "You basically are training him to go to jail as  
6 opposed to college." There was no answer to  
7 that.

8 Administration, when we asked what are  
9 you doing to talk about the election, I don't  
10 have time to talk about the election. My son  
11 said to me, "Mom, I asked the teacher if I could  
12 find out what my grade was and she told me, Go  
13 ask your mother." After a meeting with Mr. Josey  
14 and another NAACP person, we were told that,  
15 "Wow, you were very civilized." In a  
16 conversation with an administrator, I asked "My  
17 son was called a nigga in school and nobody  
18 called to tell me." The reply, "Well the child  
19 said it under his breath." Another student at a  
20 junior high school, separate from the incident  
21 with my son, said to a substitute teacher, "My  
22 teacher calls me nigga all the time. But it's  
23 okay, he's only saying it as s joke." This is on  
24 Staten Island.

25 In a copy of a e-mail, allegedly

2 generated by a district parent advocate, a racial  
3 joke was circulated to several other members of  
4 the educational elite on Staten Island. The joke  
5 was so obscene that it made the skin crawl of our  
6 public servants at City Hall. Some Staten Island  
7 parental leaders have justified the e-mail with  
8 comments like, "last I checked it was a free  
9 country, it's been going on for some time now,  
10 this person is really a good person, well, it's a  
11 personal e-mail account, so therefore there's  
12 nothing that can be done," et cetera, et cetera,  
13 et cetera. I wonder where this sentiment was  
14 when Spitzer was caught paying for sex with a  
15 prostitute through his own personal funds. Last  
16 I checked all public servants and non-profit 501  
17 (c)(3) representatives are subjected to strict  
18 laws that prohibit racially targeted propaganda  
19 and exclusionary practices. Hmm, I guess that  
20 law doesn't apply to Staten Island. Apparently  
21 there's a rule for New York City and another for  
22 Staten Island. If I had more than five minutes,  
23 I would tell you what has occurred in the last  
24 three years, as opposed to the last four months.  
25 Definitely another day, another time.

2 If the mayor is going to maintain  
3 control, do it right and make the necessary  
4 changes that will make everyone accountable. I  
5 am not against mayoral control if appropriate  
6 accountability is in place, from the top to the  
7 bottom; that includes the mayor and Chancellor  
8 Klein. But you must make parental access for  
9 everyone not just for the privileged few who have  
10 the time, the inside track and the money to make  
11 it to Petrides any time they wish.

12 These are some of the same district  
13 leaders who criticize parents, who cannot make it  
14 to their inconvenient meetings and in turn accuse  
15 them of not caring about their children. My  
16 suggestion, fill the parental advocate slots with  
17 parents who live in a grass-roots educational  
18 world, parents who really are in the trenches on  
19 the ground level. Don't just fill these roles  
20 with parents who look alike, walk alike, talk  
21 alike, eat alike, live alike, because when you  
22 do, one is advocating for his or her own  
23 self-interest and not the interest of the whole.

24 Diversity breeds inclusion. If parental  
25 leaders who have the official title of

2 representing parents, all parents, of whatever  
3 color, background, race or economic background,  
4 to the Chancellor and other tweed officials, as  
5 well as elected officials, fail to include the  
6 needs and the interests of families of color and  
7 their children during their monthly, weekly or  
8 daily contact, I say let them be. However, I  
9 challenge the Chancellor and the Mayor and our  
10 public officials to start a separate group for  
11 families of color, who are authentically  
12 interested in the state of affairs for minority  
13 children attending public schools.

14 This is not separatism, it is realism, a  
15 response to the status quo that has been  
16 supported for years upon years upon years on  
17 Staten Island by its educational elite. On  
18 Staten Island parents of color are generally not  
19 invited or welcomed to the table to eat with the  
20 educational elite unless they fit into a  
21 non-threatening niche that does not challenge the  
22 current figureheads, thereby making uplifting the  
23 bottom of the educational barrel an  
24 impossibility.

25 There are some recognized parental

1 leaders who get the urgency of this matter and  
2 are genuinely concerned. However, oftentimes  
3 these same parents are cautious because they  
4 don't want to be kicked out of the elite  
5 educational clique or harassed at meetings or at  
6 schools. The level of fear is distinctly felt by  
7 all. I feel for these parents most, because  
8 although their hearts are true, their courage  
9 hangs on a thread and they too are bullied, just  
10 like the rest of us, to either follow the crowd  
11 or become extinct.  
12

13           There's no closed-door policy on  
14 advocating for children of color, it's just that  
15 it has never happened on Staten Island.  
16 Therefore, in my filtered observation in the past  
17 few years, resistance will be rock solid and the  
18 status quo partnership will meet, at Petrides  
19 gatherings, consistently and will collectively  
20 arm themselves with alliances for  
21 self-preservation. However, let me be clear, as  
22 I am sure others are, all are welcome to join in  
23 our quest for excellence for the benefit of  
24 children of color. We are not here to fight you  
25 and we will not fight you. We are adamant about

1 making sure that our children have the exact same  
2 opportunities as our more affluent families have  
3 and it is not happening on Staten Island. It is  
4 our goal to close the achievement gap that  
5 challenges the excellence we see in our kids  
6 every day. Those who are not interested in our  
7 mission, that is cool, because either way, we  
8 will benefit tremendously with or without your  
9 support.  
10

11 Our goal is to end the mental, racial  
12 siege that has an iron grip on the self-esteem of  
13 our children of color and is reflected in the  
14 staggeringly high numbers of struggling students  
15 who are trying to achieve excellence. And when  
16 one community suffers, it is a matter of time  
17 before it seeps into your own backyard.

18 The modern-day elitist dynamics that has  
19 trapped the minority students on Staten Island  
20 into an educational sewer pipeline has been  
21 designed to create a dysfunctional future for our  
22 children. We have the highest rate of African  
23 American boys and Latino boys being referred to  
24 special education, the highest drop-out rate. We  
25 do not have anything that they can hold onto

2 because according to many of the students, and I  
3 talked to a lot students at Curtis High School,  
4 they do not feel supported. They do not feel  
5 that anyone really cares and they feel that --  
6 and there have been plenty of parents who have  
7 fought tremendously. And we had a meeting with  
8 Dennis Walcott about this, who felt tremendously  
9 that our children are not set up to succeed and  
10 the current systems that are in place do not help  
11 them to succeed.

12 So if we're going to have mayoral  
13 control, we need to address those issues. And we  
14 might be the minority on Staten Island, but as a  
15 whole, as a district, as the New York City  
16 district, we are the majority, and I don't think  
17 that should be taken lightly. Thank you.

18 CHAIRWOMAN NOLAN: Thank you. We'll take  
19 questions at the end of the four.

20 MS. NGUYEN: Good afternoon. My name is  
21 Kristy Nguyen. Thank you Assemblymembers for  
22 allowing me to testify here today. I believe  
23 that the Assembly should limit control of mayoral  
24 governance of New York City public schools.

25 The current position of mayoral control

2 allows for such comprehensive power that whatever  
3 the belief or impulse of the mayor's office  
4 becomes policy, which is not in the best interest  
5 of students because it lacks stability and  
6 constancy. Children need it in the educational  
7 system, as they need stability and constancy in  
8 the home. By this own Mayor's admission, he  
9 wants a third term because he believes things  
10 are, "moving in the right direction." He states  
11 schools, crime, the economy, cultural  
12 institutions, parks, openness, accountability, he  
13 says every time I look around, I just think  
14 there's so much more we can do.

15 It implies that in a different  
16 administration, the mayor, with mayoral control,  
17 schools can take a completely different  
18 direction. Not just gradual changes in policy,  
19 but possibly a complete overhaul. But how many  
20 complete makeovers can the school system really  
21 take?

22 Even during the seven years under  
23 Mr. Bloomberg and Mr. Klein, we have seen a few  
24 renditions or what they call reorganizations.  
25 Who here remembers the 10 regional instructional

2 superintendents, the RIS's and then there were  
3 the LIS's, the local instructional  
4 superintendents. Now there are 32 districts, 10  
5 high school superintendents, instructional  
6 support is not coming from the -- office, it's  
7 coming from the SSOs, School Support  
8 Organizations. It's no wonder that two years ago  
9 when I was in a school doing consulting services,  
10 there was an urgent matter and the principal, who  
11 was a new principal at the time, called his  
12 direct supervisor and got voicemail. He really  
13 needed help as quickly as possible, but other  
14 than his supervisor, he didn't know who else to  
15 call. He was stuck waiting for a call back.

16 Not only can things change abruptly  
17 within a single administration, which causes  
18 confusion at the front lines, the schools, any  
19 policy or structure, good or bad, that this  
20 administration put into place, another  
21 administration can change without restraint,  
22 accountability, or due process. We cannot go on  
23 changing the way schools do business as if it  
24 were a fashion statement.

25 Certainly, the mayor is right, the old

2 system was too -- and resistant to reform, but  
3 latitude for which mayoral control currently  
4 allows is overly flexible and lacking in process.

5 If the Assembly Committee recommends the  
6 continuation of mayoral control, please consider  
7 modifications that would require disclosure and  
8 discussion before policy implementation, or large  
9 expenditures are made and mechanism by which  
10 policies that lack support can be blocked. I  
11 think it's important that the community has an  
12 avenue through which they can work for specific  
13 goals such as smaller classrooms, rather than  
14 having to accept that the school system is  
15 spending money on surveys or exorbitant data  
16 systems.

17 There's not even a clear way that the  
18 community could say, and I speak broadly, we  
19 agree with you, we need a proper data system, but  
20 we are only willing to spend X amount of money,  
21 and the rest has to go to more teachers, smaller  
22 classrooms, and we the community have support for  
23 this policy.

24 In summary, we need more limitations on  
25 mayoral control and greater community process for

2 policy implementation and expenditures.

3 Thank you for your time and  
4 consideration.

5 CHAIRWOMAN NOLAN: Thank you. I think  
6 this is our final panel. Did I say that  
7 correctly? Is there anyone else that wants to  
8 testify that has not had the opportunity to  
9 testify? Our wonderful Deb McDonough I think is  
10 in the back there. This is sort of a last call  
11 if there's someone else, otherwise these two  
12 witnesses will be our final witnesses and this  
13 will be our final panel. And we did pretty good,  
14 because in Manhattan we were here until 8:30 at  
15 night. Staten Island proved once again that  
16 small is good and efficient. I think we had a  
17 very wide range of witnesses too.

18 MS. KAUFER: Good afternoon members of  
19 the Assembly and members of the audience. Thank  
20 you for the opportunity to give an opinion about  
21 the public school system. My name is Nieves  
22 Kaufer. I am an Executive Board member of the  
23 PTA of PS 60 and IS 72. I have three children in  
24 the public school system. One is in third grade,  
25 one in fifth grade and one in eighth grade.

2 The public school system has been good to  
3 us. My children are doing well. We hope that  
4 the public school system continues to provide  
5 quality educations and we hope that we can  
6 continue to use it.

7 Of course, there is always room for  
8 improvement. I wrote a letter to Mayor Bloomberg  
9 regarding the curriculum, improvement in the  
10 curriculum because we need to have a vision for  
11 the future of our children, especially in these  
12 hard economic times that we have.

13 I think that the system could improve if  
14 we instill some entrepreneurial skills in our  
15 children and management for them to have a better  
16 future, for them to have a basis in creating jobs  
17 in the future.

18 Now our curriculum gives emphasis in  
19 reading and writing, which is a basis for  
20 learning and for living as a writer if they  
21 decide to use this skill.

22 To be an entrepreneur is a good thing for  
23 the country. Other things that will need to be  
24 emphasize is the development of good habits,  
25 habits based on honesty, responsibility,

2 truthfulness, kindness, creativity, cooperation,  
3 leadership.

4           There are a lot of books that the  
5 children use. Sometimes teachers use -- books to  
6 motivate the children to read. Sometimes they  
7 use stories of people. I think that the children  
8 need to read biographies of successful people,  
9 people like Benjamin Franklin, Alexander Graham  
10 Bell, Andrew Carnegie, John D. Rockefeller, for  
11 the children to find inspiration and hope in the  
12 stories of these great people. Again, thank you  
13 for the opportunity to give my opinion and I am  
14 for mayoral control with checks and balances and  
15 improvements in the curriculum.

16           CHAIRWOMAN NOLAN: Thank you, thank you.  
17 And then our final witness of the day and then  
18 I'll be available, we'll stay a little bit, to  
19 see if there's any other thoughts or  
20 conversations.

21           MR. SEELEY: My name is David Seeley.  
22 I'm a professor emeritus here at CSI and City  
23 University and I have had five children go  
24 through Staten Island, New York City public  
25 schools. Probably my most relevant experience

2 and credentials for what I have to say have to do  
3 not with my last five or 10 or 20 years, but the  
4 50 years of work on public education reform.  
5 Right out of law school, I went down and worked  
6 for the old office of education and was there for  
7 the National Defense Education Act and went to  
8 Washington as an assistant commissioner of  
9 education under the Johnson administration. And  
10 I have spent my whole life, professional life,  
11 worrying and thinking about public education and  
12 why it should or shouldn't work.

13 I guess I wasn't planning to be here  
14 today. I didn't think I could be here, but I  
15 think I have something that might be useful to  
16 you, a little bit different. So I know you've  
17 been here all day and it's a long day and there a  
18 million little issues to look at, but this is a  
19 kind of big issue because I've live through even,  
20 since I came to New York 42 years ago, some major  
21 discussions and actions about governance and here  
22 we are back again about governance.

23 And that's the thing in front of you, you  
24 have to deal with it. But the most important  
25 insight that I've gotten out of these 50 years

2 and this may or may not sound sensible to you,  
3 but the most important that I hope you would  
4 consider that has to affect everything else, is  
5 that the system you're trying to govern is an  
6 obsolete system.

7           The State Board of Regents actually said  
8 that in the Compact for Learning back in the  
9 early '90s, I think. What do I mean by that?  
10 This system was designed in the 19<sup>th</sup> century for  
11 an agricultural, industrial society that had a  
12 lot of need for uneducated labor and it set up a  
13 system to educate 10 or 20 percent of the people  
14 to a high school level. It never really pulled  
15 itself around. It kept adding grades, but it  
16 never came to the point of realizing that that  
17 system as it was set up with some very basic  
18 ideas, this is an idea of delegation of a  
19 particular function to a bureaucracy -- we  
20 delegate policing and we delegate fire  
21 departments in the 19<sup>th</sup> century and we began to  
22 say that government agencies can take care of  
23 certain functions and that seemed like the  
24 sensible thing to do about education.

25           There had been small neighborhood schools

1 and whatnot in New England. But they set up a  
2 public school system where the idea of we'll  
3 delegate education to this bureaucracy and  
4 they'll deliver education to kids. I think the  
5 main insight I gained here over those years and  
6 I've been working on it ever since and it's  
7 coming clearer and clearer, I think, to a lot of  
8 people, there was even a big panel that tried to  
9 say this 25 years ago. I don't know how many of  
10 you were around at the time, but there was a big  
11 blue ribbon panel looking into this whole thing  
12 and it came up with a very electrifying alarmist  
13 report called "A Nation at Risk." Some of you  
14 remember that. I've been studying that. I was  
15 just commissioned to write an article. It's  
16 going to be later on in this month in the  
17 Education Week, to say where are we 25 years  
18 later.

19  
20 And I realized that there were two big  
21 messages in that report and one of them was heard  
22 very loud and clear, it said we need to have  
23 standards. And they were absolutely right. When  
24 I did my book two years before that, I discovered  
25 public school systems do not have any output

2 standards. The whole way the thing was set up,  
3 we'll deliver these instructions and we expect  
4 the kids -- they'll be some kids that get it very  
5 well, all the way down to kids to don't get it at  
6 all, A, B, C, D and F, and the system will carry  
7 on. If a lot of kids don't learn, that's to be  
8 expected.

9 The first message of that commission was  
10 those days are over. Now, this was 25 years ago,  
11 but we're already facing an international  
12 economic competition where we should have  
13 recognized it several decades before, is we moved  
14 into an information age. We're going to need a  
15 whole new level of education. And they  
16 discovered, as I had, there are no output  
17 standards and until we as a society say, well,  
18 there's a certain amount of people that will  
19 learn -- there had been, before that commission,  
20 the minimum competency thing at the State Board  
21 of Regents, they came up with first a sixth grade  
22 level to graduate from high school and then that  
23 was embarrassing enough, so they moved it up to  
24 eighth grade for minimum competency to get a high  
25 school diploma. And this blue ribbon panel said

2 that ain't enough. We need quality education for  
3 all our children. It does not mean everybody is  
4 going to get a PhD in chemistry. God save us  
5 from too many professors, but we do need a much,  
6 much higher level of education.

7 That message was heard and we've had this  
8 standards business going on ever since and now  
9 with a vengeance under the No Child Left Behind,  
10 as the Prisco's were testifying here a little  
11 while ago, that things have turned into a kind of  
12 test factory because that's all we're focusing  
13 on, get these test scores out.

14 There was another big message in that  
15 report and it just never was heard and I have my  
16 reasons why I think it was never heard -- they  
17 basically were saying this is not a job for the  
18 schools alone. The schools alone cannot -- you  
19 can delegate this job to the schools and say  
20 deliver all our kids -- deliver education to them  
21 and we'll get the range we've been getting in the  
22 1890s and the 1910s and the 1920s and that was  
23 okay for the economy and the world we had. But  
24 that kind of system is not going to get us the  
25 quality of education. It has to begun to be seen

2 as a shared responsibility of the whole  
3 community. The schools cannot do this job alone.

4 But the whole structure was set up on  
5 this delegation model. It's so discouraging to  
6 hear all the same complaints that I've been  
7 hearing for 40 years and some of you have been  
8 hearing it too. Nothing has really changed. The  
9 people feel totally closed out of this decision.  
10 Well, the job has been delegated to the schools,  
11 whether the mayor is running it or the Board of  
12 Education is running it, it's somebody else's  
13 job. The parents are supposed to deliver the  
14 kids well-behaved and scrubbed, but other than  
15 that, the schools are supposed to educate them.

16 The blue ribbon commission, the Nation at  
17 Risk group basically said we have to change this  
18 and the change is not just in the schools. The  
19 change is in the whole culture of America has to  
20 realize we have to, as a culture and as a whole  
21 society, grant that this is a job of the entire  
22 community. All these people who feel nobody  
23 cares about me, nobody really wants me to -- that  
24 has to be felt by the kids. Its' the reason the  
25 oriental kids do so much better. They feel this

2 constant pressure from the whole community.

3 Now that was big -- I can understand why  
4 that message wasn't heard. There was no  
5 authority around to hear it. I mean, there were  
6 people running school systems and there were  
7 legislators doing everything else, nobody is here  
8 to change -- nobody's in charge of changing the  
9 culture. But that's what they were saying, don't  
10 expect to get quality education if we don't shift  
11 our attitude from being this is a delegated job  
12 to a bureaucracy to this is the shared  
13 responsibility of home, school and community. If  
14 you don't make that shift, you're never going to  
15 get quality education.

16 So my most important message to you, and  
17 this is by way of somewhat supporting what the  
18 Prisco's were saying about - somewhat surprised  
19 weren't you, after all those complaints, they  
20 said keep this mayoral control going for another  
21 year if necessary. You've got to set up some  
22 kind of machinery for looking at how you're going  
23 to get this system shifted over and not just  
24 within the schools, how we are going to get,  
25 within New York City -- to some extent, the

2 Compact for Learning tried to do it in New York  
3 State with a little bit of success, maybe -- but  
4 that wasn't heard much in the City, how are we  
5 going to get people thinking about education as a  
6 shared responsibility of home, school and  
7 community, and not just as something that's  
8 delegated to some bureaucracy and then how do we  
9 hold them accountable.

10 The only way it will work is when  
11 everybody is feeling accountable. That was  
12 supposed to be a violation of some kind of  
13 business management rule; if everybody's  
14 accountable nobody is accountable. Well, that  
15 true. If you conceive the whole thing as a  
16 bureaucracy with a chain of command then that  
17 holds. But if education is a shared  
18 responsibility and when it's working, that's how  
19 it's felt by the people, everybody is working  
20 together at that school level and community  
21 level. We are all working together to help get a  
22 group of kids up to being smart, responsible,  
23 respectful citizens. Unless that feeling is  
24 there, you can change the governance every which  
25 way you want, and you can bring in the most

2 wonderful mayor or superintendent in the world  
3 and they've been doing that all over the country  
4 for 50 years we keep changing boards of  
5 education, we keep bringing in superintendents,  
6 sometimes we'll say that won't work and we'll put  
7 a general in charge, we'll put a big business  
8 person in charge, we'll put an ex governor, as  
9 they did in Los Angeles, we'll put somebody else  
10 in charge, or in New York City, we'll always look  
11 for the man or woman on the white horse who will  
12 come in, they'll be able to get the whole in --  
13 the system won't produce quality education as  
14 long as it's thought of as something that's  
15 delegated to a government agency and not the  
16 shared responsibility of -- how do you carry that  
17 out, not so easy.

18 CHAIRWOMAN NOLAN: You have to wrap up  
19 though.

20 MR. SEELEY: That's my message basically.

21 CHAIRWOMAN NOLAN: And you were good. I  
22 know that you knew our great friend John LaValle  
23 and I apologize, I want to be able to do some  
24 questions.

25 MR. SEELEY: I'll just quickly say John

2 LaValle was one of the few, I think he was the  
3 only one, I ever spotted John, our saint, what's  
4 his name, Senator John Markey, I've had long  
5 conversations with him, but he never actually  
6 studied what's been going on the way that John  
7 LaValle did. He sat down and studied and read  
8 through a lot of stuff. I had two or three long,  
9 three-hour meetings with him and some of his  
10 staff. He really looked into this obsolete  
11 system thing and really got it.

12 So it takes a little bit of shifting of  
13 thinking. All I'm saying is, that once you get  
14 that idea in mind, then the question of how it  
15 gets governed looks very different. Just the  
16 question of how you govern a bureaucracy. You  
17 can put a board there; you can put a mayor there,  
18 whatever. I was very much in favor of mayoral  
19 control because I thought a mayor could come in  
20 and undertake this kind of shift. I wasn't sure  
21 he would. I urged John Markey to put in a little  
22 thing the bill saying within six months, come up  
23 with your plan for redesign of this system. They  
24 didn't put it in. He didn't come up with it. I  
25 had long conversations with Klein about it. He

2 said, yeah, we need to do that, that's right, but  
3 right now we're rushing ahead with our  
4 reorganizing of the administration. So we have  
5 10 regions instead of 32 and blah, blah, blah,  
6 blah. So they've done a lot of things, but they  
7 haven't really gotten this system really  
8 rethought. So I urge you seriously to consider,  
9 if you don't set up that commission or task force  
10 that they said, maybe you need to write something  
11 into the bill that says well the first task of  
12 whatever governance you come up with is, come up  
13 within six or eight months with a thorough  
14 redesign, go back to that 25 year old report and  
15 go back to all the research that's been done on  
16 this and I think you'll come up with some very  
17 different answers and I think you'll begin to get  
18 a different climate within which these perpetual  
19 people feeling locked out -- it will just go on  
20 forever.

21 CHAIRWOMAN NOLAN: I appreciate very much  
22 everyone's testimony and we spoke beforehand  
23 about David Roger's book, the famous book 110  
24 Livingston Street, which I have and you're  
25 telling me there's a new book out as well as your

2 own. So feel free, I have to - we're going to  
3 wrap up here and take some questions, but feel  
4 free to continue to communicate with us.

5 I also want to say, look, government  
6 is -- our solutions are very limited, but we're  
7 going to keep trying. So I just have one key  
8 question. I just want to say, Ms. Greer  
9 Browne, -- touched by your - and very concerned  
10 about the situation you outlined. You did say  
11 that you were -- meeting with Deputy Mayor  
12 Walcott and we've all seen the Chancellor and  
13 Reverend Sharpton on TV talking about this very  
14 issue over and over again. Do you feel that  
15 you've had any response back or any attempt to  
16 resolve in any way some of the concerns that you  
17 brought to Deputy Mayor Walcott's attention?

18 MS. GREER BROWNE: Yes. Well, we went,  
19 it was me and about five other parents, and the  
20 NAACP, we went to him a couple of weeks ago to  
21 talk about this and it was a first, according to  
22 Mr. Josey, that we ever had a sit down like this.  
23 And the good thing is, it was quite a diverse  
24 group of parents and we asked the co-president of  
25 CPAC to join us because we felt that we wanted

2 her to know on that level what we were  
3 experiencing. I know that Sue or other people go  
4 to CPAC every month and they represent the  
5 borough, but I don't think anyone has ever  
6 represented our interests the way we would be  
7 able to represent our interests.

8 What we are going to do, we have sent a  
9 letter to him through the NAACP. We have asked  
10 him to come out to bring Chancellor Klein to deal  
11 with some of these issues. I have been asked to  
12 be the Chair of the Education Committee. They  
13 have submitted my name to the executive board and  
14 I'm going to work with them on this. I have  
15 already reached out to three other educational  
16 chairs throughout the NAACP and we are going to  
17 formulate our own coalition to start tackling  
18 some of the inequities in racial relations.

19 CHAIRWOMAN NOLAN: I thank you for that.  
20 We work closely with the NAACP. Hazel Dukes  
21 testified in Manhattan and we talked a little bit  
22 about issues like teacher diversity and  
23 recruitment. So continue to keep us informed.  
24 You have people here from the delegation on  
25 Staten Island. We look forward to hearing more

2 about that as we move through.

3 I just want to thank the other witnesses  
4 and I appreciate your comments about the need for  
5 parental involvement and more input. And to the  
6 professor, I want to say you reminded all of us  
7 of a great colleague of ours, former Assemblyman  
8 Ed Sullivan. You must have grown up in the same  
9 town because you have the same cadence, so it was  
10 really a delight to hear you and listen to your  
11 recollections and your thoughts.

12 I don't know if any of my colleagues have  
13 a quick question. Anybody? Final summing up?  
14 Anybody, a final word? I think we're ready to  
15 wrap up.

16 MS. GREER BROWNE: I just want to say hi  
17 to Assemblyman Benedetto. I met you at the  
18 Million Father march gathering in Harlem. I was  
19 the one that organized it with Assemblyman  
20 Scarboro, so thank you for being here.

21 CHAIRWOMAN NOLAN: Great. That's great.  
22 And we thank everyone. We'd like to thank our  
23 colleagues on Staten Island for such a warm  
24 welcome. We want to thank our wonderful staff,  
25 Deb McDonough, Nicholas Sorelli Castro, Kathleen

2 Wynott for the tremendous effort they put in.  
3 Nicholas left Albany at 4:30 a.m. to be here  
4 early and we appreciate that. And also to Frank,  
5 our stenographer, and to the rest of the team  
6 that worked so hard and our hosts here at Staten  
7 Island College, College of Staten Island, we  
8 thank you.

9 This hearing is concluded and I thank  
10 everyone very much.

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13 (Whereupon, the Hearing of the Assembly  
14 Standing Committee on Education adjourned at 3:30  
15 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby stated:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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FRANK GRAY