Governance and Urban School Improvement:

Lessons for New Jersey From Nine Cities

THE INSTITUTE ON EDUCATION LAW AND POLICY
RUTGERS - NEWARK

Ruth Moscovitch
Alan R. Sadovnik
Jason M. Barr
Tara Davidson
Teresa L. Moore
Roslyn Powell
Paul L.Tractenberg
Eric Wagman
Peijia Zha

TABLE OF CONTENTS

iv

LIST OF TABLES

LIST OF FIGURES

ACKNOWLEDGMENTS

EXECUTIVE SUMMARY

The Institute on Education Law and Policy, based at Rutgers, The State University of New Jersey in Newark, studied innovative models of public school governance in nine cities: Baltimore, Boston, Cleveland, Chicago, Detroit, Hartford, New York, Philadelphia, and Washington, D.C. Our purpose was to provide information to policymakers in New Jersey as they consider options for Newark, Paterson and Jersey City, cities that are in the process of returning to local governance after fifteen, nineteen and twenty-one years, respectively, of state operation. We selected the nine cities because their demographic and political traits are similar to the New Jersey cities, and because their school systems face similar challenges of historically low student achievement and poor public image.

In each of our study cities new governance models were implemented in the expectation that they would produce greater efficiencies in the business of running a public school system and greater student achievement in the classroom. Our goal has been to explore whether those expectations have been realized.

Each of the governance models in the nine cities is unique and they have been in place for varying lengths of time. The oldest system, Boston, has been in effect since 1991, while the newest, Washington, D.C., was adopted in 2007. One city, Detroit, tried an experimental governance model for five years; then the citizens voted to return to a traditional elected school board.

In Section I, we review the analytical and scholarly context for studying school reform in general and governance changes in particular. We also explain the methodology used in the qualitative and quantitative portions of our report.

In Section II, we examine the political history of how new governance models came to be adopted in each city and the legal framework under which each operates. We also look at the current legal framework for school governance in New Jersey.

In Section III, we share our findings. We report on how various stakeholders in public education — superintendents and CEOs, teachers and unions, parents and community groups, and the business and philanthropic communities — view the strengths or shortcomings of the governance models. We also look at quantitative data, including student achievement and demographic trends, to learn whether there is objective evidence that the goals of new governance, including higher achievement and attracting businesses and middle class families to the city, are being met.

Finally, we share our conclusions about how the new governance models have fared in our nine cities. Briefly stated, our conclusions are:

- **Increased public commitment to education.** In each of the nine cities studied, but particularly in those with some form of mayoral control, we see an increased

attention and commitment to public education; education has become a higher priority in those communities, leading to increased public dialogue and support.

- **Increased funding.** In each of our study cities there has been a significant increase in funding of public education. While not due solely to the change in governance — school finance litigation and increased federal funding have also supplied additional funds — still, where city leaders are committed to education, they have steered public funds and raised private funds to benefit public education.

- **Increased stability.** While not true in all of our study cities, in a majority the new governance models have resulted in greater stability: there have been fewer changes in leadership at the top of the systems, longer collective bargaining agreements, and less infighting at the governing board level. With stability, too, has come the willingness and ability to try new teaching methods.

- **Diminished role for parents, community.** In several of our study cities parents and community groups complain that they are "left out" of the policy-making loop, and that more centralized control has resulted in "rubber stamp" boards.

- **No conclusive evidence that governance changes increase achievement.** Student achievement has been the toughest nut to crack. While school leaders tout many improvements in test scores, attendance and graduation rates, in fact, we were unable to establish conclusively that the change in governance had any causal relationship to improved performance, or that, using nationally-normed test data, our cities had greater improvements than anywhere else. Nevertheless, the statistical significance of strong mayoral involvement with achievement scores at some levels and in some areas, suggests that mayoral involvement, if not control, should, at the very least, be considered as part of an overall district improvement strategy.

- **No conclusive evidence that mayoral control reverses population decline.** Most of our nine cities have been losing population, as have their public school systems, for some time. There is no evidence that changes in school governance have achieved a reversal of these demographic trends, although there is some evidence that increased public school choice — a common goal of the new governance bodies — contributes to lower private school attendance.

In our final section, we make recommendations for broadening the menu of choices for governance in New Jersey's urban school systems beyond the traditional appointed and elected independent school board models, to include variants that give city leaders a greater stake in public education. Of the nine governance models we reviewed, no single one is ideal, but several offer options that are worth considering. Any model, however, should include guarantees for transparency and accountability, as well as assign parents and community representatives a meaningful role in governance alongside strong city leadership.

I. BACKGROUND:
SCHOOL GOVERNANCE SYSTEMS
IN THE UNITED STATES

In this section, we review the considerable academic literature that looks at different governance models for school districts, as well as at newer innovative forms of governance. Our own research follows in Sections II and III.

FORMS OF GOVERNACE OF SCHOOL DISTRICTS

Throughout the United States, there have been two main forms of urban school district governance:

- elected school boards, and
- appointed school boards, with members usually appointed by the mayor.

These models are typically established by state legislation; sometimes, as in New Jersey, voters have the option by referendum of choosing between elected and appointed school boards. However they are established — whether directly by state legislatures or through referendum — the school district is typically an independent body politic, with its board having power to set policy, adopt a budget, and hire and fire personnel. There is substantial variation within these models, however. For example, the power some boards have to set budgets can be subject to approval by a city council or other governance body; some school boards must use state or local procurement agencies; and some boards have no independent taxing power and cannot borrow money by issuing bonds. In traditional independently governed school districts, the dominant actors are the board members, who typically hire an experienced educator as superintendent to run the day-to-day aspects of a school district. School boards vary in size and delegate varying levels of authority to the superintendent.

Because education is ultimately a state responsibility, local governance of schools is subject to state oversight and many states, starting with New Jersey, have reserved the power to take over school districts for fiscal mismanagement, corruption or, more recently, for low achievement levels. Typically, when takeover occurs, the powers of local elected or appointed school boards are curtailed and sometimes a new state takeover board or superintendent assumes some or all of the powers and duties of the elected or appointed board.

The nine cities we have chosen to study have moved away from the two traditional models of local school governance, sometimes as a result of state takeovers. Some have created new hybrid models where governance is shared between elected and appointed school board members or where different appointing entities — the state governor and local mayor — share involvement in selecting board members or the superintendent and share oversight responsibilities.

In some of our nine cities a new form of mayoral involvement in school governance — often called "mayoral control" — has been tested. In those cities, the mayor's role goes beyond responsibility for appointing board members and may include direct supervision of the superintendent or CEO, direct control of the education budget, and even incorporation of education into city government as a municipal department.

In nontraditional governance structures (e.g., state takeovers, hybrid boards and mayoral control models), the school district is often no longer an independent body politic. Instead, the state or the city may assume de facto or de jure control over critical aspects of governance, including such functions as hiring the superintendent or CEO, adopting a budget, issuing bonds and even setting educational policy.

BRIEF HISTORY OF MAYORAL INVOLVEMENT IN PUBLIC EDUCATION

Throughout the United States, almost every mayor had direct control of urban public school systems from the 1850's through the 1930's.[1] But during the 20th century, mayoral involvement in education has gone through three general shifts.[2] The shifts have reflected changing perceptions of what was needed to reform public school systems.

The first shift occurred during the Progressive movement of the 1920's. Schools were perceived to be the patronage bailiwicks of mayors. There were calls to "take the schools out of politics."[3] One proposed solution that gained popularity was the concept of scientific, rather than political, management of schools. That seemed incompatible with the schools functioning as departments of city government where, according to reformers, education would fall victim to corruption and patronage.[4] Instead, reformers championed elected boards, which remained the most popular form of governance until the 1960's.[5]

During the second shift, beginning in the 1960's, bureaucratic control of educational systems was critiqued. A common result was to streamline decision-making and authority by creating a more corporate style of governance.[6] Mayors in most big cities became more involved in their public school systems, largely as crisis managers, intervening between school boards and superintendents, handling fiscal challenges, and also working to resolve racial inequalities and complications of school desegregation.[7]

---

[1] Fritz Edelstein, *Mayoral Leadership and Involvement in Education: An Action Guide for Success* (Washington, D.C.: The U.S. Conference of Mayors, 2006). www.usmayors.org.

[2] Kenneth K. Wong and Francis X. Shen, "Big City Mayors and School Governance Reform: The Case of School District Takeover," *Peabody Journal of Education 78* (2003a): 5-32.

[3] David B. Tyack, *The One Best System: A History of American Education.* (Cambridge: Harvard University Press, 1974), 103.

[4] Jeffrey Henig, "Mayoral Control: What We Can and Cannot Learn from Other Cities," in *When Mayors Take Charge: School Governance in the City,* ed. Joseph Viteritti, (Washington, D.C.: The Brookings Institution, 2009), 19-45.

[5] Tyack, 1974.

[6] Tyack, 1974; David B. Tyack and Elisabeth Hansot, *Managers of Virtue: Public School Leadership.* (New York: Basic Books,1982); Alexander W. Wiseman, *Principals Under Pressure: The Growing Crisis.* (Lanham, Maryland: Scarecrow Education, 2005).

[7] Joseph Marr Cronin, *Reforming Boston Schools, 1930-2006: Overcoming Corruption and Racial Segregation.* (New York: Palgrave Macmillan, 2008).

During the third shift, which began around the early 1990's, the role of the mayor in the educational system became still more visible and aggressive with the introduction of accountability-based reforms.[8] The urgency of improving the schools in this last period grew out of a public desire to improve the level of human capital in the increasingly globalized economy. Business leaders were critical of educational systems: in 1989 the National Business Roundtable had initiated a nationwide campaign to encourage state and local representatives to reform their local public schools.[9] With the reauthorization of the Elementary and Secondary Education Act of 1965 as the No Child Left Behind Act (NCLB) in 2001, accountability was heightened for school districts nationwide.

As a result of legislative changes in this third period, governance models have brought new forms of mayoral involvement in school governance, including forms of "mayoral control." This new role for mayors in school governance has effectively reversed the Progressive Era ideal of deemphasizing city hall's role within the school system.

CONTEMPORARY FORMS OF MAYORAL INVOLVEMENT IN SCHOOL GOVERNANCE AND "CONTROL"

Reviewers have used the term "mayoral control" when the mayor has a high level of appointment power and fiscal control within the school district.[10] The forms and functions of mayoral power in school districts vary in each city and depend on "diverse city contexts, local political cultures, interest group structures, state/local relations, the legal basis of city government, historical school governance structures, and other specific city characteristics," along with the "personalities and ambitions of individual mayors."[11]

Kirst has classified mayoral involvement in education based on the relationships and responsibilities among the mayor, superintendent and school board.[12] According to Kirst, a school system with "'low or weak' mayoral influence" exists in cities where mayors have used their position and level of authority to influence school board elections and candidates, such as in Los Angeles, St. Louis, and Richmond, Virginia.[13] In a system with "low-moderate mayoral influence," as in Oakland, Philadelphia and Baltimore, mayors appoint some school board members, but not the majority.[14] "Moderate mayoral influence," exemplified in cities such as Cleveland, Detroit for five years ending in 2005, and Philadelphia pre-2001, is characterized by a system where the mayor appoints the majority or all of the board, but does not have absolute authority over education policy

---

[8] Wong & Shen, 2003a.
[9] Larry Cuban and Dorothy Shipps, *Reconstructing the Common Good in Education: Coping with Intractable American Dilemmas* (Stanford, CA: Stanford University Press, 2000).
[10] Portz and Schwartz, 2009.
[11] Michael W. Kirst, *Mayoral Influence, New Regimes, and Public School Governance*, Consortium for Policy Research in Education. (Philadelphia: University of Pennsylvania, 2002), 4.
[12] Kirst, 2002.
[13] Kirst, 2002; Edelstein, 2006; Kenneth K. Wong, Francis X. Shen, Dorothea Anagnostopoulos and Stacey Rutledge, *The Education Mayor: Improving America's Schools* (Washington, D.C.: Georgetown University Press; 2007)
[14] Kirst, 2002.

aspects of the district.[15] Finally, a system with "high" or strong levels of mayoral influence, such as in Boston, Chicago and New York City, gives mayors the most authority that they have had since before the Progressive Era, with the ability to control the school systems and to decrease school board power.

Wong and Shen, et al. use a broader definition of mayoral control, applying the term when there is a system of "integrated governance" which seeks to redefine responsibilities, legitimize system-wide standards and policies, improve the capacity of district-wide leadership, build human capital as a form of economic development, and focus on student performance.[16] Wong and Shen, et al. note that in some cities the mayor may have a *formal role* in education when a legal change has occurred with the state legislature giving the mayor authority over the schools in some capacity, as opposed to an *informal role*, where the mayor exerts influence over the school system, but does not have legal capacity to control it.[17] The legislature also has the ability to establish additional checks and balances within the system by instituting an oversight and/or nominating committee, a committee that monitors the board and its progress in managing the district, or by writing a "sunset provision" that would require a reevaluation of the system of school governance.

Wong and Shen, et al. identify three methods of obtaining some level of formal mayoral control through the legislative process: 1) the state legislature grants authority to the mayor to replace an elected board with an appointed board; 2) the state legislature grants authority to the mayor to appoint the school board, but requires a citywide referendum on whether this authority should continue; and 3) voters approve changes in a charter that allows the mayor to appoint school board members.[18] As we discuss in our findings, our nine cities include examples of all three methods.

ARGUMENTS IN SUPPORT OF AND AGAINST STRONG MAYORAL INVOLVEMENT

Researchers have reported that mayoral involvement through a formal leadership role has affected school district management and administration, democratic public involvement, and student achievement,[19] but whether these changes are viewed positively or negatively often depends on stakeholder perceptions of the levels of improvement.

Arguments in Support of Strong Mayoral Involvement

The main reported arguments in favor of strong formal involvement include increased electoral accountability, increased coordination of city services for schools, increased level of importance paid to education in the city, and increased philanthropic support for the schools. According to Kenneth J. Meier, "greater mayoral control will affect three

---

[15] Ibid.
[16] Wong and Shen, et al., 2007.
[17] Ibid.
[18] Ibid.
[19] Henig, 2009.

6

aspects of school district governance…it should centralize accountability, broaden the constituency concerned with education, and reduce the extent of micromanagement."[20]

Edelstein claims that "a mayor's efforts to reform central office practices have the potential to positively affect student outcomes in the long term."[21] Many mayors have forced changes in administrative personnel by hiring non-educators to fill positions at the higher levels of the administrative structure, although critics do not see this as positive (as we note below). Non-educators may bring new insights to school management and thus increase levels of accountability and reduce levels of bureaucracy. Mayors can coordinate with other agencies, have access to additional resources and expertise, and do not have to spend time gaining consensus as school board members do; critics, as we note below, warn that such efficiency often comes at the expense of democratic input. Mayors who have a formal leadership role have often been more effective at negotiating teacher union contracts and avoiding strikes.[22]

Strong mayoral involvement also can improve the quality of life for urban citizens as a whole, since mayors have greater ability to direct policy within the city, to allocate city resources and encourage outside organizations to partner with the school system and address the needs of the community. Mayors also may have authority over social service agencies, public safety and health organizations, transportation systems, and other resources that can directly impact children's lives and thus improve their levels of educational achievement.[23] As urban areas continue to struggle with issues related to racial and social class inequalities, employment opportunities, housing, crime and drug abuse, mayoral involvement in education has the potential to create the combination of political, economic, and social institutions necessary to solve these problems. Formally-involved mayors also have the potential to redirect resources across the entire school system, including those supporting curricular and instructional changes, in order to improve student outcomes.[24] When mayors have a formal leadership role in the schools, they focus on education and on improving the quality of schools and student achievement through better fiscal management. Further, those mayors give education an increased level of importance on the city agenda, as evidenced, among other ways, by their annual state-of-the-city speeches.[25]

Advocates claim that another benefit of increased publicity for education can be an increase in philanthropic and corporate support for education in the city. Private financial support facilitates improvements in urban school systems that can potentially keep middle-class families in the city, thus maintaining or increasing municipal tax bases, which aids overall development.[26] If mayors can increase the probability that school

---

[20] Meier, in Henig and Rich, 2004, 222.
[21] Edelstein, 2006, 23.
[22] Henig, 2009.
[24] Edelstein, 2006; Kirst, 2002.
[24] Kenneth K. Wong and Dorothea Anagnostopoulos, "Can integrated governance reconstruct teaching? Lessons learned from two low performing Chicago high schools." in *The Politics of Accountability: Educative and international perspectives,* ed. R. J. S. Macpherson (Thousand Oaks, CA: Sage, 1998).
[25] Wong and Shen et al., 2007; Portz and Schwartz, 2009.
[26] Peterson, Paul. E, *City Limits.* (Chicago: University of Chicago Press, 1981).

7

governance reforms will be successful, then classrooms and teachers are more likely to be successful; if the public education system is successful, then cities tend to be more successful.[27] Advocates argue that strong formal mayoral involvement can improve student performance, increase and sustain fiscal discipline, and elevate the profile of public education in urban environments by restoring public confidence and commitment to the city's schools, thereby improving the city as a whole.[28] Although many of these accomplishments may be a result of accountability reforms in general rather than a change in the mayor's role, proponents argue that a strong mayoral role provides a more efficient structure for ensuring accountability.[29]

Arguments against Strong Mayoral Involvement

Those who disagree with strong mayoral involvement in school governance cite a lack of community and parental input and access to the education system, a lack of transparency, limited or no checks and balances on the mayor's discretion, and a lack of democratic accountability.[30]

As authority and decision-making power become more centralized under the mayor, parents and community members tend to find few ways to access the system. Typically, strong mayoral involvement also has meant fewer formal avenues for democratic community and parental involvement, especially for racial and ethnic minorities.[31] In such cases the type of school board member has changed, no longer requiring — as a matter of law or political realities — representation from each neighborhood or ward. Mayors have felt free to appoint members of their own constituency instead of grassroots or community organizers.[32] Historically, school systems have been a major avenue for African-Americans to acquire social capital, gaining more positions of power within school systems than within fire and police departments.[33] Where mayors have full power to appoint school board members, the board is seen as a rubber stamp and a loss of a major avenue for community member participation.[34] When school board members are appointed, there has been less debate and opportunity for public discussion and criticism, as members do not need to appeal to the needs of their constituency. Although Boston voters approved the continuation of their system of strong mayoral involvement, the major opponents to its extension were in African-American neighborhoods in the city. In Chicago and Cleveland parents and community members also perceived a loss of access to the systems when their own mayors took on a stronger leadership role.[35] Recently, the

---

[27] Wong and Shen, et al.,2007.
[28] Ibid.
[29] Viteritti,2009.
[30] Hemphill, 2009; Chambers, 2006.
[31] Stefanie Chambers, *Mayors and Schools: Minority Voices and Democratic Tensions in Urban Education.* (Philadelphia: Temple University Press, 2006).
[32] Meier, in Henig and Rich, 2004.
[33] Henig, 2009.
[34] Javier C. Hernandez, "Education Panel, Forgotten, Rushes to Approve Budget," *The New York Times,* June 20, 2009, http://www.nytimes.com/2009/06/20/nyregion/20panel.html; Portz and Schwartz, 2009.
[35] Chambers, 2006.

role of the mayor in New York City received severe criticism during the debate over extension of mayoral control. (See discussion of New York City later in this report.[36])

HOW HAVE RESEARCHERS ANALYZED THE EFFECTS OF STRONG MAYORAL INVOLVEMENT?

Different researchers have evaluated the new governance models with strong mayoral involvement both quantitatively and qualitatively. In general, researchers have found mixed quantitative results in seeking to correlate mayoral leadership with student achievement. While some attribute positive trends to mayoral leadership, it is methodologically problematic to argue that there exists a direct relationship between the level of mayoral influence and its impact on schools. Our quantitative results, set forth in Section III B. below, are no different. Ultimately, the local context of the city and its political and educational history appear to affect educational outcomes more than governance structure.[37] Despite these limitations, it is important to acknowledge research that has attempted to isolate and evaluate the role of governance in general and mayoral influence in urban school improvement.

According to Wong and Shen, et al., whose research provides the most in-depth quantitative analysis of student achievement data, cities with strong mayoral involvement have experienced an increase in student achievement at the elementary level.[38] Henig's quantitative analysis of NAEP scores,[39] however, resulted in a different conclusion. In his analysis of five "mayor-centric" school districts, as compared to six traditionally-governed school districts, students in the traditionally-governed cities generally made greater improvements in reading and mathematics scores across all measures and sectors of the student population.[40]

Wong and Shen, et al. use a national data set from 104 cities to measure the effectiveness of what they term "mayoral control" on productivity (student achievement).[41] Although these data only span the four years from 1999 through 2003, lack a significant portion of high school data, and cannot be disaggregated by racial group, they showed an increase in elementary school performance where the mayor has gained more control than previously experienced in that city and also has appointment power over a majority of board seats. The limitations of Wong's data set indicate that further research is required on the effects of school governance on student achievement and other variables.

Cuban and Usdan, using methodology similar to ours, studied six cities (Baltimore Boston, Chicago, Philadelphia, San Diego, and Seattle) where the mayor's role went beyond the traditional form of appointing members to an independent board. Their

---

[36] Section G, infra, at 45-49.
[37] Kirst, 2007.
[38] Wong and Shen, et al.,2007.
[39] NAEP, the National Assessment of Educational Progress, is the only test that is comparable across cities, as the same test is given to sample student urban populations across the country.
[40] Henig, 2009.
[41] They also attempt to measure effectiveness based on management and governance, human capital and building public confidence. Wong and Shen, et al. 2007.

sample included cities where a non-educator was hired as superintendent.[42] During the course of their qualitative investigation, the authors found little improvement in elementary test scores, with minority students still lagging behind and the size of the achievement gap remaining unchanged.[43] Using case studies, primary and secondary sources, and interviews, they concluded that strong mayoral influence may result in positive changes because: 1) linking urban school governance to existing political structures including the business community will produce organizational effectiveness, improve teaching and learning, and enhance citywide service coordination; 2) the mayor will be more efficient in aligning goals, curriculum, professional development, rewards, sanctions, and instruction; and 3) when non-educators lead urban districts, they have more connections to state and local political structures that will improve and sustain achievement.[44] Our own qualitative analysis (Section III.A. below) identifies similar benefits.

Cuban and Usdan conclude, however, that to make informed judgments about the effects of any change in governance reform requires at least five to seven years from full implementation.[45] Thus, there is some question whether the benefits described in the studies are significant enough to argue that strong mayoral influence is the preferred form of governance for cities, or whether it should be viewed merely as one option among others.

OTHER CONSIDERATIONS

Although it may be evident, it is still worth noting, as others have, that the success of mayoral leadership depends on the mayor. According to Viteritti, the structure "is not a solution, it is an enabler…creat[ing] possibilities for the kind of bold leadership needed to turn around failing school districts."[46] Typically, in systems with strong mayoral involvement, the mayors are "reformers" who emphasize and give high priority to school reform, often in common with other civic leaders.[47] But not every mayor today is a reformer.

The effectiveness of mayoral leadership may also depend upon term limitations. Urban education reforms take time; yet, on average, urban school leaders such as superintendents serve between two and a half and four years, not nearly long enough for serious reforms to be implemented.[48] With strong mayoral involvement, school leadership may be more durable; but that, in turn, may depend on how long the mayor

---

[42] Cuban, Larry and Usdan, Michael, *Powerful Reforms with Shallow Roots: Improving America's Urban Schools* (New York: Teachers College Press, 2003).
[43] Ibid.
[44] Ibid.
[45] Ibid.
[46] Viteritti,2009, 9.
[47] Henig, 2009, 38.
[48] The Broad Foundation & the Thomas B. Fordham Institute, "Better Leaders for America's Schools: A Manifesto." http://www.broadfoundation.org/med-pubs/BetterLeadersforAmericasSchools.pdf. (accessed February 7, 2007).

serves. For example, in Chicago, Boston and New York, in large part due to the absence of mayoral term limits,[49] the mayors and their appointees are serving much longer. This has enabled them to implement their school reform strategies. By contrast, many urban mayors are limited to two terms or eight years as mayor, which makes them "subject to defeat and distraction," with their political and educational agendas given insufficient time to flourish, regardless of any valuable insights they could offer to the school system.[50] Yet, even four to eight years is a longer period of stability than many urban superintendents experience in reforming school systems.

As Henig points out, the essential question to consider when evaluating mayoral leadership is, does a strong mayoral role in school district governance "augment or undermine" the need of struggling urban school systems to maintain their vision, build capacity, and sustain political support?[51] According to Cuban and Usdan, there are three factors that affect whether mayoral involvement in governance can be successful: 1) whether the mayor's role in the schools is integrated with existing political structures in such a way that it improves organizational efforts, thereby contributing to teaching and learning improvements and citywide programs; 2) whether mayoral leadership can provide better management that focuses on aligning goals, standards, curriculum, professional development, assessments, rewards and sanctions; and 3) whether non-educators are connected to existing state and local political structures, resulting in improved and sustained student achievement.[52]

Governance changes depend largely on the conditions and context of the city at a particular point in time.[53] Viteritti, chair of the Commission for School Governance in New York City, observed, "no governance plan can overcome the social impediments that can prevent disadvantaged parents from having an effective voice in the education of their children."[54] According to Henig, there are five reasons to be concerned if strong mayoral involvement comes at the cost of limiting access to organizations that represent minorities, teachers, and parents: 1) historically, educational policy-makers have believed that teachers and parents should have greater influence in the educational system than the average voter; 2) central administrators are not on the "ground level" every day, and thus parents and teachers can provide beneficial information about the effectiveness of certain policies and programs; 3) the history of racial inequality within education may jeopardize the authority of mayoral control as a system of governance; 4) marginalized community and stakeholder opinions may suffer from a lack of perspective; and 5) without community and political engagement and participation, even the most researched policy initiatives may fall short.[55]

---

[49] David W. Chen and Michael Barbaro, "Bloomberg Wins 3rd Term as Mayor in Unexpectedly Close Race," *The New York Times,* November 4, 2009, http://www.nytimes.com/2009/11/04/nyregion/04mayor.html.

[50] Paul T. Hill and James Harvey, *Making School Reform Work: New Partnerships for Real Change* (Washington, D.C.: Brookings Institution Press, 2004), 19.

[51] Henig, 2009, 42.

[52] Cuban and Usdan, 2003.

[53] Kirst, 2002.

[54] As quoted in "Should mayors run schools?" *Education Week,* no. 28, 8 April, 2009, 26.

[55] Henig, 2009, 21-32.

We note that, during the course of our study, in Baltimore, Detroit and Hartford the mayors were convicted of criminal misconduct. In those cities the charges were not related to the mayor's role in governing the public schools; but these events, at the very least, produced distractions from school reform.

Below we share our own research, both quantitative and qualitative, about new governance forms in our nine cities. We seek to answer Henig's question, whether the new governance models have augmented or undermined these urban school districts as they struggle to provide a higher quality educational experience in their communities.

RESEARCH DESIGN

We employed a mixed-methods research design to examine mayoral involvement in the nine cities. First, we conducted legal research on all relevant laws and statutes related to school governance in the cities and in New Jersey. Second, we conducted a literature review of periodicals, journals and books on school governance and mayoral involvement. We used this research to compile the in-depth portraits of each city that are presented in the next section.

Next, we developed a multi-part research framework for investigating the impacts of mayoral involvement on a number of variables, including both quantitative measures and qualitative investigations of stakeholder perceptions. The first part was used to classify degrees of mayoral involvement in the nine cities from strong to weak, including the manner of selection and design choices:

Degree of Mayoral Involvement in the Nine Cities		
District	Year of Change	Strength
Baltimore	1997	Moderate
Boston	1992	Strong
Chicago	1995	Strong
Cleveland	1998	Moderate
Detroit	1999-2004	Moderate
Hartford	2005	Moderate
New York	2002	Strong
Philadelphia	2001	Weak
Washington D.C.	2001; 2007	Weak to Strong

Second, we analyzed a number of variables to assess their relationship to school governance, including:

- Student achievement
- Efficiency/level of corruption
- Unionization/teacher flexibility
- Stability/level of chaos
- Community input (formal, informal)

12

- Parental satisfaction
- Funding levels
- Choice options
- Education as a priority
- Accountability/transparency
- Centralization/government experiment
- Achievement gaps
- Process aspects (i.e. class sizes; student-teacher ratios)
- Educational reforms

The qualitative aspect of our research design consisted of telephone interviews with school district leaders, heads of teacher and administrator unions, representatives of the business community and parent groups, school board members, and other stakeholders (see Appendix A for a complete list). Although we attempted to interview a representative sample of all groups in our cities,[56] this proved impossible due to difficulties in scheduling and/or completing interviews. Nonetheless, we believe that our interviews allowed us to identify patterns in stakeholder perceptions.

The quantitative aspect of our research design used U.S. Census data, data from the American Community Survey and Common Core Dataset and the National Assessment of Educational Progress (NAEP) compiled bi-annually by the United States Department of Education's National Center of Educational Statistics (NCES). NAEP is called "the nation's report card" because it is the only state-level and, in some cases, city-level achievement database that uses the same test in multiple states and cities, making possible cross-state and cross-city comparisons of a representative sample of students. We used the urban city dataset to analyze achievement differences in the five of our nine cities that were available and in a comparison set of cities without formal mayoral involvement.

The last section of our report makes recommendations for New Jersey, with special reference to its takeover districts, Jersey City (currently in the process of returning to local control), Newark and Paterson. These recommendations examine whether the two governance options available currently to school districts under New Jersey law, namely Type I (mayor-appointed boards, but with the district otherwise independent of the mayor) and Type II (elected or appointed boards), should be legislatively augmented to include other governance options, including forms of mayoral control studied here or other hybrid models (e.g., boards of education whose members are partly appointed and partly elected).

---

[56] We did not attempt to interview anyone in Detroit because of changes in governance and in the mayor's office itself during our research time.

II. POLITICAL HISTORY AND LEGAL CONTEXT

In this section we discuss the political history of how a new governance model came to each of our nine cities. We then review the legal framework for school district governance in that city. We also review the legal framework for governance options in New Jersey.[57]

A. BALTIMORE

After threatened takeover, shared state and city governance

Since 1997, governance of the Baltimore City schools has rested in the hands of a city-state partnership. Prior to 1997, the mayor appointed the entire school board. Although the city's leadership lost much of the formal control it had exercised over the school system for almost one hundred years, it has maintained strong input as an equal partner with the state, and the partnership gave the school system critical extra funding.

How shared state/city governance came to Baltimore

Today the Baltimore City Public Schools (BCPS) are governed by a ten-person Board of School Commissioners, with the nine adult members appointed jointly by the mayor of the City of Baltimore and the governor of the State of Maryland. The 1997 City-State Partnership to improve the Baltimore City Public Schools replaced a system of governance in effect since the adoption of the Baltimore City Charter of 1899 by which the mayor had appointed all nine adult members of the school board.[58] In addition, the school district's budget and spending decisions, formerly subject to the approval of the mayor-controlled board of estimates,[59] now rest with the new board.

Baltimore City Public Schools (BCPS) - At a Glance	
Students	81,248
Schools	201
Teachers	5,877

This change in governance was many years in the making, growing out of frustration over decades of declining enrollments, chronic underfunding, and poor student performance. Over the years, Baltimore's mayors often saw school issues as hazardous to their political careers and consequently tended to stay out of school controversies until it became absolutely necessary. For example, William Donald Shaeffer, mayor of Baltimore from 1971-1987, mostly steered clear of educational issues during his time in office, with the exception of the controversial removal of a school superintendent.[60]

---

[57] Data sources for the tables in this section are noted in Appendix A.

[58] Marion Orr, "Baltimore: The Limits of Mayoral Control," in *Mayors in the Middle: Politics, Race, and Mayoral Control of Urban Schools*, ed. Jeffrey R. Henig and Wilbur C. Rich (Princeton: Princeton University Press, 2004), 27.

[59] *Id.*

[60] In 1974, during his first term of office, and over cries of racism, Mayor Schaeffer removed Superintendent Ronald Patterson. Schaeffer, a white mayor, had an electoral coalition including a large

Then, in 1987 Kurt L. Schmoke became Baltimore's first African-American mayor. Having run for office on a platform of improving the city's schools, Mayor Schmoke immediately showed himself to be more willing to take on issues that previously were thought to be politically dangerous.[61] Not only was Schmoke active in appointing and removing superintendents, he also involved both community organizations and the business community in appointments and proposed reforms. Early in Mayor Schmoke's tenure, some of the reforms implemented included: 1) adoption of an elite private school's curriculum by an inner-city public school; 2) making available surgically-implanted contraceptives to high school students; and 3) a program sending troubled middle school students to attend high school in Kenya.[62] But some of Mayor Schmoke's reforms — such as site-based management and management of some schools by for-profit organizations — failed, at least in part because they never won community support.[63]

Meanwhile, in a series of lawsuits Baltimore citizens challenged the state's public school funding. The first such challenge was brought in 1983 on grounds that the state did not provide *equal* funding for the city as compared with wealthier communities.[64] In 1994 the ACLU, joined in 1995 by the City of Baltimore, initiated a new round of lawsuits challenging the

BCPS Students - At a Glance	
African-American	89.0%
Asian	0.7%
Hispanic	2.5%
White	7.7%
Poverty	73.5%

adequacy of the state's funding. Those cases were settled by the parties before trial.[65] Under the settlement, the city and state shared governance; the mayor ceded some of his appointment power over the public schools to the governor in exchange for increased state funding.[66] Specifically, the city-state partnership called for a $254 million increase in annual state funding for education to be implemented over a five-year period, and the mayor-appointed board was replaced by a nine adult-member board to be selected by the mayor and the governor from a list compiled by the state board of education.[67] The new school board would have authority over the district's contracts, previously the province of the mayor-controlled board of estimates.[68] Governor Paris Glendening signed the bill creating the city-state partnership in April 1997.

---

majority of Baltimore's African-American community, and the removal of Patterson was accomplished through appointments of African-Americans from the community to the school board. *Id.* at 31-36.

[61] *Id.* at 39.

[62] *Id.* at 41.

[63] *Id.* at 42.

[64] Litigants challenged Maryland's education funding system on grounds that the state provided unequal amounts of funding per student, depending on where the student resided. The Maryland Supreme Court rejected that argument in *Hornbeck v. Somerset Cty. Bd. of Education,* 295 Md. 597, 458 A.2d 758 (1983), but held that the education clause does guarantee students "an adequate education measured by contemporary educational standards." The court provided that the state must make efforts "to minimize the impact of undeniable and inevitable demographic and environmental disadvantages on any given child." 295 Md. at 632, 458 A.2d at 776.

[65] See *Maryland State Board of Ed v. Bradford,* 387 Md. 353, 875 A. 2d 703 (Md. 2005).

[66] Wong and Shen et al., 2007, 42-43.

[67] Orr, 2004, 47.

[68] *Id.*

BCPS Classrooms– At a Glance	
Total Students	81,248
Pupil/Teacher Ratio	13.8
Per Pupil Spending	$13,988
Students with IEPs	13,846

By 2000, however, advocates returned to court claiming that the state had not complied with the consent decree. This time there was no settlement: the trial court found that the state was not making a "best effort" to allocate sufficient funds from those available for education.[69] In response, the state established the Thornton Commission, which conducted a comprehensive two-year study and made extensive recommendations on school funding.[70] The work of the Thornton Commission resulted in funding legislation in 2002 that provided an additional $1.3 billion in state education funds, most of it to poor districts, including Baltimore City.

Meanwhile, the state's criticism of city schools continued. In 2000 the state took over three failing elementary schools and gave the private, for-profit Edison Schools, Inc. a contract to manage them.[71] By 2006, the city-state partnership was on the verge of a breakdown.

BCPS School Choice - At a Glance
125 Elementary Schools
28 Middle Schools
32 High Schools
27 Charter/New/Innovation Schools

The State Board of Education voted to require the Baltimore City Public School System to reorganize seven of the city's middle schools and four of its high schools. Announcing the move, the communications director for Governor Robert L. Ehrlich Jr. called the situation "a true educational catastrophe in the Baltimore City Schools,"[72] while State Superintendent of Education Nancy Grasmick stated, "The reality is the recent test results demonstrate nothing has improved."[73]

The state's directives for the eleven schools were met with strenuous community opposition.[74] Opposition was such that the General Assembly passed a bill to delay the action for one year. Although Governor Ehrlich vetoed that bill, in April 2006 the General Assembly overrode his veto.

Although bills are introduced in the state legislature from time to time that would return BCPS governance to an elected school board, they have not been enacted, and the now thirteen-year-old city-state partnership continues. Funding of the Baltimore City schools is shared by the state and city, with the state providing approximately 85 percent, and the city providing 15 percent.[75]

---

[69] http://www.schoolfunding.info/states/md/lit_md.php3 (accessed September 7, 2009).
[70] Thomas Saunders, "Settling Without 'Settling': School Finance Litigation and Governance Reform in Maryland," 22 *Yale L. & Pol'y Rev.* (Spring 2004): 571.
[71] Baltimore City Schools Timeline, Friends of Baltimore City Schools. http://www.baltimorecitypublicschools.org/articles/timeline.html (accessed November 17, 2008).
[72] As quoted in the Maryland Public Policy Institute, *Policy report No. 2006-7*, June 12, 2006, 2.
[73] *Id.* at 1.
[74] Liz Bowie, Jill Rosen, and Sara Neufeld, "Fight Over City Schools Promised: Baltimore Leaders Criticize State Takeover Proposal," *The Baltimore Sun*, March 30, 2006. http://www.redorbit.com/news/education/449930/fight_over_city_schools_promised_baltimore_leaders_criticize_state_takeover/index.html# (accessed November 17, 2008).
[75] Interview with CEO Andres Alonso, January 15, 2009 (See Appendix A).

In 2007 the BCPS Board of School Commissioners hired Andres A. Alonso as CEO of the school system.[76] During Dr. Alonso's tenure, student achievement has improved consistently and significantly over the last three years at all grade levels and subgroups. In addition, graduation rates have increased, dropout rates have decreased and the district had satisfied NCLB AYP standards.[77] In 2009, the Council of Urban Boards of Education of the National School Board Association awarded the BCPS commissioners its "Progressive Leadership Award," to recognize increased parent and community involvement in BCPS.[78] In 2010, state oversight of the BCPS special education program came to an end with the settlement of a 26-year-old lawsuit.[79] Satisfied with Dr. Alonso's leadership, the BCPS school board is negotiating a renewal of his contract in the summer of 2010.[80]

Legal framework of school district governance in Baltimore

The Baltimore City school district's governance structure was put in place in a 1997 reform bill known as House Bill 853 and includes these components:

Governor of Maryland and Mayor of Baltimore. They jointly appoint the nine adult members of the Baltimore City Board of School Commissioners.[81]

Baltimore City Board of School Commissioners. The Board of School Commissioners is a ten-member board, and each member must be a resident of Baltimore. The nine adult members are appointed jointly by the mayor and the governor for staggered three-year terms.[82] One student voting member is selected by a student group, the Associated Student Congress of Baltimore City, for a one-year term.[83]

The legislature charged the board to: 1) raise the level of academic achievement; and 2) improve the management and administration of BCPS.[84]

The Board's powers and duties include authority over all functions relating to BCPS; authority to adopt rules and regulations and prescribe policies and procedures for BCPS' management, maintenance, operation, and control; and responsibility for all of the functions formerly performed by the Superintendent of Public Instruction and the Board of School Commissioners.[85] The board appoints principals, teachers and other

---

[76] Sara Neufeld, "Alonso Comes As Is," *The Baltimore Sun*, 8 February 2009, A1; "Pushing Hard, with No Excuses," *The Baltimore Sun*, 9 February 2009; "Turn It Around," *The Baltimore Sun*, 10 February 2009, A1.

[77] Baltimore data power point provided by the BCPS CEO's office. Follow up interview with Dr. Alonso, July 28, 2010.

[78] http://www.bcps.k12.md.us/News/PDF/CUBEAward10_13_09.pdf.

[79] http://www.bcps.k12.md.us/News/PDF/VaughnGSettlementAgreement_FINAL.pdf.

[80] Erica L. Green, "School Board Seeking to Keep Alonso through 2014," *The Baltimore Sun*, 13 July 2010.

[81] MD. CODE ANN., [Educ.] §3-108.1(c) (1).

[82] MD. CODE ANN., [Educ.] §3-108.1(c) (1); §3-108.1(j) (2).

[83] MD. CODE ANN., [Educ.] §3-108.1(c) (2), §3-108.1(o).

[84] MD. CODE ANN., [Educ.] §4-303 (b).

[85] MD. CODE ANN., [Educ.] §4-303 (d).

certificated and non-certificated personnel.[86] It also enters into collective bargaining agreements.[87]

To the extent practicable, the membership of the board is intended to reflect the demographic composition of Baltimore City.[88] At least four of the voting members must have "a high level of knowledge and expertise concerning the successful administration of a large business, nonprofit, or governmental entity and shall have served in a high level management position within such an entity." At least three members must have "a high level of knowledge and expertise concerning education." At least one voting member must be a parent of a student enrolled in the Baltimore City public school system. One member must also have "knowledge or experience in the education of children with disabilities." Board members serve without compensation.[89] The Baltimore City Board of School Commissioners must report annually to the State Board of Education on the condition of the Baltimore City schools.[90]

Chief Executive Officer. The CEO of the Board of School Commissioners is responsible for overall administration of BCPS, and reports directly to the Board of School Commissioners.[91] The CEO is the executive officer, secretary, and treasurer of the Board,[92] and also a member of the mayor's cabinet. The CEO's employment contract is with the Board and must provide, at a minimum that continued employment is contingent on demonstrable improvement in the academic performance of the students in BCPS and the successful management of the Baltimore City public schools.[93]

Parent and Community Advisory Board. Maryland law mandates the creation of a Parent and Community Advisory Board (PCAB) in the public school system.[94] The PCAB has fourteen members, a majority of whom must be parents of students enrolled in the Baltimore City public schools. They serve two-year terms. The plaintiffs (parents of students with disabilities) in *Vaughn G. v. Mayor and City Council* appoint three members. The plaintiffs (parents of students in general education) in *Bradford v. Maryland State Board of Ed.* also appoint two members. Subject to the approval of the Board of School Commissioners, the CEO appoints seven members: 1) three are appointed from a list submitted by the Baltimore City Council of Parent-Teacher Associations; 2) two are appointed from a list submitted by area-based parent networks; and 3) two are appointed from a list submitted by the Title I liaisons. The CEO appoints two additional members from other parent and community groups in Baltimore City.

The Board of School Commissioners and the CEO must consult regularly with the PCAB, ensure parental involvement in the development and implementation of the

---

[86] MD.CODE ANN., [Educ.] §4-103.
[87] MD.CODE ANN., [Educ.] §4-312.
[88] MD. CODE ANN., [Educ.] §3-108.1(e).
[89] MD. CODE ANN., [Educ.] §3-108.1(l).
[90] MD. CODE ANN., [Educ.] §4-316 (b) (1).
[91] MD. CODE ANN., [Educ.] §4-304 (b).
[92] MD. CODE ANN., [Educ.] §4-102 (a) (2).
[93] MD. CODE ANN., [Educ.] §4-304 (d) and (e).
[94] MD. CODE ANN., [Educ.] §4-308 (a).

education policies and procedures in the Baltimore City public school system, and ensure increased community involvement and outreach in support of the public schools.[95]

B. BOSTON

The mayor leads the city schools from controversy to innovation

In the 1970's, Boston's public schools were wracked with controversy as a federal court ordered desegregation busing. Today, Boston's mayor is widely respected as leading one of the most effective school systems in the country. How did these changes come about?

How mayoral control came to Boston

To understand the profound political and social changes in the Boston public school system over the past thirty years, it is necessary to go back to the turbulent years of court-ordered desegregation. In 1974, a federal district court ordered the desegregation of the Boston Public Schools (BPS). The first order

Boston Public Schools (BPS) - At a Glance	
Students	56,168
Schools	140
Teachers	4,372

paired predominantly white and black high schools; the second required extensive busing. There would be over 400 court orders in the case between 1974 and 1989.[96] The court's intervention in the school system was active and far-reaching, and the public reacted bitterly. As one observer recalled, the 1970's were the "war years."[97] Enrollment fell,[98] especially as white families opted out of the public schools; test scores were low and the dropout rate was high.[99]

Raymond Flynn, who had been an outspoken opponent of court-ordered busing in the 1970's, became mayor of Boston in 1984. By the time he ran for reelection in 1987, he had made peace with the black community and had an approval rating of 78 percent, largely by avoiding blame for the declining public schools.[100] Then, in his second term, Flynn took on the thirteen-member elected school board, describing the Boston public

---

[95] MD. CODE ANN., [Educ.] §4-308 (b).

[96] John Portz, "External Actors and the Boston Public Schools: The Courts, the Business Community and the Mayor," Number 12 in the Occasional Paper Series on Comparative Urban Studies, Woodrow Wilson International Center, prepared for seminar on "Education Reform in the District of Columbia: Lessons from Other Cities," March 27, 1997, www.wilsoncenter.org/topics/pubs/ACF19F.pdf (accessed December 29, 2008).

[97]*Id.,* citing Ronald Formisano, *Boston against Busing: Race, Class, and Ethnicity in the 1960s and 1970s* (Chapel Hill, NC University of North Carolina Press, 1991).

[98]BPS enrollment was steadily declining after desegregation. In 1979 enrollment in the BPS was 96,696, whereas in June 1987 that number had dropped to 55,000.   "Boston Mayor Urges School Changes," *The New York Times*, September 26, 1988. http://query.nytimes.com/gst/fullpage.html?res=940DE6D7123AF935A1575AC0A96E948260 (accessed January 3, 2009).

[99] *Id.*

[100] Howard Kurtz and Michael Rezendes, "Heroics, Racial Harmony Boost Flynn's Popularity; The Public Metamorphosis of Boston's Mayor," *The Washington Post*, September 20, 1987, www.highbeam.com (accessed December 29, 2008).

school system as a 'dark cloud' hanging over the city.[101] Despite his rhetoric, Flynn moved cautiously. First, he appointed an advisory committee to study school governance and the following year he appointed another commission to study the advisory committee's recommendations.[102] In the spring of 1989 Flynn commissioned a poll of Boston voters and included questions about whether the current superintendent "has done a poor job with the public schools," whether the responder would ever send his or her child to the Boston public schools, and whether the mayor should run the schools.[103] The poll showed that voters overwhelmingly favored a change in governance (70 percent), but only 35 percent favored giving control of the schools to the mayor.[104]

BPS Students - At a Glance	
African-American	39.3%
Asian	8.5%
Hispanic	36.7%
White	13.4%
Poverty	71.4%

BPS Classrooms- At a Glance	
Total Students	56,168
Pupil/Teacher Ratio	12.8
Per Pupil Spending	$19,435
Students with IEPs	11,634

In pursuing radical change of the school system, Flynn had powerful allies in the business community. Starting in the early 1980's, a partnership arose between business and the schools known as the Boston Compact.[105] Business was joined in the Compact in 1983 by the higher education community and in 1984 by the building and trade unions.[106] The Compact was not just a general pledge of support, but an agreement "whereby the school system would work to improve education and learning outcomes, and in return, businesses, colleges, and labor organizations would provide jobs and postsecondary educational opportunities for graduates."[107] The Compact included explicit goals: the schools would improve daily attendance and reduce the dropout rate by 5 percent each year and improve test scores; business would increase the hiring of BPS graduates by 5 percent each year; universities would improve college placement rates by 5 percent each year; and the building and trades unions would increase recruitment of BPS graduates. An existing organization called the Boston Private Industry Council, or PIC, would give institutional support to the Compact.[108] In 1984,

---

[101] Chris Black, *"Flynn Calls School System 'Dark Cloud,' Seeks Changes," The Boston Globe*, March 11, 1987, www.highbeam.com (accessed December 29, 2008).

[102] Brian C. Mooney and Patricia Wen, "A Cautious Move by Flynn on Running Schools," *The Boston Globe*, May 5, 1989. www.highbeam.com (accessed December 29, 2008).

[103] Brian C. Mooney, "Flynn Campaign Committee Polls Boston Voters/ Survey Focuses on Attitudes toward School System; Governor's Race Not Included," *The Boston Globe*, March 25, 1989. www.highbeam.com (accessed December 29, 2008).

[104] Brian C. Mooney and Patricia Wen, "A Cautious Move by Flynn on Running Schools," *The Boston Globe*, May 5, 1989. www.highbeam.com (accessed December 29, 2008).

[105] For a description of the Boston Compact and its history, see John H. Portz, "Governance and the Boston Public Schools," in *A Decade of Urban School Reform: Persistence and Progress in the Boston Public Schools*, Ed. S. Paul Reville and Celine Coggins (Harvard Education Press, 2007).

[106] Portz, *"External Actors and the Boston Public Schools: The Courts, the Business Community and the Mayor,"* note 77, at 7. See also Portz, "Governance and the Boston Public Schools," note 86.

[107] *Id.*

[108] *Id.* at 8.

another business-sponsored coalition, the Boston Plan for Excellence, was established with a $1.5 million grant from the Bank of Boston.[109]

In November 1989 Mayor Flynn put the question of school governance directly to Boston citizens with a non-binding referendum on whether to authorize a change in control of the city's school system.[110] With a "razor-thin" majority (50.6 percent in favor), the electorate supported the idea of a mayorally-appointed school board. The proposal lost in Flynn's own home neighborhood of South Boston as well as in the black neighborhoods of Roxbury and Dorchester.[111] To implement this takeover, Flynn had to go to the legislature with a home-rule petition. This he waited over a year to do.

The ensuing period saw bitter fights over budgets between Mayor Flynn and the school committee.[112] The president of the teachers union was also unhappy with the mayor: "In my view, the mayor has done more harm to this school system over the past two years than all of the thirteen School Committee members put together."[113]

Finally, in July 1991 the Massachusetts governor and state legislature approved a home rule petition that had been submitted by the mayor of Boston and city council, thereby enacting Chapter 108,[114] which replaced the thirteen-person elected school board with a seven-person committee appointed by the mayor.

BPS School Choice - At a Glance
6 Early Learning Centers (K-grade 1)
53 Elementary Schools (K-5)
23 Elementary and Middle Schools (K-8)
10 Middle Schools (6-8)
2 Middle and High School (6-12)
29 High Schools (9-12)
3 "exam" schools (7-12)
6 Special Education Schools (K-12)
3 Alternative (at-risk) Programs
21 pilot schools
• 1 early learning center, 4 elementary, 5 K-8, 2 middle, 7 high;
• 2 HS Horace Mann charter schools approved and funded by BPS;
• 1 HS Commonwealth pilot

The first mayorally-appointed school committee took control of the BPS in January 1992.[115] But six months before Mayor Flynn's appointees took office, the elected school

---

[109] *Id.* at 9.

[110] Boston Public Schools, *School Committee Members Nomination and Appointment Procedure*. http://boston.k12.ma.us/schcom/apptproc.asp.

[111] Peter J. Howe, Diego Ribadeneira, "Flynn's School Plan Gains Razor-thin Win," *The Boston Globe*, November 8, 1989. www.highbeam.com (accessed December 29, 2008).

[112] Well before Mayor Flynn spearheaded a change to appoint school committee members, efforts had been underway to improve governance of the Boston public schools. Between 1978 and 1987, four special acts were passed "reorganizing the Boston School Department," all with an elected school committee model. *See* 1978 Mass Acts, c. 333; 1982 Mass. Acts, c. 190; 1986 Mass. Acts, c, 701; 1987 Mass. Acts, c. 613. Despite those legislative actions, by the late 1980's Boston decided to fundamentally change governance of the public schools by implementing an appointed school committee.

[113] Diego Ribadeneira, "The Rule of Boston's Schools; Opponents: Flynn's aims largely political," *The Boston Globe*, February 5, 1991, quoting Edward Doherty. www.highbeam.com (accessed December 29, 2008).

[114] 1991 Mass. Acts, c. 108.

[115]*About Boston Schools and Participating Schools*, United Nations Association of the United States of America. http://www.unausa.org/site/pp.asp?c=fvKRI8MPJpF&b=364181.

committee hired Lois Harrison-Jones as superintendent, with a four-year contract.[116] Mayor Flynn tried to persuade the school committee to offer Harrison-Jones a shorter contract, in the hope that the state legislature would soon approve a change in governance to a mayor-appointed school committee.[117] *The Boston Globe* editorialized that Flynn's position was insulting and threatened school stability.[118] In 1995 the appointed committee chose Thomas Payzant, who would serve as superintendent for eleven years.

Having ushered in mayoral control, Mayor Flynn left it to his successor, Thomas Menino, to carry out.[119] Menino, who has been Boston's mayor since 1993, embraced the challenge, telling the public in 1996, "I want to be judged as your mayor by what happens now in the Boston public schools…. If I fail to bring about these specific reforms by the year 2001, then judge me harshly."[120]

Menino's guidance of the Boston Public Schools, starting with his appointment of Tom Payzant, has been widely praised. For example, in a joint study published in 2008 by the Aspen Institute and the Annenberg Institute for School Reform, Boston's leadership was acknowledged for "laying out a compelling vision of a whole system of successful schools and implementing it in a sustained way." Further, the report says, "Boston's accomplishments in improving the culture and the climate of the district have been remarkable."[121]

But perhaps the most notable measure of support for the Boston experiment came in 1996 when the citizens of Boston — by 54 percent — voted to maintain the mayoral control system,[122] although minority communities still did not support the mayor.[123]

Legal framework of school district governance in Boston

In 1991, the Massachusetts legislature enacted special legislation that authorized the mayor of Boston to appoint the entire Boston School Committee.[124] Since then, the structure of school district governance has contained these elements:

Nominating Panel. A thirteen-member panel nominates persons for consideration by the mayor for appointment to the School Committee.[125] The panel must include:

---

[116] Diego Ribadeneira, "Flynn Hits Four-Year School Pact; Committee, Harrison-Jones Sign an Agreement," *The Boston Globe*, June 27, 1991 (accessed Aug. 1, 2010).

[117] *Id.*

[118] *The Boston Globe*, June 27, 1991, 12 (accessed Aug. 1, 2010).

[119] Flynn left his post as mayor to become ambassador to the Vatican in 1993.

[120] Mayor Menino's 1996 State-of-the-City address, as quoted in Jane L. David and Larry Cuban, "Cutting Through the Hype: A Taxpayers Guide to School Reform, Putting Mayors in Charge" (Education Week Press, 2006). http://cuttingthroughthehype.com/mayoralchapter.html (accessed September 7, 2009).

[121] Quoted in "A Tale of Two Cities' Schools," *Los Angeles Times*, August 6, 2006. http://articles.latimes.com/2006/aug/06/opinion/ed-boston06 (accessed December 29, 2008).

[122] Wong and Shen, et. al., 2007, 32.

[123] Cronin, 2008.

[124] 1991 Mass. Acts, c. 108, §§ 1-10, in Mass. Ann. Laws c 43, §128

[125] 1991 Mass. Acts, c. 108, §6.

- four parents of children in the Boston public school system: (i) one selected by the Citywide Parents Council; (ii) one selected by the Citywide Educational Coalition; (iii) one selected by the Special Needs Parent Advisory Council; and (iv) one selected by the Bilingual Education Citywide Parent Advisory Council.
- one teacher in the Boston public school system.
- one headmaster or principal in the Boston public school system.
- one representative from the Boston business community, on a rotating basis, selected from the Private Industry Council, Boston Municipal Research Bureau, and Boston Chamber of Commerce.
- one president of a public or private college or university.
- Commissioner of Education of the Commonwealth.
- four persons appointed by the mayor.

Mayor of Boston: The mayor appoints the seven members of the School Committee.[126]

School Committee of the City of Boston. The seven members of the Boston School Committee serve staggered four-year terms and must be residents of Boston.[127] Appointees should reflect the ethnic, racial and socioeconomic diversity of the city of Boston and its public school population.[128] The School Committee hires the Superintendent of Schools.[129]

The powers and duties of the appointed Boston School Committee are the same as those exercised by the previous elected Committee.[130] Those duties include acting on recommendations of the school superintendent,[131] reviewing and approving budgets for public education in the district, and establishing educational goals and policies for the district consistent with the requirement of law and statewide goals and standards established by the board of education.[132] Members are eligible to be paid a stipend.

Superintendent of Schools. The Superintendent of the Boston public schools is a member of the mayor's cabinet[133] and is hired by the school committee.[134]

School Councils. Each public elementary, secondary and independent vocational school in Massachusetts must have a school council consisting of the school principal (who chairs the council), parents of students attending the school, teachers, other persons not parents or teachers of students at the school drawn from such groups or entities as municipal government, business and labor organizations, institutions of higher education, human services agencies or other interested groups including those from school age child

---

[126] 1991 Mass. Acts, c. 108, §2.
[127] *Id.*
[128] *Id.*
[129] 1987 Mass Acts, c. 613, §1a.
[123] 1991 Mass. Acts, c. 108, §3.
[124] 1991 Mass. Acts, c. 108, §3; 1987 Mass Acts, c. 613, §1.
[132] MASS. GEN. LAWS, c. 71, §37.
[133] http://bostonpublicschools.org/node/109 (accessed February 6, 2009).
[134] 1987 Mass Acts, c. 613, §1a.

care programs; and, for schools containing grades nine to twelve, at least one student. School councils assist in the identification of the educational needs of the students attending the school; make recommendations to the principal for the development, implementation and assessment of the curriculum plan; review the annual school budget and formulate school improvement plans.[135]

School Department. The Boston Public Schools are a municipal department in Boston city government.[136]

C. CHICAGO

Thrusting responsibility onto a mayor who took up the mantle of reform

In 1995, when the Illinois legislature transferred direct control of the Chicago Public Schools (CPS) to Mayor Richard M. Daley, Chicago became the second city in the nation, after Boston, to give the mayor a high-stakes role in school governance to pursue a reform agenda.

How mayoral control came to Chicago

The 1995 reforms were not the first time the Illinois legislature radically overhauled governance of the Chicago public schools. Fueled by crippling teacher strikes (the nineteen-day strike in 1987 was the ninth strike since 1969[137]), Mayor Harold Washington convened a five-member "summit" of parent, community and business

Chicago Public Schools (CPS) - At a Glance	
Students	407,510
Schools	642
Teachers	20,924

representatives to make recommendations to change school governance. While the groups did not ultimately reach consensus, many of the proposals that came out of those discussions were reflected in a 1988 school reform law that, among other reforms, abolished tenure for principals and created for every school an elected Local School Council (LSCs) consisting of parents, community members, teachers, and the principal.[138] The LSCs had significant power, including the sole authority to select the principal and award a performance contract as well as influence the mayor's appointment of new members to the board of education.[139]

By the mid 1990's, the Republican-controlled legislature and Republican governor were dissatisfied with both the form and pace of education reform that had started in 1987.[140] Spurred by several business and civic groups, the legislature made a finding that "an education crisis exists in the Chicago Public Schools" justifying still further sweeping

---

[135] MASS.GEN.LAWS, c. 71, §59C.
[136] http://www.cityofboston.gov/goverment/citydept.asp.
[137] "Reform History: Reform Timeline: Major events from 1979 to 2008,"*Catalyst Chicago*. http://www.catalyst-chicago.org/guides/index.php?id=104 (accessed May 15, 2009).
[138] §105 ILL. COMP. STAT. 5/34-2.3.
[139] *Id*.
[140] For a detailed account of school reform in Chicago, including the 1995 reform act, in Dorothy Shipps, *School Reform, Corporate Style: Chicago 1880-2000*, (Kansas: University Press of Kansas, 2006), 145-54.

changes. While Mayor Richard M. Daley negotiated with the leadership over the final form of the legislation, few of his ideas made it into the bill. Instead, the 1995 reform bill reflects the view of state business associations that control of the system needed to be wrested from the educators and unions that held it hostage to their own interests.[141] But the bill was still a compromise, since many of the features of the 1988 reform were left in place.

To promote the "business" agenda, the CEO is no longer required to be an educator, but instead "shall be a person of recognized administrative ability and management experience."[142] And, in perhaps a more drastic change, the legislature stripped the Chicago Teachers Union and other unions representing CPS employees of the right to compel bargaining over key bread-and-butter issues. The

CPS Students - At a Glance	
African-American	46.5%
Asian	3.3%
Hispanic	39.1%
White	8.0%
Poverty	75.7%

General Assembly declared a range of issues, including teacher assignment, class size, student assignment, school choice, selection of new employees, direction of employees, "and the impact of these decisions on individual employees or the bargaining unit" to be prohibited subjects of bargaining between the board and the teachers union. While the teachers' union successfully lobbied for legislative amendments in 2003 that ameliorated these provisions, even today, key labor issues are merely "permissive" subjects of bargaining; the board may choose to bargain over these topics with its unions, but it is under no obligation to do so.[143]

Aside from the drastic limitations on the district's unions, what else made the new governance scheme different? The mayor — subject to confirmation by the city council — had always appointed members of the Chicago school board. While the number of school board members has varied from nine to five

CPS Classrooms - At a Glance	
Total Students	407,510
Pupil/Teacher Ratio	19.5
Per Pupil Spending	$11,536
Students with IEPs	52,178

to seven,[144] the change in numbers alone would not be significant.

What *was* different was that the legislature vested the mayor with sole, direct authority over the administration of the schools. This was reflected in the following provisions:

- the mayor's appointment of board members is no longer subject to confirmation by the city council;
- the mayor, rather than the board, selects the president of the board; and
- the mayor directly appoints the chief executive officer and sets compensation; the CEO replaces the "General Superintendent" previously hired by the board.

---

[141] *Id.* at 148.
[142] §105 ILL. COMP. STAT. 5/34-3(b).
[143] Public Act 093-0003 (2003).
[144] §105 ILL. COMP. STAT. 5/34-3 (b).

One change that Mayor Daley successfully inserted in the bill was the elimination of the School Board Nominating Commission. The mayor now enjoys complete discretion on the selection of all board members.

While the 1995 Act granted new, more extensive, powers to the mayor, the legislative scheme alone cannot account for the breadth of the mayor's current authority. After all, the CEO can only make recommendations to the school board, which continues to have all powers and duties exercised and performed by the previous Chicago Board of Education.[145] And members of the board, once appointed, serve for fixed terms and can only be removed for cause. So, in theory, the board can refuse to implement the mayor's initiatives. This statutory autonomy is precisely what legislative schemes creating appointed boards across the country contemplate: once board members are seated, they serve for fixed terms and therefore are assumed to have the independence to do what is best for school children, without regard to changing political priorities.

CPS School Choice- At a Glance
Elementary Schools (482)   395 traditional elementary schools   36 magnet schools   10 middle schools   12 gifted centers   8 special schools
High Schools (122)   41 general/technical   8 vocational/career schools   5 magnet schools   15 math & science academy   6 military academy   11 small schools   8 achievement academy   8 alternative school   5 special ed schools
Charter Schools (71)   42 elementary campuses   29 high school campuses

Further, the LSCs, unique in the country, are still in place today, so that while the mayor and his CEO and board have broad powers, only an LSC can hire a principal and award a performance contract. There are exceptions, of course; the board can appoint an acting or interim principal in certain circumstances including, for example, when a new school is created or when a principal is removed for cause or resigns.

Whatever legal control the mayor still lacks over the Chicago Public Schools, however, the reality today is that Mayor Daley, now serving his fifth consecutive term, is firmly in charge. School board members rarely vote against proposals from the CEO; in fact, most votes are unanimous.

And the mayor has embraced his role as educator-in-chief, pursuing a bold and controversial agenda, named "Renaissance 2010," designed to give more autonomy to successful schools and, more importantly, to shut down failing schools. Mayor Daley's influence continues on a national level; his former CEO of seven years, Arne Duncan, is now the U.S. Secretary of Education.

---

[145] §105 ILL. COMP. STAT. 5/34-3.3.

Legal framework of school district governance in Chicago

The present governance structure enacted in 1995 is as follows:

Mayor of Chicago. The mayor appoints the seven-member board of education, and chief executive officer.[146]

Chief Executive Officer. A chief executive officer with "recognized administrative ability and management experience" is responsible for the management of the school system, and has all other powers and duties of the general superintendent.[147]

Board of Education. The board of education consists of seven members (also referred to as trustees) with staggered four-year terms.[148] The powers and duties of the board of education are to: i) increase the quality of education services in Chicago public schools; ii) reduce the cost of non-educational services and implement cost-saving measures; iii) develop a long-term financial plan; iv) streamline and strengthen the management of the system, including a responsible school-based budgeting process, in order to re-focus resources on student achievement; v) enact policies and procedures that ensure the system runs in an ethical and efficient manner; vi) establish a local school council advisory board; vii) establish organizational structures, including regional offices, that are necessary for efficient and effective operation of the system; and viii) provide for such other local school council advisory bodies as the trustees deem appropriate.[149]

Local School Councils. Each school (known as an attendance center) in the school district has a Local School Council consisting of eleven voting members: the school principal, two teachers employed at the school, six parents of children currently enrolled, and two community residents. Neither the parents nor the community residents on the council may be board of education employees.[150] Local school councils for secondary attendance centers also include a student member who is appointed by the Board.[151] Parent and community members are elected by parents and persons residing within each school's attendance boundaries for two years terms.[152] Teacher members are selected by their colleagues and appointed by the Board to two-year terms.[153]

The powers and duties of the councils are to: i) select the principal; ii) evaluate annually the performance of the principal of the school; iii) determine whether the performance contract of the principal shall be renewed; iv) approve an annual school improvement plan which includes the allocation of certain funds; and v) evaluate the allocation of teaching resources and other staff.[154]

---

[146] §105 ILL. COMP. STAT.5/34-3 (b) and 3.3 (b).
[147] §105 ILL. COMP. STAT.5/34-3.3 (b).
[148] §105 ILL. COMP. STAT.5/34-3 (b).
[149] §105 ILL. COMP. STAT.5/34-3.3.
[150] §105 ILL. COMP. STAT. 5/34-2.1 (a).
[151] §105 ILL. COMP. STAT. 5/34-2.1 (a) and (m).
[152] §105 ILL. COMP. STAT. 5/34-2.1(d)(i) and (ii).
[153] §105 ILL. COMP. STAT. 5/34-2.1(d)(vi); 105 ILL. COMP. STAT. 5/34-2.1(l).
[154] §105 ILL. COMP. STAT. 5/34-2.3.

Members and officers of the local school council serve without compensation and without reimbursement of any expenses incurred in the performance of their duties, except that the board of education may establish a procedure to provide for reimbursement of reasonable and necessary expenses of members and officers.[155]

If the CEO determines that a local school council is not carrying out its financial duties effectively, he or she is authorized to appoint a representative of the business community with experience in finance and management to serve as an advisor to the council.[156]

D. CLEVELAND

Facing tough challenges, Cleveland embraces mayoral control

In 1997 the Ohio legislature approved a law giving the mayor of Cleveland the power to appoint the school district's Chief Executive Officer and all nine members of the school board. This move made Cleveland the third major city after Boston and Chicago to institute a structure of school governance with the mayor at its helm. Now, more than ten years and three mayors later, mayoral control seems firmly entrenched in Cleveland, having won overwhelming support in a state-mandated 2002 referendum on its continuation. What led to this change in governance?

How mayoral control came to Cleveland

The decision to grant to Cleveland's mayor control of the city's schools was a reaction to a system that had been failing and dysfunctional for years. Immediately prior to mayoral control, Cleveland's public schools had been under control of the state. In 1995 federal district judge Robert Krupansky issued

Cleveland Metropolitan School District (CMSD) - At a Glance	
Students	52,954
Schools	109
Teachers	3,512

an order requiring the state superintendent to take over all aspects of the district's operation including finances, personnel decisions and educational policies. According to Judge Krupansky, the Cleveland school district was a "rudderless ship mired in mismanagement, indecision and fiscal irresponsibility."[157] Judge Krupansky's decision came after more than twenty years of state and federal intervention aimed at desegregating Cleveland's schools, the aftermath of a 1976 court decision which found the system plagued by *de jure* and *de facto* segregation.[158] State intervention was required because without it, the city could not possibly live up to the terms of the desegregation agreement.[159]

---

[155] §105 ILL. COMP. STAT. 5/34-2.2 (b).
[156] §105 ILL. COMP. STAT. 5/34-2.1(a).
[157] Wilbur C. Rich and Stefanie Chambers, "Cleveland: Takeover and Makeovers Are Not the Same," in *Mayors in the Middle: Politics, Race, and Mayoral Control of Urban Schools,* ed. Jeffrey R. Henig and Wilbur C. Rich (Princeton: Princeton University Press, 2004), 159, 171.
[158] *Reed v. Rhodes,* 422 F. Supp. 708 (N.D. Ohio 1976).
[159] Stephen Scott and Patrice Jones, "State Takes Over City Schools, Judge Turns Over District to Ohio Superintendent," *Cleveland Plain Dealer*, 4 March 1995.

CMSD Students - At a Glance	
African-American	68.8%
Asian	6.0%
Hispanic	11.3%
White	15.3%
Poverty	96.7%

The 1976 decision was in many ways the impetus that led to the rapid decline of the Cleveland public schools. After that ruling, Cleveland schools experienced a dramatic drop in enrollment with many white families moving to the suburbs. Between 1976 and 1988 the number of public school students declined from 123,000 to 81,000.[160] Of the remaining students, seventy percent received some form of public assistance.[161]

The exodus of middle-class families from the district and the simultaneous effects of deindustrialization left this rust belt city in dire fiscal straits. Since funding for public schools is largely determined by property taxes, the Cleveland school system saw its tax base disappear with the flight of the middle class to the suburbs. Not surprisingly, the city has been strapped for cash continually. In 1978, for instance, the school district was near bankruptcy when voters rejected an emergency school levy. As a result, officials had to secure $20 million from Ohio's Emergency School Assistance fund to keep the school system open.[162] Similarly, in 1981 the state put the school system in receivership for three years to prevent a fiscal crisis.[163]

By the time Judge Krupansky ordered the state takeover in 1995, Cleveland voters' repeated rejection of tax levies had left the district with a $30 million shortfall for the 1994-1995 school year. Judge Krupansky ordered the state superintendent to expedite the approval of a

CMSD Classrooms - At a Glance	
Total Students	52,954
Pupil/Teacher Ratio	15.1
Per Pupil Spending	$13,653
Students with IEPs	10,593

$29.5 million emergency loan to ensure that the school system remained afloat.[164] Given these problems, a takeover by the state seemed inevitable. In fact, Mayor Michael White supported the takeover viewing it not as a setback, but rather as presenting "meaningful opportunities to closely scrutinize its operations and make the tough decisions to make the Cleveland schools a productive, accountable and stable school system."[165]

Shortly after Judge Krupansky's order, prominent leaders from the African-American and church communities suggested that Mayor White take over the schools.[166] Mayor White himself used his 1996 State of the City Address to call for a law that would allow him to appoint the school board.[167] This move was not surprising considering that since his election in 1989 White had made educational reform a centerpiece of his administration.

---

[160] Cleveland Ohio, Public Schools Near Bankruptcy, in Ohio History Central, *Encyclopedia of Ohio History*, http://www.ohiohistorycentral.org/entry.php?rec=1645 (accessed May 25, 2009).
[161] Edward M. Miggins, "Cleveland Public Schools," *Encyclopedia of Cleveland History*, http://ech.case.edu/ech-cgi/article.pl?id=CPS2 (accessed November. 28, 2008).
[162] *Id.*
[163] Rich and Chambers,2004,162.
[164] Scott and Jones,1995.
[165] Scott and Jones,1995.
[166] Rich and Chambers , 2004,172.
[167] Rich and Chambers, 2004,172.

Between 1990 and 1996, White sponsored a series of educational summits which brought various stakeholders together to address Cleveland's educational issues.[168] Moreover, in 1991 and 1993 White openly supported a slate of reform-minded candidates who were elected to the board of education.[169] Nevertheless, the seemingly intractable problems facing the district — including the 1996 decision to implement a voucher program that allowed Cleveland parents to send their children to private schools with state financial support and siphoned off still more students from the system,[170] — led White to believe that the only solution to the district's many problems was the elimination of the elected board.

Accordingly, in 1998 when the state legislature gave control of Cleveland schools to the mayor, White was positioned to act. He appointed all nine members of the school board and hired Barbara Byrd-Bennett, an administrator from New York City, to be the new chief executive officer of the Cleveland Metropolitan School District (CMSD). By all accounts, the first few years of mayoral control were a success. White and Byrd-Bennett had a good working relationship and the board was virtually unanimous in its decisions supporting the operation of the school system.[171] In 2002, the voters approved an extension of mayoral control.[172]

During Byrd-Bennett's seven-year tenure, she was credited with raising test scores and graduation rates, launching a multi-million dollar school construction program, and bringing in millions of dollars from private foundations.[173] Nevertheless, by the time she left office, she was being criticized for micromanaging

CMSD School Choice - At a Glance
84 K-12
28 High Schools
5 Single Gender Schools
2 Option Schools
2 STEM (Science Technology Engineering Math) Schools
1 District-Sponsored Charter School

and using private money for first-class travel and meals at expensive restaurants. But perhaps the most significant factor leading to Byrd-Bennett's departure was the failure of Cleveland voters to pass two tax levies in a span of less than one year – this, despite a $30 million deficit.[174] The defeat led to more layoffs and the elimination of educational programs instituted by Byrd-Bennett.

---

[168] Rich and Chambers, 2004,167-170.

[169] Rich and Chambers, 2004,162-63.

[170] The constitutionality of this program was challenged on First Amendment grounds because the vast majority of parents used the vouchers to send their children to parochial schools. In the 2002 Supreme Court decision, *Zelman v. Simmons Harris,* 534 U.S. 1111 (2002), the court upheld the program.

[171] Rich and Chambers, 2004, 174.

[172] Nikita Stewart, "Cleveland's Ex-Mayor Backs Takeover," *Washington Post*, 14 February 2007, http://www.washingtonpost.com/wp-dyn/content/article/2007/02/13/AR2007021301280.html. (accessed January 11, 2010).

[173] Jane Okoben, "Byrd-Bennett Victim of Plummeting Image; Some Say Her Fall Inevitable, Others Cite Money Issues*," Cleveland Plain Dealer*, 6 August 2005.

[174] Okoben, 2005.

With Byrd-Bennett's departure, Cleveland had to find a new CEO who would be prepared to deal with the city's fiscal woes. After a national search, newly-elected Mayor Frank Jackson appointed Eugene Sanders to run Cleveland's schools. Sanders had been Toledo's superintendent for six years and was recognized for increasing that district's test scores. When he arrived in the summer of 2006, Sanders promised a number of reforms including the establishment of specialized academies, smaller schools and single gender schools in an effort to compete with the city's charter and parochial schools. In 2007-2008, more than 25,000 students attended charter or parochial schools under the 1996 voucher program, using up more than $100 million in state aid.[175] Clearly, Cleveland's money problems cast doubt on whether Sanders would be able to carry out his ambitious plans.[176]

In a city that began the 2008-2009 school year with only 48,000 students, a level not seen since 1894,[177] the continued viability of Cleveland's school system remains a challenge. Fears have been expressed that in the future there will be more school closings, less state aid and the scaling back of the state-funded building program.

Legal framework of school district governance in Cleveland

A 1997 Ohio law created "municipal school districts," which are school districts that are, or have ever been, under a federal court order requiring supervision and operational, fiscal, and personnel management of the district by the Ohio state superintendent of public instruction.[178] The municipal school district law applies to Cleveland since its school district was under state operation.

Mayor of Cleveland. The mayor of a "municipal corporation containing the greatest portion of a municipal school district's territory" has governing authority over the municipality's public schools.[179] The mayor appoints members of the board of education, and chooses the board chair.[180]

Municipal School District Nominating Panel. A nominating panel must provide the mayor with a slate of at least eighteen candidates.[181] The nominating panel is composed of eleven members, as follows: 1) three parents or guardians of children attending the schools of the municipal school district appointed by the district parent-teacher

---

[175] Thomas Ott, "Cleveland Still Losing Students: City Schools Now Below 50,000, Lowest Level Since 1894," *Cleveland Plain Dealer*, 19 September 2008.
[176] "Sanders' Leap: Schools CEO Lays Out an Ambitious Plan for the District; Making it a Reality Will Require Every Ounce of His Energy," *Cleveland Plain Dealer*, 2 February 2007, B8.
[177] Ott, 2008.
[178] Ohio Rev. Code Ann. 3311.71(A) (1). "A municipal school district" differs from a "city school district," which is "the territory within the corporate limits of each city, excluding the territory detached there from for school purposes and including the territory attached thereto for school purposes." Ohio Rev. Code Ann. 3311.02.
[179] Ohio Rev. Code Ann. 3311.71 (A) (2).
[180] Ohio Rev. Code Ann. 3311.71 (B).
[181] Ohio Rev. Code Ann. 3311.71 (B).

association, or similar organization selected by the state superintendent; 2) three persons appointed by the mayor; 3) one person appointed by the president of the legislative body of the municipal corporation containing the greatest portion of the municipal school district's territory; 4) one teacher appointed by the collective bargaining representative of the school district's teachers; 5) one principal appointed through a vote of the school district's principals, which vote shall be conducted by the state superintendent; 6) one representative of the business community appointed by an organized collective business entity selected by the mayor; and 7) one president of a public or private institution of higher education located within the municipal school district appointed by the state superintendent of public instruction.

The panel was to be convened and chaired for the first two years by the state superintendent of public instruction, serving as a nonvoting member. Thereafter, the nominating panel selects one of its members as its chairperson.

Board of Education. A nine-member board is chosen from recommendations of a nominating panel whose membership is specified by statute.[182] Board members would serve at least four years, until a referendum election is held on the issue of continued mayoral appointment of the board.[183]

If voters approved the continuation of an appointed board, the mayor would appoint a new nine-member board, again choosing from recommendations of the nominating panel.[184] Five of the members would be appointed to four-year terms, and the other four would be appointed to two-year terms. Thereafter, the mayor would appoint members to four-year terms. In addition, two nonvoting *ex officio* members of the board would be the president of the state university if the main campus of the university is located in the municipal school district, and the president of the community college that has the largest main branch within the district.

If voters disapproved the question, a new seven-member board of education would be elected at the next regular election occurring in November of an odd-numbered year. Four members would be elected for four-year terms and three members would be elected for two-year terms.[185]

The board's role is to set goals for the district's educational, financial, and management progress, and for accountability standards measuring district progress, in consultation with the state department of education.[186] In addition to the specific rights and powers of a municipal school district and its board of education, a municipal school district's board of education has all of the rights, authority, and duties conferred upon a city school district that are not inconsistent with municipal school district laws.[187]

---

[182] Ohio Rev. Code Ann. 3311.71 (B).
[183] Ohio Rev. Code Ann. 3311.73 (A).
[184] Ohio Rev. Code Ann. 3311.73 (C).
[185] Ohio Rev. Code Ann. 3311.73 (D).
[186] Ohio Rev. Code Ann. 3311.74 (A).
[187] Ohio Rev. Code Ann. 3311.76 (B).

Chief Executive Officer. The CEO replaces the superintendent in a municipal school district. When the new board of education assumes control, the treasurer, business manager, superintendent, assistant superintendents, and other administrators of the school district must resign.[188] During the first thirty months that a board of education appointed by the mayor assumes control, the mayor appoints the CEO.[189] After the appointed board has been in control of a municipal school district for thirty months, the mayor must appoint the CEO with the concurrence of the board.[190] After the assumption of control by a board after a referendum election, the board shall appoint the CEO with the concurrence of the mayor.[191]

The CEO must develop, implement, and regularly update a plan to measure student academic performance at each school within the district. The CEO is also charged with developing a public awareness campaign to keep parents and guardians informed of the changes being implemented within the district.[192]

The CEO shall appoint a chief financial officer, a chief academic officer, a chief operating officer, and a chief communications officer and any other administrators for the district as the chief executive officer shall determine to be necessary, as well as ombudspersons who shall answer questions and seek to resolve problems and concerns raised by parents and guardians of children attending district schools.[193] In addition to the rights, authority, and duties conferred upon the chief executive officer and chief financial officer in the municipal school district law, the CEO and the chief financial officer shall have all of the rights, authority, and duties conferred upon the superintendent of a school district and the treasurer of a board of education that are not inconsistent with Ohio law.[194]

Community Oversight Committee. The 1997 law requires the state Superintendent of Public Instruction to establish a Community Oversight Committee to review and evaluate the "mayoral appointment school governance plan."[195] Committee members must reside in and be parents or guardians of a child attending a public school in the municipal school district. Members of the Committee will be appointed to four-year terms. The CEO of the municipal school district will serve as a nonvoting member.[196]

Within one year of its appointment, and each year thereafter, the Committee must submit a written report to the state legislature. The report will address the financial, operational, academic, community, and other issues involving the school district as a result of the implementation of the mayoral appointment school governance plan, as well as the general condition of the school district, the goals and accountability standards the board

---

[188] Ohio Rev. Code Ann. 3311.72 (A).
[189] Ohio Rev. Code Ann. 3311.72.
[190] Ohio Rev. Code Ann. 3311.72 (B) (2).
[191] Ohio Rev. Code Ann. 3311.72 (B) (3).
[192] Ohio Rev. Code Ann. 3311.74 (B) and (D).
[193] Ohio Rev. Code Ann. 3311.72.
[194] Ohio Rev. Code Ann. 3311.72.
[195] Ohio Rev. Code Ann. 3311.77 (A).
[196] Ohio Rev. Code Ann. 3311.77 (B).

of education has established, and how the district measures on each of those accountability standards.[197] The Committee will end when the mayoral appointment governance plan is discontinued within the municipal school district.[198]

E. DETROIT

After an arranged marriage, Detroit voters divorce mayoral control

Detroit's experiment with mayoral control of the public schools lasted only five years, during which there was never much enthusiasm for the enterprise. In fact, many in the city viewed mayoral control as a hostile takeover, racially motivated. Why was a course of action so popular and promising elsewhere, unsuccessful in Detroit?

How mayoral control came to Detroit and left again

The Detroit experiment with mayoral control — a five-year pilot program — began in 1999 when the Michigan Legislature passed the Michigan School Reform Act ("MSRA").[199] The impetus for the experiment came not from Detroit Mayor Dennis Archer, but from Michigan Governor John Engler

Detroit Public Schools (DPS) - At a Glance	
Students	107,874
Schools	235
Teachers	6,406

who made education a high priority in his three terms in office. Responding to persistent reports of financial mismanagement and low achievement in the Detroit public schools,[200] Engler proposed abolishing the eleven-member elected school board and replacing it with a seven-member board that would be appointed by, and responsible to, the mayor.

The MSRA was not Engler's first brush with school governance reform. In 1993, in an effort to close the gap between wealthy and poor districts, the state legislature passed an act prohibiting the use of local property taxes for school funding, ushering in an educational state of emergency.[201] Under the new structure, 80 percent of public school funding in Michigan would come from the state, with limited property taxing powers given back to local municipalities. Daring to reduce local property taxes by 100 percent, Engler went along with this move.[202] This alleviated some of the disparities between poor and wealthy districts, but also gave the state broad authority over school policy — not just in Detroit, but statewide.[203]

---

[197] Ohio Rev. Code Ann. 3311.77 (A).
[198] Ohio Rev. Code Ann. 3311.77 (D).
[199] Mich. Comp. Laws § 380.372.
[200] Jeffrey Mirel, "Detroit: There Is Still a Long Road to Travel, and Success Is Far From Assured," in *Mayors in the Middle: Politics, Race, and Mayoral Control of Urban Schools*, ed. Jeffrey R. Henig and Wilbur C. Rich (Princeton: Princeton University Press, 2004), 130.
[201] Mirel, 2004, 124-25.
[202] In 1993, he agreed to a 100% reduction in property taxes for funding education, and significantly increased the state's contribution. See "Mr. Engler's education (Michigan Governor John Engler outmaneuvers Democrats over education funding)," *The National Review*, August 23, 1993. www.highbeam.com (accessed February 1, 2009).
[203] Mirel, 2004, 125.

Later that year, Governor Engler pushed through a bill which gave bite to a previously existing law banning strikes by public employees, including by teachers unions, previously the most powerful education interest group in the state.[204] Under the new law, districts had the option of fining unions for every day that their employees were on strike.

In 1997 Engler backed two attempts at a takeover of the Detroit public school system. His first attempt, the School District Accountability Act, would have authorized the state to take control of school districts where 80 percent of the students were failing state proficiency tests and schools where the dropout rate rose above 25 percent.[205]

DPS Students- At a Glance	
African-American	87.2%
Asian	0.8%
Hispanic	7.0%
White	2.4%
Poverty	72.3%

This bill was opposed by Detroit Public Schools Superintendant David Snead, who criticized the state for "continu[ing] to mandate programs without proper funds."[206] In defense of the bill, Engler stated, "I defend local control, but I cannot defend failure."[207] His second attempt was another bill that would have empowered parents to take control of failing schools in Detroit. Both efforts failed in the state legislature.

By 1999, however Engler had additional ammunition. A $1.5 billion bond issue passed in 1993 to build schools and repair crumbling old ones had been stalled by inaction (at best) and corruption (at worst) for more than five years.[208] The press reported that less than $134 million had been spent; there was a lack of any master plan for construction and renovation; contracts had been steered improperly to the friends of top district officials; and, in many cases, lower bids for the work had been rejected.[209] Additionally, some contractors had been paid for work that was never done or paid twice for the same work,[210] and the program was mired in litigation.[211]

Given the school board's apparent inability to manage this bond issue effectively, state control of Detroit's school system seemed like a reasonable alternative. And, although he was opposed initially to the MSRA, Detroit Mayor Dennis Archer eventually came out in support of the proposal. "Irrespective of whether I want it, it's coming to me," Archer said, "I am prepared to take on the responsibility and do a very good job."[212] Detroit's

---

[204] The law authorized local school districts to fine the unions $5000 for every day that they went on strike. *Id.* at 126.

[205] "Educational Takeover: Engler's Intrusive Plan would Hurt Schools," *The Michigan Daily Online*, http://www.pub.umich.edu/daily/1997/jan/01-30-97/edit/edit2.html; "Engler Pushes Takeover for Failing Michigan Schools," *Education Week*, February 5, 1997, http://www.edweek.org/ew/articles/1997/02/05/19sos.h16.html.

[206] *Id*.

[207] *Id.*

[208] Mirel, 2004, 124-25.

[209] Melvin Claxton and Charles Hurt, "Bad management, cronyism waste school repair money," *The Detroit News*, 3 October, 1999.

[210] *Id.*

[211] Tamara Hayes, "School bonds draw suit," *The Michigan Chronicle*, 16 February 1999.

[212] "Blacks split over abolishing the board of ed. (Michigan Governor and Detroit mayor propose changes to school boards)," U.S. News & World Report, March 15, 1999. www.highbeam.com (accessed February 1, 2009).

Urban League and a coalition of Baptist ministers backed the plan as well, but other black leaders, including the local branch of the NAACP, were bitterly opposed to the loss of voter control over the schools.[213]

Despite the opposition, the MSRA passed both houses of the Michigan legislature and Governor Engler signed it into law in March 1999. Mayor Archer moved swiftly, dismissed the elected members of the school board and appointed six members to the newly formed

DPS Classrooms - At a Glance	
Total Students	107,874
Pupil/Teacher Ratio	16.8
Per Pupil Spending	$13,066
Students with IEPs	16,556

School Reform Board. The six appointees served at the will of the mayor, with a seventh member to be appointed by the State Superintendent of Schools.[214] The MSRA dictated that this School Reform Board would be responsible for appointing a chief executive officer of schools, replacing the prior position of superintendent, although the single representative of the state was to have veto power over the selection of the district CEO.[215] The School Reform Board was to manage the day-to-day operations of the district until a CEO was appointed, at which point these responsibilities would become those of the CEO. The School Reform Board appointed interim CEO David Adamany to a one-year term.[216]

Public dissatisfaction and concerns that the reform act was a thinly veiled state takeover were bolstered when in 2000 the state representative on the School Reform Board exercised his veto power on the selection of the new permanent CEO over the votes of the other six mayor appointed members. Shortly thereafter, the board unanimously appointed Kenneth Burnley to the position of CEO.[217]

DPS School Choice - At a Glance	
Early Childhood Schools (PK-K)	1
Elementary Schools (K-8)	114
Middle Schools	9
High Schools	44
Special Ed Ancillary Facilities	10
Alternative Schools	12
Career Technical Ed Centers	4

While some stakeholders — notably the business community — praised the decisiveness with which Mayor Archer seized control and the quality of his appointments,[218] it was rocky going. In August 1999 the teachers union defied Governor Engler and went out on strike, delaying the opening of school.[219] In 2002 organizations representing Detroit teachers, students, and parents brought a lawsuit against the MSRA alleging that it violated the equal protection clauses of the Michigan and United States constitutions and

---

[213] *Id.*
[214] Mich. Comp. Laws §380.372.
[215] Mirel, 2004, 138.
[216] *Id.* at 135.
[217] *Id.* at 138.
[218] "Winners and Losers," *Crain's Detroit Business*, April 5, 1999. www.highbeam.com (accessed February 1, 2009).
[219] Jim Irwin, "72,000 Teachers Strike in Detroit," *AP Online*, August 31, 1999; Catherine Tsai, "Detroit Teachers to Go Back to Work," *AP Online*, September 8, 1999. www.highbeam.com. (accessed February 1, 2009).

the Voting Rights Act. Ultimately, the Court of Appeals for the Sixth Circuit upheld the School Reform Law. [220]

In that same year, when Mayor Dennis Archer decided not to seek reelection, Kwame Kilpatrick, who previously represented Detroit in the Michigan House of Representatives and loudly opposed the reform act, was elected mayor of Detroit.[221] Kilpatrick put his stamp on the school reform effort by making his own appointments to the School Reform Board, but he never embraced mayoral control. Instead, he saw improving schools as one part of a bigger effort to rebuild Detroit, the goal being to "build communities, not just building new houses or new schools in a vacuum."[222] Like Kilpatrick, the voters were never entirely enthusiastic about their new school governance. The law had established the appointed school board as a five-year pilot program. At the close of the pilot program in 2004, the decision of whether to continue with mayoral control was put to a citywide referendum. By a margin of 2 to 1, the voters ousted the appointed board, and the district returned to an elected school board governance structure in 2005.

In five years there had not been enough time to tackle all of the fiscal and educational problems of the system before the experiment ended. And, during the appointed school board's brief run, the district saw an alarming enrollment plunge — from 174,000 students during the 1998-99 school year to only 130,000 in 2005.[223] Yet, perhaps it was too much to expect that a change in governance could effectively address all of the political, demographic, and economic challenges in Detroit, particularly since the experiment was commonly perceived by Detroiters as a hostile state takeover cloaked in a transfer of district control to the mayor.

In 2010, the issue reemerged as Mayor Dave Bing, Governor Jennifer Jennifer Granholm, and U.S. Secretary of Education Arne Duncan urged the City Council to approve putting a referendum on the November ballot asking residents to vote on whether to reinstitute mayoral control. They argued that the Detroit school system was dysfunctional and that mayoral control was essential to rescue it; however, by a 6-3 vote the Council voted against putting it on the November ballot.[224]

Legal framework of school district governance in Detroit

During the period (1999-2004) when the Detroit public schools were under mayoral control, the legal framework for governance consisted of these components:

---

[220] *Moore v. Detroit School Reform Board*, 293 F.3d 352 (6th Cir. 2002).
[221] Mirel, 2004, 139.
[222] "Mayor is correct to focus on schools (opinion) (Kwame Kilpatrick)." *Crain's Detroit Business*, 2003. www.highbeam.com (accessed February 1, 2009).
[223] Chastity Pratt, "Appointed board goes quietly: Detroit schools agenda full for new members," *The Detroit Free Press*, December 24, 2005. www.highbeam.com (accessed February 1, 2009).
[224] Darron A. Nichols, "Council votes against referendum on mayoral control of DPS," *Detroit Free Press*, July 30, 2010. http://detnews.com/article/20100729/METRO/7290459/Council-rejects-referendum-on-mayoral-control-of-DPS (accessed August 9, 2010).

Mayor of Detroit. The mayor appointed all but one member of the School Reform Board. [225] The mayor chose the chair of the board; if there was a vacancy in the chair position, the mayor designated the successor.[226] Until these appointments and the selection of a chief executive officer for the district were made, the mayor possessed all powers of governance of the school district.[227] Within thirty days of appointing the School Reform Board, the mayor was to initiate a financial audit of the school district, and provide the results to the School Reform Board.[228]

School Reform Board. The School Reform Board consisted of seven members; six were appointed by the mayor and served at the mayor's will; the seventh member was the Michigan Superintendent of Public Instruction (or designee).[229] The term was four years, except that the terms of the initial members were staggered.[230] The board chose its officers other than the chair.[231] Members served without compensation, but could be reimbursed for expenses.[232]

The School Reform Board could exercise all the powers and duties otherwise vested by law in the board and in its secretary and treasurer.[233]

Elected school board. Until the terms of the elected members of the elected school board had expired, the elected members could serve as an advisory board to the School Reform Board.[234] They would serve without compensation or reimbursement.

Chief Executive Officer. The School Reform Board must appoint a chief executive officer by a 2/3 vote, and the Superintendent of Public Instruction (or designee) must be in the appointing majority.[235] The CEO in turn appointed, with the approval of the school reform board, a chief financial officer, chief academic officer, chief operations officer, and chief purchasing officer.

The CEO "accede[d] to all the rights, duties, and obligations of the elected school board of the qualifying school district," including a) authority over the expenditure of all school district funds, including proceeds from bonded indebtedness and other funds dedicated to capital projects; b) rights and obligations under collective bargaining agreements and employment contracts entered into by the elected school board, except for employment contracts of employees not subject to a collective bargaining agreement; c) rights to prosecute and defend litigation; d) obligations under any judgments entered against the elected school board; e) rights and obligations under statute, rule, and common law; f)

---

[225] MICH. COMP. LAWS §380.372 (2).
[226] MICH. COMP. LAWS §380.372 (6).
[227] MICH. COMP. LAWS §380.373 (2).
[228] *Id*.
[229] MICH. COMP. LAWS §380.372 (2).
[230] MICH. COMP. LAWS §380.372 (4).
[231] MICH. COMP. LAWS §380.372 (7).
[232] MICH. COMP. LAWS §380.372 (9).
[233] MICH. COMP. LAWS §380.373 (3).
[234] MICH. COMP. LAWS §380.373 (1).
[235] MICH. COMP. LAWS §380.374.

authority to delegate any of the chief executive officer's powers and duties to one or more designees, with proper supervision by the school reform board.[236] In addition, the CEO had the power to terminate any contract executed by the elected school board, except collective bargaining agreements or agreements to pay debt service on bonds.[237]

Within ninety days of appointment, the CEO must develop an improvement plan to submit to the School District Accountability Board.[238] The plan must include at least detailed academic, financial, capital, and operational goals and benchmarks for improvement and a description of strategies to be used to accomplish those goals and benchmarks. The plan also shall include an assessment of available resources and recommendations concerning additional resources or changes in statute or rule, if any, needed to meet those goals and benchmarks.

The improvement plan also must include an evaluation of local school governance issues, including criteria for establishing building-level governance.[239]

The CEO, with the approval of the School Reform Board, submits an annual report to the mayor, governor, school district accountability board, and legislature.[240] The report must at least include: a) a summary of the initiatives that have been implemented to improve school quality in the qualifying school district; b) measurements that may be useful in determining improvements in school quality in the qualifying school district, including standardized test scores of pupils, dropout rates, daily attendance figures, enrollment, high school completion and other pertinent completion rates, changes made in course offerings, proportion of school district resources devoted to direct educational services; and c) a description of long-term performance goals that may include statewide averages or comparable measures of long-term improvement.[241]

Community Assistance Teams. A school reform board may organize and establish community assistance teams to work with the school reform board to implement a cohesive, full-service community school program addressing the needs and concerns of the qualifying school district's population.[242] The school reform board may delegate to a community assistance team the authority to devise and implement family, community, cultural, and recreational activities to assure that the academic mission of the schools is successful. The community assistance teams may also develop parental involvement activities that focus on the encouragement of voluntary parenting education, enhancing parent and family involvement in education, and promoting adult and family literacy.[243]

---

[236] MICH. COMP. LAWS §380.373 (4).
[237] MICH. COMP. LAWS §380.373 (5).
[238] MICH. COMP. LAWS §380.373 (7).
[239] *Id*.
[240] MICH. COMP. LAWS §380.373 (8).
[241] *Id*.
[242] MICH. COMP. LAWS §380.373 (9).
[243] *Id*.

F. HARTFORD

Emerging from a state takeover, the mayor takes personal control as head of the board of education

In January 2005 Mayor Eddie Perez formally gained control of the Hartford Public Schools. His power was a direct result of amendments to the city charter, which changed Hartford's form of government from a city/manager system to one headed by a strong mayor with sweeping powers over virtually all aspects of Hartford's governance.[244] Although these powers included control over the school system, they did not take effect until 2005, three years after the city regained control of the schools following a state takeover.[245] The period from 2002 to 2005 served as a time of transition during which a locally-selected board ran the school system subject to considerable oversight by the state. In 2005 the state's role as overseer ended, leaving Mayor Perez, who was elected to his third term in 2007, officially in charge of Hartford's school system.

How the mayor got so much power over the school system

The current governance structure is the latest in a series of redesigns aimed at dealing with persistent problems of poor performance and under-funding in the Hartford schools.

Although Connecticut is a prosperous state, its largest school district, Hartford, is filled with students who are among its most racially isolated, poorest, and lowest performing. In 1996, the Connecticut Supreme Court held that Hartford public school students had not been provided with equal educational opportunity under the state

Hartford Public Schools (HPS) - At a Glance	
Students	22,359
Schools	42
Teachers	1,528

constitution due to the schools' racial, ethnic, and economic isolation.[246] The state then pumped millions of dollars into the school system in order to develop a school choice program with magnet, charter and vocational-technical schools in the hopes that it would help achieve voluntary desegregation.[247] More than ten years after the court's decision, however, Hartford students remain racially isolated with a student body that is 93 percent black and Latino.[248]

---

[244] The Charter of the City of Hartford, Connecticut as Amended by Vote of the Electors of Hartford on November 5, 2002 [hereinafter Hartford City Charter] Ch. 5 §§1, 2 (2002).

[245] Hartford City Charter Ch. IX, §1.

[246] S*heff v. O'Neill*, 238 Conn. 1 (1996).

[247] In 2006 state and federal governments provided 68.1 and 11.9 percent, respectively, of the revenue for Hartford schools, with the city providing 20 percent. In contrast, the average school district in the state received an average of 32.4 and 4.5 percent state and federal aid, with the bulk of the revenue, 63.1 percent, provided by the district itself. School Data Direct, Hartford School District, Spending, Revenue and Taxes. http://www.schooldatadirect.org/app/data/q/stid=7/llid=116/stllid=380/locid=1030110/catid=1020/secid=4 533/compid=851/site=pes (accessed May 25, 2009).

[248] School Data Direct, *Hartford School District, School District Overview.* www.schooldatadirect.org/app/location/q/stid (accessed May 25, 2009).

Further, Hartford students remain overwhelmingly poor. Hartford ranks sixth in the nation for child poverty;[249] 70 percent of its students are considered economically disadvantaged.[250] In contrast, the state average is 27 percent.[251] Hartford students lag far behind other Connecticut students in achievement on standardized tests.[252]

To be sure, the problems faced by Hartford's schools are deep-seated and longstanding. For years the system was plagued by mismanagement, nepotism and patronage politics. An effort to privatize the running of the school system did not yield much success when it was attempted in the early 1990's. Problems ranging from schools lacking basic supplies like pencils and paper, to the school board claiming that it had not received the $1.7 million appropriated by the city council were so endemic that at one point a group of parents and Latino and black leaders declared the schools in "a state of emergency."[253] Finally, in 1997 following the threatened loss of accreditation of Hartford High School, Mayor Mike Peters asked the governor for assistance in handling the city's educational problems.[254] In April of that year, the state legislature passed Special Act 94-4 authorizing the state to take over Hartford schools.

The Hartford Board of Education was dissolved and replaced with a seven-member State Board of Trustees responsible for all aspects of school district governance.[255] The state board became responsible for implementing a forty-eight point plan to improve Hartford schools. Its main tasks were to increase accountability and improve

HPS Students- At a Glance	
African-American	39.8%
Asian	1.1%
Hispanic	52.1%
White	6.1%
Poverty	97.6%

management. Among other things, the board had broad discretion to renegotiate contracts with unions and had the authority to propose contract negotiations directly to union members. These provisions were opposed by the Connecticut Federation of Teachers and Connecticut AFL-CIO.[256] Notably, in a break with the state union, the Hartford Federation of Teachers supported the bill.[257]

The first few years under state control saw some improvements in Hartford's school system. For example, between 1995 and 1999 the number of students passing all three

---

[249] Connecticut Voices for Children, "Child Poverty in 2006: How Do Connecticut Cities Measure Up?" (September, 2007). http://www.ctkidslink.org/publications/econ07ctpovertyranking.pdf (accessed October 4, 2008).

[250] School Data Direct, *Hartford School District, School District Overview*, www.schooldatadirect.org/app/location/q/stid (accessed May 25, 2009).

[251] *Id.*

[252] In 2008, for instance, its tenth graders performed the lowest in the state on the reading portion of the Connecticut Academic Performance Test. See Jeffrey B. Cohen, "Test Scores, Graduation Rates Please Hartford Officials," *The Hartford Courant*, July 16, 2008. www.courant.com/news/local/hc-hfdscores0716.artjul16,0,1236365 (accessed Aug. 11, 2008).

[253] Peter Burns, "The Intergovernmental Regime and Governmental Public Policy in Hartford, Connecticut," *Journal of Urban Affairs* 55 (2002): 55-73.

[254] Burns 2002, 66.

[255] Burns 2002, 64.

[256] Burns 2002, 65-66.

[257] Rick Green, "States to Take Over City Schools: Desperate Times Call for Desperate Measures," *The Hartford Courant*, 17 April 1997, A1.

parts of the Connecticut Mastery Test (CMT) tripled from 4 percent to 13 percent.[258] Other improvements included updates in technology, a decrease in the dropout rate, the addition of preschool programs and the elimination of debt.[259] The state significantly increased its spending for the school district. In 2001, the state's contribution to the Hartford school system made up 70 percent of the total compared to the state average of 34.6 percent.[260] In 2008, the state and federal government contributed approximately 75 percent of Hartford's school budget.[261]

In 1999, the state trustees hired Anthony Amato to serve as superintendent of Hartford schools. While it can be argued that Amato enjoyed political cover by a state board that rarely second-guessed his policies, he was often at odds with teachers who considered him aloof and

HPS Classrooms- At a Glance	
Total Students	22,359
Pupil/Teacher Ratio	14.6
Per Pupil Spending	$20,940
Students with IEPs	3,305

authoritarian.[262] Mayor Perez also had difficulties with him.[263] In October 2002, reportedly under pressure from the mayor, Amato resigned.[264] Just two months later, state control of the Hartford school district officially ended with the swearing in of a local board of education. While Mayor Perez had the power to appoint three of the seven board members, these appointments were subject to the approval of the city council.[265] Further, the State Board of Education continued monitoring Hartford schools until June 2005 and continued to have the power to veto the appointment of superintendents for cause within thirty days of appointment.[266]

Nevertheless, the end of state control was significant. First and foremost, it signaled the ascending power of Mayor Perez. In 2001 when Perez came to power he was merely a figurehead elected to serve just a two-year term. That changed with the amendments to Hartford's city charter which made the mayor the Chief Executive

HPS School Choice- At a Glance
29 Elementary Schools
4 Middle Schools
6 High Schools
Choice Program that includes 8 High School Academies and choices outside the District

Officer[267] and changed Hartford's governance from the city manager type to a system with a strong mayor. Under the old structure, the mayor's formal authority was limited to the power to appoint individuals to boards and commissions and act as Hartford's official government representative.[268] The real power then lay with the nine-member city council and the city manager who had broad authority to carry out policy and budgetary

---

[258] Burns 2002, 65.
[259] Burns 2002, 65.
[260] Burns 2002, 65.
[261] Colin Poitras, "School Budget Calls for Cuts," *The Hartford Courant*, 10 April 2008, B3.
[262] Rachel Gottlieb, "City Schools: A Balancing Act," *The Hartford Courant*, 30 October 2003, A1.
[263] Stan Simpson, "Perez Shows His Power in Ouster," *The Hartford Courant*, 2 November. 2002, B1.
[264] Gottlieb, 2003.
[265] Hartford City Charter, Ch. IX, §5(a).
[266] Rachel Gottlieb, "City to Regain Most Control of Schools*," The Hartford Courant*, 7 June 2001, A3.
[267] Hartford City Charter, Ch. V, §1
[268] Burns, 2002, 59.

initiatives.[269] Under the new charter, the mayor became "chief executive officer of the city"[270] with the "power to appoint and remove heads of all departments."[271]

Thus, Mayor Perez's re-election to his second term in 2003 occurred under a charter that gave the mayor the broadest executive powers since Hartford's incorporation in 1784.[272] That power extends to the schools. Effective December 6, 2005, the board of education expanded from seven to nine members, five of whom were appointed by the mayor and four elected at-large.[273] Immediately, in December 2005, Mayor Perez indicated the importance of education to his political agenda by appointing himself and four others to the board. In an even more remarkable move, he managed to get himself elected board chair. Although there was some concern that the mayor's action was a power grab, the mayor commented, "It's not about being king," but about being accountable.[274]

As board chair, Perez made the superintendent's evaluation a priority and stressed that the most important decision the board could make was whom to appoint to that post.[275] Given Perez's position, it is no surprise that six months after he joined the board, Robert Henry, the superintendent who had been chosen by the state board to replace Amato, tendered his resignation. By November 2006 Perez named his own superintendent, Steven Adamowski, signaling that at last he was fully in control of the Hartford schools.

Adamowski, who is considered a key figure in urban school reform, was expected to bring sweeping reforms to Hartford's school system. It did not take him long to act. In August 2007, the board approved his long-range "All-Choice" plan to give parents more choice in the selection of their children's schools. In addition to the interdistrict magnet schools that provide opportunities for the integration of city and suburban students, his five-year plan includes intradistrict options like year-round schools, all boys or girls academies, and schools specializing in arts or international studies. The plan also called for a complete overhaul of the city's lowest performing elementary schools and the reorganization of Hartford Public High School.[276]

August 2008 marked the first full phase of Adamowski's efforts at reform, and as promised, the lowest performing schools were shut down and reconstructed with new teachers, educational philosophies, or specialized themes such as "cultural literacy" or Latino studies.[277] Though it remains to be seen how successful Adamowski's efforts will

---

[269] *Id.*

[270] Hartford City Charter, Ch. V, §1.

[271] Hartford City Charter, Ch. V, §2(d).

[272] Mark Pazniokas and Ohsrat Carmiel, "Perez Win Makes Hartford History," *The Hartford Courant*, November 5, 2003. www.hartford.gov/nes/pressreleases/courant 1 0503.htm (accessed October 11, 2008).

[273] Hartford City Charter, Ch. IX, §1.

[274] "Mr. Mayor, Or Is It Chairman," *Hartford Courant*, 7 December 2005, A12.

[275] Rachel Gottlieb, "Mayor Elected to Head School Board," *The Hartford Courant*, 7 December 2005, B1.

[276] Robert A. Frahn, "A School Plan Builds Steam: Board Approves Overhaul Blueprint," *The Hartford Courant*, August 22, 2007, www.highbeam.com (accessed August 11, 2008).

[277] Arielle Levin Becker, "Reforms Remake City's Schools; Adamowski: Urban Students Hold Key to State's Future," *The Hartford Courant*, 24 August 2008, 1.

be, the next two years should demonstrate the impact of mayoral control on the Hartford public schools.

Legal framework of school district governance in Hartford

Hartford's city charter gives the mayor broad appointment power over the school board.

Mayor of Hartford. The mayor appoints the majority of the members of the board of education.[278]

Board of Education. The board of education has nine members, five appointed by the mayor and four elected at-large, serving four-year terms.[279] In addition, the city council has the discretion to designate up to two nonvoting *ex officio* members who are Hartford public school students, to be appointed by the mayor for a one-year term.[280]

The city charter specifies board member qualifications that the mayor should consider, including membership in the PTA/PTO or training or experience in a field such as: education, financial matters, construction management, workforce development or job training, law, information technology, or facility maintenance.[281] Board members must also reflect various neighborhoods and the racial, ethnic and cultural mix of the city of Hartford.[282] They must complete board member training within three years of starting their term in office.[283] The powers and duties of the board are the same as those conferred on boards of education statewide.[284]

Superintendent. The Hartford Superintendent of Schools serves as the chief executive officer of the board with executive authority over the school system and responsibility for its supervision.[285] The superintendent is hired by the board of education.[286]

---

[278] Hartford City Charter, Ch. IX, §1.
[279] Hartford City Charter, Ch. IX, §2(a) and (b).
[280] Hartford City Charter, Ch. IX, §2 (f).
[281] Hartford City Charter, Ch. IX, §2 (e).
[282] Hartford City Charter, Ch. IX, §2 (e).
[283] Hartford City Charter, Ch. IX, §3.
[284] Hartford City Charter, Ch. IX, §2 (g); *see* Conn. Gen. Stat. Ch. 170, §10-220 (a board of education must "maintain good public elementary and secondary schools, implement the educational interests of the state…and provide such other educational activities as in its judgment will best serve the interests of the school district.").
[285] CONN. GEN. STAT. Ch. 166, §10-157.
[286] *Id*.

G. NEW YORK CITY

Mayoral control wins in the tug-of-war between decentralization and centralization

Mayor Michael Bloomberg became the first mayor of New York City formally to be given control of the school system, in June 2002. The consolidation of power into the hands of the mayor was the culmination of decades of experiments in school governance, during which the city vacillated between centralized and decentralized control.

How mayoral control came to the largest school system in the country

The tug-of-war between centralized and decentralized control of the schools started with the creation of the Board of Education of the City of New York in 1842, continued through the consolidation of the five boroughs in 1896 and played out through every generation of leadership.[287] Centralization suited the Tammany Hall political machine, which controlled all school board (and other) elections. Teachers, on the other hand, feared that centralization might erode the tenure they won early on.[288]

In the nineteenth century and well into the twentieth, the city experimented with a variety of models. By 1969 a hybrid model was adopted where a central board of five representatives — one appointed by each of the five borough presidents — shared power with thirty-two community school boards elected by the general

New York City Department of Education (NYCDOE) - At a Glance	
Students	1,042,078
Schools	1,430
Teachers	70,889

public. The community school boards had authority over school personnel and budgets. The model was refined and expanded in 1973 when the mayor was given power to appoint two additional members to the central board as well as the power to appoint a Chancellor of Education, still leaving substantial power in the decentralized, elected school boards.

The new model was large, unwieldy, and yielded virtually no academic achievement. There was little accountability amid competing power struggles between the central board of education, the community school boards, and the appointed chancellor.[289] In 1973 all four of

NYC DOE Classrooms - At a Glance	
Total Students	999,150
Pupil/Teacher Ratio	14.1
Per Pupil Spending	$21,340
Students with IEPs	3,107

the democratic mayoral candidates criticized the decentralization law during their campaigns. In fact, the only issue that they agreed on was that the mayor needed to play

---

[287] New York Municipal Archives, 1896, in Diane Ravitch, *Left Back: A Century of Battles over School Reforms.* (New York: Simon and Schuster, Inc. 2000); in Adam James McGlynn, *Reforming Urban Schools through Systemic Policy Change: The Adoption, Efficiency and Performance of Mayoral Control.* (Ph.D. dissertation, Stony Brook University, 2007), 48.
[288] *Id.* at 102.
[289] McGlynn, 2007.

a greater role in school operations, despite their belief that decentralization hadn't had enough time to work.[290]

In 1974 a still bigger problem faced the city: it was on the verge of bankruptcy. The school system was an attractive target for budget cuts since the board of education and community school boards monopolized more than fifty percent of the education budget. Mayor Abe Beame sought to have more "direct control" of the school budget, but protests from the chancellor, board of education, African-American and Puerto Rican caucuses successfully blocked his proposal in the New York State Assembly.[291] The mayor's power over the school budget was further circumscribed when the Assembly passed a bill that mandated that 21 percent of the city's budget be appropriated for education.[292] Beame proposed mayoral control of the schools, but that proposal died when he lost his bid for reelection.

The next three mayors — Ed Koch, David Dinkins, and Rudolph Giuliani — all proposed mayoral control of the schools, although Dinkins, the city's first African-American mayor, initially supported community control. In 1996, with legislative support from a Republican governor and a Republican state senate, but opposition from the

NYCDOE Students - At a Glance	
African-American	52%
Asian	12%
Hispanic	22%
White	13%
Poverty	41%

Democratic State Assembly and the United Federation of Teachers (UFT), Mayor Giuliani got centralization but not full mayoral control. The new law eradicated the operational functions of the community school boards and enumerated the powers of the chancellor, in the hope of increasing the level of accountability within the system. Chapter 720 of 1996, the New York City Governance Reform Act, "enacted the most sweeping changes in governance, central board, and local community board responsibilities since decentralization in 1969."[293] All administrative and executive powers were transferred from the board of education and community school boards to the Chancellor and superintendents. The chancellor had the power to hire all district superintendents, but only from lists created by the community school boards.

After Mayor Giuliani was re-elected in 1997, he recommended establishing a system of mayoral control again, stating in 1999 that the then-current school system should be "blown up."[294] While the State Assembly and UFT still opposed mayoral control, City Council Speaker Peter Vallone, *The New York Times*, and Arthur Levine, the President of

---

[290] McGlynn, 2007.

[291] *Id*.

[292] Mary Breasted, "Talks at Impasse on Stavisky Law," *The New York Times,* June 1, 1976. (accessed June 1, 2009 through Proquest Historical Newspapers).

[293] Frank Padavan, *NYC School Governance: crossroads to the future.* New York State Senate Majority Task Force on NYC School Governance. Report on findings from Public Forum held on April 5, 2002. http://www.nysl.nysed.gov/scandoclinks/ocm55758485.htm. (accessed April 30, 2009).

[294] Jacques Steinberg, "The Uncertain Lineage of Giuliani's 'Blown Up' Remark," *The New York Times,* April 29, 1999, http://www.nytimes.com/1999/04/29/nyregion/the-uncertain-lineage-of-giuliani-s-blown-up-remark.html?pagewanted=1. (accessed January 11, 2010).

Teachers College, supported it, with Levine claiming that Giuliani was already the "*de facto*" leader of the system.[295]

Eyeing a potential U.S. Senate seat at the end of his mayoral term (under new term limits, he could not run for a third term), Giuliani attempted again in 2000 to gain control in order to improve his education record.[296] By that time, there was a coalition of business leaders supporting the idea, including the prominent real estate developer

NYCDOE School Choice - At a Glance
78 Charter Schools (2008)
335 new schools since 2002
Gifted and Talented Programs
Extensive school choice

Tishman Speyer, which organized an influential lobbying effort.[297] Even the union came to support the proposal, with UFT President Randi Weingarten announcing in the summer of 2001 her support of an expansion of the central board of education, giving the mayor the authority to appoint a majority of the members.[298] Senator Hillary Clinton also announced her support.[299]

Taking advantage of the growing momentum in support of mayoral control, in 2002 newly-elected Mayor Michael Bloomberg lost no time following the path Giuliani had blazed. He asked for mayoral control in his inaugural address. And two months later, he called the Board of Education a "rinky-dink candy store," where owners were "setting the price on every tube of deodorant."[300] The City Council's Education Committee sponsored a series of hearings because, as Chairwoman Eva Moskowitz said, "the issues need public airing,"[301] and prominent witnesses lined up to support a change in governance. Mayor Bloomberg now had the momentum he needed. He had the support of Assembly Democrats and the UFT; he also had a city budget struggling after September 11, 2001. Finally, Bloomberg promised that he would not balance the city budget by reducing the education budget if the Assembly agreed to give him mayoral control, a deal not available to any of the previous mayors.[302]

Perhaps the most difficult part of the legislative package was the issue of what to do with the community school boards whose establishment in Brooklyn, Manhattan, and the Bronx was part of the 1965 Voting Rights Act. Any action that would weaken minority representation had to be approved by the Justice Department.

---

[295] Arthur Levine, "Make Giuliani the Education Mayor," *The New York Times,* 8 January 2000, A13.
[296] McGlynn, 2007.
[297] Eric Lipton and Abby Goodnough, "Giuliani Leads New Effort to Take Control of Schools," *The New York Times,* 7 December 2000, B3.
[298] McGlynn, 2007.
[299] Ibid.
[300] Diane Cardwell, "Bloomberg Says Teacher Pact Isn't Tied to Mayoral Control," *The New York Times*, 16 March 2002, B3.
[301] Anemona Hartocollis, "City Council Opens Hearings on Schools," *The New York Times*, 26 February 2002, B4.
[302] Shaila K Dewan, "Bloomberg Travels to Albany; Deal on Schools May Be Near," *The New York Times*, 11 April 2002, B2.

Nevertheless, in early June of 2002, Mayor Bloomberg and Assembly Speaker Sheldon Silver agreed to abolish the community school boards if Mayor Bloomberg agreed not to cut the education budget, unless it was a financial emergency.[303] The State Assembly passed the bill granting control to the mayor on June 11, 2002 with an important caveat: the bill would sunset seven years later on June 30, 2009 and revert to the previous system unless the legislature affirmatively acted to extend it. That evening, Mayor Bloomberg announced a new contract with the teachers union that gave them raises of between 16 and 22 percent. The Senate passed the bill the next day and Governor George Pataki signed it into law. Community school boards were eliminated one year later on June 30, 2003.[304]

Mayor Bloomberg had accomplished what no mayor before him had been able to do: consolidate control over the city's schools in his hands.

Since taking control over New York City's schools, Mayor Bloomberg has initiated reforms including reorganizing the school system several times, eliminating middle level bureaucracy, "ending" social promotion, establishing the Leadership Academy for Principal Preparation, implementing a small high schools initiative, adding additional charter schools to the system, creating a Research Alliance for the New York City public schools, hiring parent coordinators for every school, and reforming the gifted education program citywide.[305] The mayor has also implemented a school evaluation process whereby every school receives a letter grade for their performance. The Children's First Initiative implemented citywide literacy and math programs, placing reading and math coaches in every school, along with interim assessments during Bloomberg's first term. While reforms have been initiated, not all have been supported by stakeholders.

In 2009 the New York State Legislature debated reauthorization of the 2002 mayoral control law. As part of this debate, multiple stakeholders and constituency groups published their opinions of Bloomberg's level of involvement with the school system and their recommendations for how the legislature should vote and/or amend the law. Among the many published reports analyzing the New York City governance model, some are highly critical of Mayor Bloomberg and Chancellor Joel Klein for their failure to involve parents, teachers, and administrators, for their overreliance on police in school security,[306] and for the negative effects on the remaining large high schools of breaking up large low-performing comprehensive high schools into small schools, all with little or no community input.[307] The most recent report evaluating strong mayoral involvement in

---

[303] McGlynn, 2007.

[304] During the year, a task force was created by the state legislature to propose a new form of district governance to exist in their place that would satisfy the U.S. Department of Justice requirements.

[305] Beth Fertig,"NYC School Reform," National Public Radio, September 9, 2003 http://www.npr.org/templates/story/story.php?storyId=1424334. (accessed January 11, 2010).

[306] New York Civil Liberties Union, "The Price of Power: Civil Liberties and Civil Rights under Mayoral Control of New York City's Schools." http://www.nyclu.org/files/MC_NYCLU_final.pdf. (accessed June 1, 2009).

[307] Clara Hemphill, et al., "The New Marketplace: How Small School Reforms and School Choice Have Reshaped New York City's High Schools" (New York: The New School Center for New York City Affairs, 2009).

New York City raises serious questions about the claims of the Bloomberg administration—and others—that the mayor's leadership has resulted in significant achievement gains in the New York City Public Schools.[308] Although supporters of strong mayoral involvement in New York City may argue that the authors of this report have been consistent critics of mayoral control, the authors comprise a range of political perspectives. For example, Diane Ravitch and Sol Stern originally had supported mayoral control; sociologists Aaron Pallas and Jennifer Jennings have been analyzing New York City achievement data for a number of years and generally have argued that the Department of Education data often disguise problems in student achievement; and Deborah Meier, one of the early progressive small school pioneers in New York City and the founder of Central Park East Secondary School, has long been a critic of the negative effects of standardized testing on teaching and learning. In August 2010, New York State Commissioner of Education increased the cut scores for the 2010 state achievement tests in response to charges that the low cut scores for proficiency gave an inaccurate portrait of student abilities. These changes resulted in a significant reduction in proficiency rates across the state, including New York City, casting doubt on the validity of the dramatic increases claimed by the mayor and chancellor; and most importantly in the reemergence of the race based achievement gap in New York City.[309]

Legal framework of school district governance in New York

The 2002 law authorizing mayoral control renamed the New York City public school system the "New York City Community School District."[310]   The law provided that governance would revert to the prior system if the legislature did not renew the law by June 30, 2009. Before the law's expiration, the New York Assembly passed a bill allowing mayoral control to continue for five more years.[311] But a power struggle between Democrats and Republicans in the New York Senate prevented the Senate from acting on *any* legislation, including a bill reauthorizing mayoral control of New York City's schools, by June 30. It wasn't until August 6, 2009 that the New York Senate, by overwhelming vote, approved an extension of the mayoral control law until June 30, 2015, and the bill was signed into law by Governor David Paterson on August 10, 2009.[312]

http://www.newschool.edu/Milano/nycaffairs/publications_schools_thenewmarketplace.aspx. (accessed June 30, 2009).

[308] Diane Ravitch, et al., *NYC Schools Under Bloomberg and Klein: What Parents, Teachers and Policymakers Need to Know* (New York: Lulu, 2009).

[309] Sharon Otterman and Robert Gebeloff, "Triumph Fadeson Racial Gap in City Schools" New York Times, August 15, 2010 http://www.nytimes.com/2010/08/16/nyregion/16gap.html.
 (accessed August 18, 2010).

[310] Ch. 91 of Laws of N.Y., 2002; ch. 123 of Laws of N.Y., 2003, NYCLS Educ., Article 52A.

[311] A8903-a passed the Assembly on June 17, 2009. http://publicleginfo.state.ny.us.

[312] Ch. 345 of Laws of N.Y., 2009. The Senate also tried to amend the newly-enacted mayoral control law still further, but its proposed amendments have not become law because they died in the Assembly in early 2010. The Senate's amendments included the creation of a Senate oversight committee with the ability to oversee the system and with subpoena power; the establishment of a school arts council; the creation of a $1.6 million parent activist training center in each borough run by CUNY; providing district superintendents with more oversight; and requiring all schools to hold public hearings on school safety

In the interim Mayor Bloomberg worked with the five borough presidents to reestablish a board of education, effective July 1, 2009. Each borough president appointed a member to the board, along with two appointees from Mayor Bloomberg. The Deputy Mayor for Education and Community Development at the Department of Education and Queens representative, Dennis Walcott, was elected chair. The newly-created board voted unanimously to keep Joel I. Klein as Chancellor and to renew the mayoral control law (one member abstained from both votes), and then adjourned until September 10, 2009.[313] This board expired in August when the extension of mayoral control finally became law.

Below are the elements of the structure of governance of New York City's public school system as put into effect by the 2009 legislation.

Mayor of New York City. The mayor has ultimate governing authority over New York City's public schools. The mayor appoints the Chancellor of the public schools[314] and the majority of the city board of education.[315]

Chancellor. The chancellor functions as the superintendent of schools and chief executive officer for the city school district.[316] The chancellor is employed by and serves "at the pleasure" of the mayor under a contract which "shall not exceed by more than two years" the mayor's term of office.[317] The chancellor sits on the board of education as an *ex officio* non-voting member.[318] Among the chancellor's many powers is the authority to select and appoint community superintendents,[319] to control and operate city high schools,[320] and to develop procurement policies without consultation with the board of education.[321]

---

issues at least once a year. See S6104, S6105/A9134, S6106, S6107/A9159, and S6641. For press coverage of the Senate's actions, see Carl Campanile "Governor Signs Mayoral Control of Schools into Law," *The New York Post,* Aug. 12, 2009; Ken Lovett, "State Senate Votes for Mayoral Control of Schools, then Adds Committee over Mayor Bloomberg," *The New York Daily News*, Aug. 6, 2009 (accessed Aug. 6, 2009); Jennifer Medina, New York Senate Renews Mayor's Power to Run Schools," *The New York Times*, Aug. 7, 2009 (accessed Aug. 7, 2009); Maura Walz, "Renewed mayoral control has a parent council re-thinking its role," *Gotham Schools,* August 7, 2009, http://gothamschools.org/2009/08/07/renewed-mayoral-control-has-some-re-thinking-their-roles/. (accessed January 11, 2010).

[313] The minutes of the July 1, 2009 board of education meeting are available at http://schools.nyc.gov.
[314] NYCLS Educ. §2590-h.
[315] NYCLS Educ. §2950-b (1) (a).
[316] NYCLS Educ. §2590-h.
[317] NYCLS Educ. §2590-h.
[318] NYCLS Educ. §2590-b (1). From 2002 through June 30, 2009, the chancellor served as chair of the city board of education.
[319] NYCLS Educ. §2590-h (30). When the mayoral control law expires, the chancellor will have to select community superintendents from candidates recommended by community boards, the procedure that was in effect prior to 2002. NYCLS Educ. §2590-h (30) (eff. June 30, 2015).
[320] NYCLS Educ. §2590-h (1).
[321] NYCLS Educ. §2590-h (36). When the mayoral control law expires, the chancellor will be required to develop procurement policy in consultation with the city board. NYCLS Educ. §2590-h (36) (eff. June 30, 2015).

The 2009 legislation requires the chancellor to hold public hearings in the local community prior to closing down a school.[322] All proposed school closings must be approved by the city board of education.[323] The chancellor must hold joint public hearings with the affected Community District Education Council regarding any proposed school closing or significant change in school utilization, including the phase-out, grade reconfiguration, re-siting, or co-location of schools, of any public school.[324]

Department of Education. Mayor Michael Bloomberg created the Department of Education as part of New York City municipal government, following the eradication of the board of education under the 2002 mayoral control law.[325] He relocated department employees from the historic 110 Livingston Street building in Brooklyn to the Tweed Courthouse in downtown Manhattan, next door to his office. The Department includes the chancellor, superintendents, community and citywide councils, principals and school leadership teams.[326] The 2009 legislation gave oversight responsibilities to the New York City comptroller and the independent budget office. The city comptroller has the authority to conduct operational, programmatic and financial audits of the city district "to the same extent that such comptroller has such authority for agencies of the city of New York."[327] The Independent Budget Office has the power to analyze and report on Department of Education finances and educational matters.[328]

City Board of Education.[329] The city board of education consists of thirteen members. Each borough president of the city of New York appoints a member, and eight members are appointed by the mayor of the city of New York.[330] The chancellor serves as an *ex officio* non-voting member. The city board elects its own chairperson from among its voting members. All thirteen appointed members serve at the pleasure of the appointing authority and may not be employed by the city of New York or by the city board.[331] Each borough president's appointee must be a resident of that borough and shall be the parent of a child attending a school in the city school district. Each mayoral appointee must be a resident of the city, and two must be parents of children attending city school

---

[322] NYCLS Educ. §2590-h (2-a).

[323] NYCLS Educ. §2590-h (2-a) (e); §2590-g (1) (h).

[324] NYCLS Educ. §2590-e (21).

[325] http://schools.nyc.gov/default.htm.

[326] Preamble, By-Laws of Panel for Educational Policy of the Dept. of the City School District of the City of New York, available at http://schools.nyc.gov. (accessed April 1, 2010).

[327] NYCLS Educ. §2590-t.

[328] NYCLS Educ. §2590-u. See also Jennifer Medina, "N.Y. Senate Renews Mayor's Power to Run Schools," *The New York Times*, August 7, 2009. http://www.nytimes.com/2009/08/07/nyregion/07control.html.

[329] From 2002 to June 30, 2009 the board was known as the Panel for Educational Policy, and was composed of thirteen members: the chancellor, one member appointed by each of the presidents of the five boroughs of the city of New York, and seven members appointed by the mayor of the city of New York. Though not codified in law, the Panel — replacing the former board — received Justice Department approval as not in violation of the voting rights act. Jennifer Steinhauer, "2 Major Points of School Law Get Justice Dept. Approval," *The New York Times,* July 4, 2002. http://www.nytimes.com/2002/07/04/nyregion/2-major-points-of-school-law-get-justice-dept-approval.html.

[330] NYCLS Educ. §2950-b (1) (a).

[331] *Id.*

district schools. City board members may not have staff, offices, or vehicles assigned to them nor be paid for their services, but are reimbursed for expenses incurred in the performance of their duties.[332]

The city board's role is to advise the chancellor on matters of policy affecting the welfare of the New York City school district and its pupils.[333] The board exercises no executive power and performs no executive or administrative functions. Furthermore, the law specifies that "[n]othing herein contained shall be construed to require or authorize the day-to-day supervision or the administration of the operations of any school within the city school district of the city of New York."[334] The board may "approve standards, policies, and objectives proposed by the chancellor directly related to educational achievement and student performance; and … consider and approve any other standards, policies, objectives, and regulations as specifically authorized or required by state or federal law or regulation."[335] The board's power and duties also include approving regulations proposed by the chancellor or the city board, approving the educational facilities capital plan, approving proposed school closures, and being the employer of persons employed by the city board or community district boards.[336] It may also maintain jurisdiction over citywide policies that affect high schools without operating the schools, and approve certain contracts (such as those of more than $1 million)[337] and legal settlements.[338]

As of June 30, 2015, a seven-member appointed city board of education will replace the thirteen-member board.[339]

Citywide Council on Special Education (CCSE). The Citywide Council on Special Education consists of eleven voting members and one non-voting member. Nine voting members are parents of children with individualized educational programs.[340] Two voting members are appointed by the Public Advocate of the City of New York, and must be individuals with extensive experience and knowledge in the areas of educating, training or employing individuals with handicapping conditions and who will make a significant contribution to improving special education in the city.[341] All voting members serve a two-year term. There is also one non-voting member who is a high school senior with an individualized education program, appointed for a one-year term by the administrator who supervises special education programs.[342]

---

[332] *Id*.
[333] NYCLS Educ. §2590-g.
[334] *Id.*
[335] *Id*. at §2590-g (1) (a) and (b).
[336] NYCLS Educ. §2590-g (1) (c) and (d) and (2).
[337] Javier C. Hernandez, "Newly Empowered Education Panel, Looking Like the Compliant One of Old," *The New York Times*, September 14, 2009. http://www.nytimes.com/2009/09/15/education/15panel.html?_r=1.
[338] NYCLS Educ. §2590-g (4) to (6).
[339] NYCLS Educ. §2590-b (eff. June 30, 2015).
[340] NYCLS Educ. §2590-b (4) (a) (1).
[341] NYCLS Educ. §2590-b (4) (a) (2).
[342] NYCLS Educ. §2590-b (4) (a) (3).

The Citywide Council on Special Education has the power to: 1) advise and comment on any educational or instructional policy involving the provision of special education services; 2) advise and comment on the process of establishing committees and/or subcommittees on special education in community school districts; 3) issue an annual report on the effectiveness of the city district in providing services and make recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and 4) hold at least one meeting per month open to the public, during which the public may discuss issues facing students with disabilities.[343]

Citywide Council on English Language Learners (CCELL). The 2009 reauthorization of the mayoral control legislation established a Citywide Council on English Language Learners.[344] The CCELL has the power to advise and comment on any educational or instructional policy involving bilingual and English as a second language ("ESL") programs, and can issue an annual report.[345] Nine of the eleven voting members of the CCELL must be parents of students receiving bilingual or English as a second language services.[346] Two additional voting members must be appointed by the Public Advocate and must have extensive experience and knowledge in the education of English language learners.[347] A high school senior who is or has been in a bilingual or English as a second language program will be selected by the administrator designated by the chancellor to supervise such programs.[348]

Citywide Council on High Schools (CCHS). The 2009 mayoral control reauthorization law created a Citywide Council on High Schools (CCHS) that advises and comments on educational policies involving public high schools in New York City.[349] The Council has thirteen voting members: ten who are parents of students attending public high schools, including two parents from each borough selected by the PTAs; one voting member who is a parent of a high school student who has an individualized educational program, to be appointed by the CCSE; one voting parent member appointed by the CCELL; and one voting member appointed by the Public Advocate.[350] There is also one non-voting high school senior member appointed by the chancellor. The CCHS has the power to advise and comment on any educational or instructional policy involving high schools, and can issue an annual report.[351]

The members of the three citywide councils are not paid a salary or stipend, but are reimbursed for expenses.[352]

---

[343] NYCLS Educ. §2590-b (4) (b).
[344] NYCLS Educ. §2590-b (5).
[345] NYCLS Educ. §2590-b (5) (b).
[346] NYCLS Educ. §2590-b (5) (a) (i).
[347] *Id*. at §2590-b (5) (a) (ii).
[348] NYCLS Educ. §2590-b (5) (a) (iii).
[349] NYCLS Educ. §2590-b (6).
[350] NYCLS Educ. §2590-b (6) (a).
[351] NYCLS Educ. §2590-b (6) (b).
[352] NYCLS Educ. §2590-b (7) (a).

Community Districts. There will be between 30 and 37 community school districts in the city district.[353] The city board will determine the boundaries of the community school districts, and may alter the districts only once every ten years.[354]

Community District Education Councils. Each community district is governed by an eleven-member community district education council.[355] Nine members are selected from parent associations or PTAs to serve two-year terms,[356] and two members are appointed by the borough president for that district to a renewable two-year term.[357] A non-voting student member serves a one-year term. Community district councils are responsible for establishing educational policies and objectives for pre-kindergarten through junior high schools in their districts.[358] The community councils lack executive or administrative powers or functions, but have various powers and duties enumerated in the statute, including consulting on the selection of a community superintendent and evaluating the superintendent annually.[359] Members receive no salary or stipend; they are reimbursed for council-related expenses.[360] They cannot sit on more than one community district council or on the citywide councils.[361]

Community Superintendents. Each community district has a community superintendent with the authority, among other things, to appoint, assign, promote and discharge all community district employees; appoint and hire principals and other supervisory personnel; to supervise, evaluate, transfer or remove principals; and review, modify or approve school-based budgets.[362] The community superintendent is appointed by the chancellor.[363]

Redistricting Advisory Study Group. The Redistricting Advisory Study Group recommends how to divide the city into no more than 37 community districts.[364] The study group predated the 2002 law, and was continued in the 2002 and 2009 mayoral control legislation.

Chancellor's Parent Advisory Council (CPAC). The Chancellor's Parent Advisory Council (CPAC) is comprised of presidents of the district presidents' councils or their

---

[353] NYCLS Educ. §2590-b (2) (a) and (b).
[354] NYCLS Educ. §2590-b (2) (a).
[355] NYCLS Educ. §2590-c (1). Prior to 2002, elementary and middle schools were organized into 32 community districts, each of which was run by an elected, nine-member community school board. The community boards were responsible for establishing educational policies and objectives for elementary education (kindergarten through eighth grade) in each community district, and they employed a superintendent.
[356] NYCLS Educ. §2590-c (1) (a).
[357] NYCLS Educ. §2590-c (1) (b).
[358] NYCLS Educ. §2590-e.
[359] NYCLS Educ. §2590-e (15) and (20).
[360] NYCLS Educ. §2590-c (1) (c).
[361] NYCLS Educ. §2590-c (5).
[362] NYCLS Educ. §2590-f (1).
[363] NYCLS Educ. §2590-h (30).
[364] NYCLS Educ. §2590-b (3).

designees.[365] CPAC consults with the district presidents' councils to identify concerns, trends, and policy issues, and it advises the Chancellor on DOE policies.

City University of New York (CUNY). The legislature authorized the city board of education to contract with CUNY to administer up to five high schools "which exhibit the greatest degree of disadvantage as measured by … the proportion of students earning general diplomas, the percentage of students reading below grade level, the attrition rate, the proportion of students residing in officially designated poverty areas, and similar measures."[366] The city board, chancellor or community superintendents may delegate powers to CUNY, except the power to hire and terminate any employee.[367]

H. PHILADELPHIA

Moving away from local control, the state takes over and experiments with the "diverse provider" model

Out of impatience with the slow pace of reform in the Philadelphia public schools, in 2002 the state and municipal governments embarked on a major redesign of public school governance. Exercising powers it had acquired some years earlier, the state took over control of the majority of the seats on the school board. The governor also obtained veto power over selection of a school superintendent. But the city of Philadelphia demanded and received an important benefit in return for ceding power over its schools to the state: a long-overdue increase in funding. The state came up with an additional $75 million for the public schools while the city pledged an additional $45 million. While the changes in governance and funding were certainly significant, the 2002 reforms have been most notable for the adoption of the "diverse provider model" by which instruction in a large number of city schools has been outsourced.

What was the impetus for these changes? As with other cities, Philadelphia faced chronic struggles with school finances and low student achievement. These twin problems provided Republican lawmakers with the rationale for trying something more radical.

How the "diverse provider model" came into being

Since the 2002-2003 school year, the "School Reform Commission" (SRC) has governed the School District of Philadelphia (SDP). The SRC is composed of five members: three, including the chair, are appointed by the governor of Pennsylvania, while two members are appointed by

School District of Philadelphia (SDP) - At a Glance	
Students	163,064
Schools	347
Teachers	10,109

the mayor of Philadelphia. The SRC replaced a traditional board of education, appointed by the city's mayor.

---

[365] http://schools.nyc.gov/community/getinvolved/DistrictsParents.htm.
[366] NYCLS Educ. §2590-k (1).
[367] NYCLS Educ. §2590-k (2).

The state takeover of the Philadelphia schools was not accomplished in a single step, nor was it the first effort to reform and improve the city's schools. From 1994-2000, a strong superintendent, David Hornbeck, led an initiative known as "Children Achieving." That effort featured such strategies as decentralizing decision-making, continuing former Superintendent Clayton's initiative of developing small learning communities within schools, and implementing district-wide high stakes testing.[368] Although Hornbeck made incremental progress in student achievement,[369] he was unable to obtain the financial support he needed to balance the budget. Indeed, after the state froze the funding formula in 1993, Philadelphia, with growing enrollments, faced a still deeper funding crisis.

Like many states, Pennsylvania relies heavily on local property taxes to fund education. Strenuously objecting to the low level of state support in 1997 and 1998, Philadelphia tried a strategy that others have used with varying degrees of success: it joined legal challenges to the state's funding methodology. One was in state court and claimed that the state's

SDP Students - At a Glance	
African-American	61.2%
Asian	6.2%
Hispanic	17.6%
White	13.3%
Poverty	68.4%

funding formula violated the Pennsylvania Constitution's requirement that the state provide a "thorough and efficient" education for all children. The other involved a federal claim alleging racial and ethnic discrimination against the city's children in violation of the United States Constitution.

At the same time, the Pennsylvania legislature passed Act 46 authorizing state control of financially troubled school districts. Though not limited to any one city, it was written with Philadelphia in mind.[370] The state thus had the power to take over the system: all it needed was an appropriate crisis. It wasn't long before the state

SDP Classrooms - At a Glance	
Total Students	163,064
Pupil/Teacher Ratio	16.2
Per Pupil Spending	$11,490
Students with IEPs	26,148

found academic, as well as budgetary reasons to take control. In 2000, with Philadelphia students still performing at unacceptably low levels, [371] the legislature passed the Education Empowerment Act, and placed Philadelphia on a list of eleven school districts slated for takeover if test scores did not improve.[372]

Governor Tom Ridge awarded Edison, Inc., the for-profit school management company, a no-bid contract for $2.7 million to study the Philadelphia schools and make recommendations. Edison issued its report in October 2001 recommending, among other things, that up to 100 of the lowest performing schools be placed under private management.

---

[368] *Philadelphia School Reform: Historical Roots and Reflections on the 2002-2003 School Year under State Takeover,* Penn GSE Perspectives on Urban Education, Vol. 2, Issue 2, Fall 2003, www.urbanedjournal.org, 1.
[369] *Id.* at 3.
[370] *Id.* at 2.
[371] *Id.* at 3
[372] *Id.* at 2.

Soon thereafter, Governor Ridge left Pennsylvania to serve as head of the federal Homeland Security agency, and Philadelphia Mayor John Street negotiated a compromise with the new governor to hold the federal lawsuit in abeyance (the state suit had been dismissed) in exchange for increased funding.[373]

However, by December 2001, Pennsylvania's Education Secretary signed a "Declaration of Distress" for the Philadelphia schools, formally removing control from the city's board of education and placing the schools under the oversight of a five-member "School Reform Commission," three of whose members (including the chair) were to be appointed by the governor and the other two by Philadelphia's mayor.[374]

Over the next two years, there was a flurry of political activity as a coalition of community activists and unions lobbied against giving the leadership of the schools to Edison.[375] Eventually, a compromise was reached whereby control of schools in Philadelphia was scattered among private for-profit and private not-for-profit organizations and universities, but with the majority of schools remaining in the hands of the Philadelphia public school system.

SDP School Choice - At a Glance
176 Elementary Schools
29 Middle Schools
62 High Schools
17 Alternative Education Schools
28 Privately Managed Schools
63 Charter schools

The state took control of 86 schools identified as low-performing. The remaining schools received minimal to no state interference. Paul Hill, a Washington University research professor, describes the diverse provider model as competitive school marketplaces in which districts manage a varied portfolio of schools, providers have wide rein to innovate, and both are held accountable for student outcomes by strong contracts and through the availability of meaningful choices for students and parents. It diagnoses urban school failure as the result of the lack of sound management practices by district and school leaders, union contracts that impose narrow work restrictions, and a rigid professional bureaucracy that eschews innovative practices.[376]

The low-achieving schools in Philadelphia were assigned as follows, with the worst performing schools assigned to the for-profit organizations:

- 32 of the very lowest achieving schools were initially turned over to three private education organizations: Edison**,** Victory, and Chancellor Beacon[377]

---

[373] *Id*. at 2.

[374] George A. Clowes, *State Takes Over Philadelphia's Failing Schools*, The Heartland Institute, School Reform News, February 1, 2002. http://www.heartland.org/policybot/results.html?artId=66. (accessed November 15, 2008).

[375] *Id.*

[376] Brian Gill, Ron Zimmer, Jolley Christman, and Suzanne Blanc, "State Takeover, School Restructuring, Private Management, and Student Achievement in Philadelphia." *RAND Corp. and Research for Action,* 2007, 7.

[377] Paul Vallas, who became Superintendent in 2002, cancelled the contract with Chancellor Beacon for poor performance. Rhea R. Borja, "Phila. Board Ends Contract with Chancellor Beacon*," Education*

- 21 schools were "restructured," with oversight assigned to a new SDP office
- 5 schools were assigned to Temple University
- 8 schools were assigned to non-profit organizations: Foundations, Inc. and Universal Companies
- 4 schools were re-identified as "transitional" charter schools

In addition, sixteen schools were given additional funding, but no extra support services.[378] As of 2010, only 28 schools remain under privately managed organizations.[379]

Legal framework of school district governance in Philadelphia

Since at least 1965, Philadelphia's city charter has provided for mayoral appointment of school board members. Current school reform efforts began in 2001 when the School Reform Commission was formed with mayoral and gubernatorial appointments to oversee the Philadelphia school system. At that time, the Philadelphia public school system was deemed to be a financially "distressed" school district according to the state's Distressed Schools Act.[380]

Governor of Pennsylvania. The governor appoints three of the five School Reform Commission members.[381]

Mayor of Philadelphia. The mayor appoints two of the five School Reform Commission members.[382]

School Reform Commission. A five-member School Reform Commission (SRC) is to be appointed within thirty days of a declaration by the Commonwealth's Secretary of Education that a school district is distressed.[383] The SRC is responsible for the operation, management and educational program of the school district.[384] All powers and duties granted previously to the board of school directors of the school district under the Distressed Schools Act or any other law, including the board's authority to levy taxes and incur debt, is vested in the School Reform Commission. Additional duties include the authority to adopt a budget, enter into agreements to operate schools, supervise principals and teachers, negotiate collective bargaining agreements, and other duties specified by statute.[385]

Week, April 23, 2003. http://www.edweek.org/ew/articles/2003/04/23/32briefs.h22.html?r=1436714740 (accessed September 7, 2009).

[378] Gill, Zimmer, Christman and Blanc, 2007.

[379] The School District of Philadelphia. (2010.) http://www.philasd.org/about/. (accessed July 30, 2010).

[380] 24 P.S. §6-691.

[381] 24 P.S. §6-696 (b) (1) (v) (A).

[382] 24 P.S. §6-696 (b) (1) (v) (B).

[383] 24 P.S. §6-696.

[384] 24 P.S. §6-696 (e) (1).

[385] 24 P.S. §6-696 (i).

While the SRC is in place, the terms of the board of school directors are continued and their powers and duties are suspended,[386] but the SRC can delegate certain duties to the board of directors.[387]

Superintendent. The Distressed Schools Act does not have a provision governing superintendents of schools. The Philadelphia Home Rule Charter provides that the superintendent is the chief administrative officer and chief instructional officer of the Board of Education and the school district.[388] The superintendent is responsible for the execution of all actions of the Board, the administration and operation of the public school system subject to the policies of the Board, and the supervision of all matters pertaining to instruction in all the schools under the direction of the Board.

The charter describes the duties of school superintendents: "to visit personally as often as practicable the several schools under his supervision, to note the courses and methods of instruction and branches taught, to give such directions in the art and methods of teaching in each school as he deems expedient and necessary, and to report to the board of school directors any insufficiency found, so that each school shall be equal to the grade for which it was established and that there may be, as far as practicable, uniformity in the courses of study in the schools of the several grades, and such other duties as may be required by the board of school directors. The district superintendent shall have a seat on the board of school directors of the district, and the right to speak on all matters before the board, but not to vote."[389]

Pennsylvania Department of Education. The Philadelphia Home Rule Charter provides that the school district of Philadelphia is subject to all laws relating to school matters which have statewide application, and to the rules and regulations of the Commonwealth's Department of Public Instruction, now, the Department of Education.[390]

Educational Assessment and Reporting Center. The SRC is obligated to establish an independent educational assessment and reporting center to monitor and report on the performance of the publicly funded schools in the distressed school district.[391]

I. WASHINGTON, D.C.

New powers for the mayor in 2007 and the will to use them.

In 2000, when District of Columbia residents approved a referendum to reorganize the board of education,[392] the mayor gained a major role in public education, appointing four of the nine members of the board of education. Mayoral power was expanded

---

[386] 24 P.S. §6-696 (e) (1).
[387] 24 P.S. §6-696 (j).
[388] Philadelphia Home Rule Charter, §12-400.
[389] 24 P.S. **§**10-1081; *see also* 24 P.S. § 21-2104 (superintendent of schools in districts of first class).
[390] Philadelphia Home Rule Charter, §12-500.
[391] 24 P.S. §6-697 (a).
[392] Dale Mezzacappa, "School Governance Changes in Selected Cities," (Annie E. Casey Foundation, 2001), 17.

substantially in 2007 when the District City Council voted to give Mayor Adrian Fenty full authority to "govern the public schools." What were the forces driving these changes?

<p style="text-align: center;">***How mayoral control came to D.C.***</p>

Mayoral governance of the school system since 2007 has included the power to appoint a chief executive officer of the public schools, establish a department of education in municipal government to oversee the public schools, and, for a two-year period, to appoint four of nine members of the state board of education. The increased educational role for the mayor in the District came about through a rare combination of legislative action on the federal and local levels, since public school governance in the District, unique among U.S. major cities, derives directly from Congress.

Congress has constitutional power to "exercise exclusive Legislation" over the District of Columbia,[393] including oversight and governance of the District of Columbia Public Schools (DCPS). Until 1969, Congress retained direct oversight of the public schools, but in that year Congress granted the

D.C. Public Schools (DCPS) - At a Glance	
Students	58,191
Schools	175
Teachers	4,400

District the authority to elect a school board.[394] The board consisted of eight elected members (one each from the eight wards in the city), three members elected at-large, and one nonvoting student. In 1973 Congress expanded local control by enacting the Home Rule Act,[395] which gave District residents, for the first time in over 100 years,[396] the power to elect public officials such as the mayor and city council.

By the 1990's, both fiscal mismanagement and student underachievement in the District were major problems crying for solutions. The city's fiscal condition was so poor that in 1995 Congress created a board to manage the district's finances.[397] The five-member Financial Control Board controlled the purse strings not only of the city, but also of the school district. In 1996 the Board issued a report concluding that the DCPS was

DCPS Students - At a Glance	
African-American	80.6%
Asian	1.8%
Hispanic	10.7%
White	6.2%
Poverty	52.9%

---

[393] U.S. Const. Art. 1, §8, cl. 7.

[394] District Charter, D.C. Code Title IV, §495.

[395] P.L. 93-198, 87 Stat. 774 (1973); D.C. Code §1-201.01.

[396] *History of the District of Columbia*, National Association to Restore Pride in America's Capital (NARPAC), http://www.narpac.org/ITXDCHIS.HTM.

[397] Public Law 104-8 (1995). The name of the board was the District of Columbia Financial Responsibility and Management Assistance Authority, but it became known as the Financial Control Board. After the District met financial preconditions that the law established, the Board suspended all operations on September 30, 2001.

"educationally and managerially bankrupt."[398] The Board fired the school superintendent, hired a retired army general as a replacement, and transferred most school board authority to a board of trustees.[399]

Calls began sounding for reform of the District's public school system. In 1999 the DC Appleseed Center released a report recommending that the District of Columbia Board of Education be reorganized, and that local and state functions be separated.[400] The *Washington Post* editorialized that the school district was rife with financial mismanagement and other problems.[401] Good-government groups and the business community added calls for reform.[402]

On June 27, 2000 District residents approved a referendum to reorganize the school board, giving the mayor power to appoint four of the nine board members.[403] School governance was put in the hands of a hybrid (elected and appointed) school board

DCPS Classrooms - At a Glance	
Total Students	58,191
Pupil/Teacher Ratio	13.2
Per Pupil Spending	$17,614
Students with IEPs	9,192

and a superintendent. The referendum had been supported by Mayor Anthony Williams, business organizations, the Financial Control Board, the *Washington Post* and *Washington Times*, and many professional and education reform groups.[404] It had been opposed by the citywide association of PTAs known as the D.C. Congress (D.C. Congress of Parents and Teachers).[405] The opposition centered on concerns about loss of political power that had developed during the post-1969 home rule period among black citizens who comprised, and still comprise, the majority racial group in the District.

For seven years the hybrid board and a superintendent of schools governed the District's public schools. However, student achievement hardly improved. By 2007, DCPS students scored lowest in reading and math among students in eleven major cities, even when students of lower socioeconomic

DCPS School Choice - At a Glance
66 Elementary Schools (PK-5)
13 Middle Schools
17 High Schools
6 Special Education Schools
66 Public Charter Schools (April 2009)

---

[398] Jeffrey Henig and Wilbur C. Rich, "Washington, D.C.: Race, Issue Definition, and School Board Restructuring," in *Mayors in the Middle: Politics, Race and Mayoral Control of Urban Schools*. (Princeton: Princeton University Press, 2004), 191, n. 1.
[399] David A.Vise, "D.C. Control Board Takes Charge of Public Schools," *Washington Post*, 16 November, 1996, as quoted in Henig, 2004, 201.
[400] "Reforming the D.C. Board of Education: A Building Block for Better Public Schools," DC Appleseed Center (September 1999), www.dcappleseed.org/projects/pastprojects.
[401] "Who Should Lead D.C. Schools?" *Washington Post*, 13 March, 1999, A23.
[402] Henig, 2004, 193.
[403] Mezzacappa, 2001, 17.
[404] Henig, 2004, 193.
[405]*Id*.

status were compared with other students of low socioeconomic status.[406] Nationally, 33 percent of fourth grade students of low socioeconomic status were below the basic skills level in math, compared to 62 percent of DPS fourth graders.[407] Similarly, 49 percent of the country's eighth grade students were below the basic skills level in math, compared to 74 percent of DCPS students.[408] What's more, although the DCPS spent nearly $13,000 per student, it ranked first among the 100 largest districts in the nation for spending most of its budget on administration, while coming in last in spending on teachers and class instruction.[409]

In January 2007 Mayor Adrian Fenty, a former city council member who ran on a platform promising reform and accountability in the District's schools, took office.[410] He pushed through the D.C. City Council a series of legislative enactments effective in June 2007 that entirely revamped the District's public school system, making the school system a "cabinet-level agency subordinate to the mayor."[411] The legislation allowed Mayor Fenty to appoint a deputy mayor for education to head the city's newly-created Department of Education (Victor Reinoso), and authorized the mayor to replace the superintendent of schools with a chancellor who was not beholden to a school board. Mayor Fenty appointed Chancellor Michelle Rhee, an education reformer who had never before led a school district.[412]

The June 2007 legislation again reformulated the board of education, which now reports to an Office of State Superintendent of Education rather than to the chancellor. The Act authorized an initial nine-member State Board of Education to consist of four members appointed by the mayor and five elected members.[413] In January 2009 the initial State Board ceased, and a fully-elected State Board took its place. [414] The District's State Board handles functions that are typically handled by state boards of education, such as representing the District before the United States Department of Education.[415]

In preparing a draft Five-Year Action Plan in April 2009, the new leadership of the DCPS frankly acknowledged its challenges: as of early 2008 the District's fourth and eighth graders placed at the bottom of urban school districts in the United States on nationwide

---

[406] Dan Keating and V. Dion Haynes, "Can D.C. Schools be Fixed?" *Washington Post,* June 10, 2007, http://www.washingtonpost.com/wp-dyn/content/article/2007/06/09/AR2007060901415.html. (accessed January 12, 2010).
[407] *Id.*
[408] *Id.*
[409] *Id.*
[410] Mayor's Education Reform, http://edreform.dc.gov/edreform/lib/edreform/pdf/education_reform_one-page.pdf.
[411] D.C. Code §38-171.
[412] *Education Week* called Rhee "untested as a leader" in a public school system when she was appointed Chancellor. *Education Week*, June 20, 2007 at 18. Prior to her appointment to lead the District of Columbia public schools, she taught in Baltimore as part of Teach for America, and in 1997 founded The New Teacher Project. She holds a master's degree in public policy from the Kennedy School of Government at Harvard University. http://www.k12.dc.us/chancellor/biography_rhee.htm.
[413] D.C. Code §38-2651 (a).
[414] D.C. Code §38-2651 (b).
[415] D.C. Code §38-2601.

tests;[416] only 43 percent of ninth graders who enrolled in DCPS schools or DC charter schools were graduating within five years;[417] and, although charter school enrollment was way up, enrollment in DCPS schools was plummeting.[418] DCPS is taking on these challenges, pledging "to create the best urban school district in the country."[419]

Chancellor Michelle Rhee scored a major victory in the spring of 2010 when the Washington Teachers' Union approved a collective bargaining contract that tied increased teacher compensation to greater accountability for students' academic growth.[420] The new contract provides for a 21.6 percent retroactive salary increase through 2012, a voluntary pay-for-performance system that rewards teachers whose students meet certain targets, and establishes a new teacher evaluation system that uses test score growth as one criterion.[421]

Legal framework of school district governance in Washington, D.C.

The United States Constitution gives Congress ultimate governing power over the District of Columbia, including over the District's public schools. Since 1969, Congress has ceded authority over public education to local government.

In 2007 the District of Columbia Council restructured governance of the public school system in the Public Education Reform Amendment Act.[422] Since then, governance of the District's public school system has had these elements:

U.S. Congress. Congress has ultimate authority over the entire District, including the school system.[423] In addition, public education in the District is financed largely through federal tax dollars.

---

[416] *Id*.

[417] District of Columbia Public Schools, Working Draft, Making Student Achievement the Focus: A Five Year Action Plan for District of Columbia Public Schools as of April 7, 2009, http://www.k12dc.us/chancellor/documents/DCPS-Five-Year-Action-Plan-Working-Draft-April 2009.pdf.

[418] *Id*.

[419] *Id*. at 4.

[420] Bill Turque, "D.C. Teachers Contract Is Approved Unanimously by Council," *Washington Post*, 30 June, 2010, B5.

[421] *Id.*

[422] D.C.Code §38-101 *et seq*.

[423] "The Congress shall have power …To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States..." U.S. Constitution, Article 1, §8. cl. 7. In the District's Charter, Congress permitted the District of Columbia to have an elected board of education. D.C. Code Title IV, §495. In the same statute, Congress also retained its constitutional supremacy over government in the District: "Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council." D.C. Code Title VI, §601.

Mayor of District of Columbia. The mayor of the District of Columbia governs the public schools. The mayor's authority over the school district includes control over "all curricula, operations, functions, budget, personnel, labor negotiations and collective bargaining agreements, facilities, and other education-related matters . . ."[424] The Mayor must also submit the school budget to the District City Council annually.[425]

District of Columbia Public Schools. The DCPS is a "separate, cabinet-level agency, subordinate to the mayor, within the executive branch of District of Columbia government."[426]

Chancellor. The chancellor is the chief executive officer of the DCPS and "serve[s] at the pleasure of the Mayor."[427] The chancellor's powers include organizing the school district to insure efficiency, creating necessary offices, exercising powers "necessary and appropriate to operate the schools and school system," and other duties.[428]

Department of Education. The Department of Education is subordinate to the mayor and is headed by a deputy mayor. The DOE "plan[s], coordinate[s], and supervise[s] all public education and education-related activities under its jurisdiction, including development and support of programs to improve the delivery of educational services and opportunities, from early childhood to the post-secondary education level."[429] The DOE oversees the Office of State Superintendent for Education, the Office of Public Education Facilities Modernization, and the Office of Ombudsman for Public Education.[430]

Deputy Mayor for Education. The Deputy Mayor for Education manages the Department of Education [431] In addition, the deputy mayor is charged with "maintaining a direct working relationship with the Board of Education, the [DCPS], the DC Public Charter School Board, the D. C. Opportunity Scholarship Program, and the University of the District of Columbia."[432]

Office of State Superintendent of Education (OSSE). The OSSE functions as the equivalent of a state education agency. Its duties include "grant-making, oversight, and state educational agency functions for standards, assessments, and federal accountability requirements for elementary and secondary education."[433]

State Superintendent of Education. The State Superintendent of Education is appointed by the mayor, and functions as the "chief state school officer" for the District

---

[424] D.C. Code §38-172 (a).
[425] D.C. Code §38-173 (a) and (b); §1-204.42.
[426] D.C. Code §38-171.
[427] D.C. Code §38-174 (a) (1) and (3).
[428] D.C. Code §38-174.
[429] D.C. Code §38-191 (b) (2).
[430] D.C. Code §38-191 (b) (1) (A) - (C).
[431] D.C. Code §38-191(a).
[432]" Mayor Fenty Announces Deputy Mayor for Education," News Release for Immediate Release January 2, 2007. http://www.dc.gov/mayor/news/release.asp?id=1020&mon=200701.
[433] D.C. Code §38-2601.01. The OSSE has its own website, at http://osse.dc.gov.

of Columbia. The State Superintendent represents the OSSE and the District of Columbia before the U.S. Department of Education and with states and educational organizations.[434]

State Board of Education. The State Board of Education consists of nine members. When created in 2007, four members were appointed by the mayor and confirmed by the Council, and five were elected.[435] As of January 2009, state board members were elected, for staggered terms.[436] The state board advises the State Superintendent of Education on educational matters, including state standards, policies, objectives, and regulations proposed by the mayor or State Superintendent of Education. The board also approves state academic standards, high school graduation requirements, definitions of terms required for compliance with No Child Left Behind and other policies.[437]

Public Charter School Board. Since 1969 the District has had "public charter schools," which are chartered by the District of Columbia Public Charter School Board.[438] The mayor appoints all seven members of the Public Charter School Board.

J. NEW JERSEY

By way of comparison to the nine cities in this report, we review the governance structure in New Jersey particularly as it applies to Jersey City, Paterson and Newark, the three cities that are coming out of state control. Those cities, as discussed below, have limited options for governance under current state law. Jersey City, the farthest along in the return to local control, recently voted to reinstate an elected school board. For Paterson and Newark, where the mayors have been actively engaged in discussions of mayoral control, adopting strong mayoral control would require new legislation.

Legal framework of school district governance

The majority of school districts in New Jersey are established for general purposes, have boundaries equivalent to the municipality with which they are associated, and are classified as either Type I or Type II school districts.

Type I school districts include every local school district established in a city except where the district has changed its classification.[439] The board of education consists of five, seven or nine members, but in cities of the first class (cities with a population of over 150,000) the board of education must consist of nine members.[440] Board members

---

[434] D.C. Code §38-2601(c).
[435] D.C. Code §38-2651(a).
[436] D.C. Code §38-2651(b)
[437] D.C. Code §38-2652.   The State Board of Education has its own website, at http://sboe.dc.gov/sboe.
[438] D.C. Code §38-1802.14.
[439] N.J.S.A. 18A: 9-2.
[440] N.J.S.A. 18A: 12-6.

are appointed to three-year terms by the mayor or other chief executive of the municipality that constitutes the district.[441]

School appropriations in a Type I district are set by a board of school estimate. The board of school estimate consists of two members from the board of education; two members from the governing body of the municipality; and the mayor or chief executive officer of the municipality.[442]

Type II school districts include all local districts in municipalities other than cities, all consolidated school districts, and all regional school districts.[443] Type II districts can have either an elected or appointed board of education.

In Type II school districts with elected boards of education, the board consists of nine members, unless by law the number was reduced to three, five or seven members. Board members are elected at annual school elections for terms of three years.[444] The board of education determines the amount of money in its budget, and the budget is submitted for approval by the voters at the annual school election.[445]

In Type II appointed school districts, members are appointed by the mayor or other chief executive officer of the municipality for five-year terms (for five-member boards) and three-year terms (for seven- and nine-member boards).[446] School appropriations in a type II district with an appointed board of education are set by a board of school estimate.[447]

Change of governance structure. In an election, school districts may change their classification from Type I to Type II or from Type II to Type I.[448]

Local boards of education. The schools of each public school district are governed by a board of education.[449] Boards of education are created to perform a state function (public education) at a local level, so their powers are derived from the legislature, not from the people of the school district. Boards of education can perform only those acts for which express or implied authority exists in law, or in the rules or regulations of the State Board of Education.[450]

Board of education members must be United States citizens, and residents of their school districts for at least one year immediately preceding their appointment or election to the board. Board members must be able to read, write (English) and be registered to vote in

---

[441] N.J.S.A. 18A: 12-7 and 12-9.
[442] N.J.S.A. 18A: 22-1.
[443] N.J.S.A. 18A: 9-3.
[444] N.J.S.A. 18A: 12-11.
[445] N.J.S.A. 18A: 22-32 and 22-33.
[446] N.J.S.A. 18A: 12-9.
[447] N.J.S.A. 18A: 22-26.
[448] N.J.S.A. 18A: 9-4.
[449] N.J.S.A. 18A: 10-1.
[450] N.J.S.A. 18A: 11-1. For a comprehensive list of powers of local boards of education, see Basic School Law, 2006 ed. (New Jersey School Boards Association) at 3-1 through 3-5.

the district.[451] They cannot receive any compensation for their board service.[452] A code of ethics[453] and the New Jersey School Ethics Act[454] govern board member conduct. All meetings of boards of education must be held in public, with certain exceptions, according to the Open Public Meetings Act.[455]

School districts in state intervention. (formerly, "state-operated school districts").
From 1987 to 2005, the New Jersey State Board of Education had the power to take over an entire school district and manage it as a "state-operated school district."[456] Using this power, the state assumed the operation of the school districts in Jersey City, Paterson and Newark.

In 2005 the legislature disbanded state operation and created "state intervention" when it enacted the Quality Single Accountability Continuum Act ("QSAC").[457] QSAC authorizes the Commissioner of Education to intervene in governance of a local public school district (and to intervene in the areas of instruction and program, operations, personnel, and fiscal management). State intervention can occur if the Commissioner has determined that a school district failed or was unable to take corrective actions necessary to establish a thorough and efficient system of education. When the state intervenes in governance of a school district, the board of education acts in an advisory capacity only, and ultimate decisional authority is in a state district superintendent appointed by the State Board of Education.[458] The three school districts that were formerly in full state operation are in various stages of returning governance to local control. In Jersey City, governance has been restored to local control in the form of an elected school board, although the state district superintendent remains to manage personnel and curriculum functions. Governance has yet to change from state to local management in Newark and Paterson.

QSAC sets out the process for returning governance of a public school district from state intervention to local control. (The process is the same for returning governance in a formerly "state-operated district" to local control.) When a performance evaluation shows that a district satisfies at least 80 percent of state standards for governance, then state intervention can cease. A special election must be held within one year of the date on which governance is returned to local control to decide whether the district will be classified as Type I or Type II.[459] Board members in office at the time of the election will remain in office until the expiration of their terms and the qualification of their successors.[460] Even before governance is returned to local control, the State Board of

---

[451] N.J.S.A. 18A: 11-1.
[452] N.J.S.A. 18A: 12-4.
[453] N.J.S.A. 18A: 12-24.1.
[454] N.J.S.A. 18A: 12-21 et seq.
[455] N.J.S.A. 10: 4-6 et seq.
[456] N.J.S.A. 18A: 7A-34.
[457] P.L. 2007, c. 16; N.J.S.A. 18A: 7A-10 et seq.
[458] N.J.S.A. 18A: 7A-15.
[459] N.J.S.A. 18A: 7A-53(d).
[460] *Id.*

Education may return some voting functions to the local board.[461] If some voting functions are returned, the Commissioner has authority to veto any board action until governance is returned to local control.[462]

The local board will be authorized to extend the superintendent's employment contract, modify it, or allow it to expire with notice.[463]

---

[461] N.J.S.A. 18A: 7A-49 (c); 7A-53(c).
[462] N.J.S.A. 18A: 7A-53(c).
[463] N.J.S.A. 18A: 7A-53(e).

III. FINDINGS

A. QUALITATIVE FINDINGS: STAKEHOLDER SATISFACTION WITH NEW GOVERNANCE MODELS

We report our findings of the attitudes of major stakeholders in urban education toward the efficacy of the new governance models in the nine cities. Our findings are gleaned from interviews, a review of published studies, news reports, and other literature.

Superintendents, CEOs and board numbers

Eight current and former superintendents and CEOs of school districts in our target cities, as well as several school board chairs, granted interviews for this study. The interviewees represented the public school districts in Baltimore, Boston, Chicago, Cleveland, Hartford, Philadelphia and Washington, D.C.

The administrators and board members that we interviewed saw the governance system in each of their school districts as positive. They were aware of different models of governance that exist in other cities, and several had worked with other governance structures in their own or other school districts. They tended to favor, for their cities, the current models. That preference seemed rooted as much in the fact that the current governance system was a radical departure from the dysfunctional past, as that the districts had achieved some success in various areas of performance.

Chief administrators and school board members often cited two strengths of their governance systems: mayoral commitment to public education and leadership stability. In Boston, Chicago, Cleveland, New York, and Washington, D.C., mayors campaigned on a pro-public education platform; once elected, they continued to be committed to increasing funding and reforming the public schools in their cities. These "education mayors," all of whom have legal authority over their cities' school systems, have raised the profile of public education reform. They are willing to take political heat for controversial reforms such as school closings in Boston and teacher merit pay proposals in Washington, D.C. They invite accountability for all aspects of public education, especially efforts to improve student achievement. There is an "overt expression of ownership in the educational enterprise," as Boston Superintendent Dr. Carol Johnson described Mayor Thomas Menino.[464] In Cleveland, Boston and Washington, D.C., the mayors meet regularly with the school district's chief executive officer, whether or not that person is a member of the mayor's cabinet. Philadelphia Mayor Michael Nutter, who does not have legal authority over his city's schools, has nevertheless accepted a certain level of responsibility for Philadelphia's schools similar to that of the "education mayors" whose mayoral control is a legislative mandate. He has modified previous Mayor Street's Secretary of Education position, to that of Chief Education Officer, which supports and serves as the liaison between the mayor's office and the school district.

---

[464] Interview of Boston Superintendent Carol Johnson, March 25, 2009.

Leadership stability — whether in the reelection of an "education mayor," in longevity in the tenure of the superintendent or school board chair, or a combination — was cited as a second positive that school administrators contributing to effective governance in their school districts. Continuous leadership, such as has existed in the mayor's office in Boston and Chicago, gives leaders the opportunity to implement reforms. When asked what length of time would be optimal for a chief administrator to hold that position, four to five years was the minimum recommended time. Dr. Thomas Payzant, who served as superintendent of the Boston public school system for eleven years, told us that a chief school administrator needs four to five years "to get traction" and to "avoid churn."[465] Dr. Eugene Sanders cited the stability gained by Cleveland having had two school CEOs in Cleveland in the last ten years, along with three mayors committed to education, as opposed to six or seven CEOs in the previous ten years.[466] Boston School Committee Chair Reverend Gregory Groover pointed out the substantial learning curve that new leaders have in large urban school districts: "In a city like Boston, which is so complex, it takes two years to navigate through the system and know the players."[467]

Interviewees noted repeatedly that a structure that gives the mayor control over appointments is only as good as the mayor. An effective appointed board can be one mayoral election away from becoming ineffective. Mayoral control works when "the right mayor" is "actively engaged," as CEO Sanders observed, and is "willing to put political capital behind education projects," as Chancellor Michelle Rhee of Washington D.C. told us.

When asked to consider what would happen to governance of their school districts if the mayor were not committed to improve public education, the interviewees expressed the hope that boards of education and committed chief administrators would carry on the city's commitment to education.[468] Former Cleveland CEO Dr. Barbara Byrd-Bennett suggested that one way to reduce the effects of an uncommitted mayor would be to have a "pre-nup" in place before the superintendent accepted the job, "laying out the mayor's support for the superintendent, giving the superintendent the authority to move an agenda forward, and what the lines of communication are."[469]

The view that leadership is critical to success extends as well to the superintendent, who implements the mayor's plan for school reform. And there must be an effective working relationship between the school district and the mayor's office. According to Dr. Arlene Ackerman in Philadelphia, "you can't have a mayor with goals and a district working with another set of goals and activities, [without coming] together."[470] It is important to have "somebody there to help facilitate getting things done on behalf of the district, but…that person should definitely be someone who is aligned with the goals and strategies that the superintendent might want to implement."[471]

---

[465] Interview of former Boston superintendent Thomas Payzant, February 10, 2009.
[466] Interview of Cleveland schools Chief Executive Officer Eugene Sanders, April 16, 2009.
[467] Interview of Boston School Committee Chair Rev. Gregory Groover, February 10, 2009.
[468] Ibid.
[469] Interview of former Cleveland Schools Chief Executive Officer Barbara Byrd-Bennett, March 14, 2009.
[470] Interview of Philadelphia Schools Superintendent Arlene Ackerman, May 6, 2009.
[471] Ibid.

In addition, it is also important to consider the responsibilities and/or powers that the CEO or superintendent has within the district. In Washington, D.C. and New York City, Chancellor Michelle Rhee and Chancellor Joel Klein control the educational policy and operational aspects of their school districts. Not having the authority to control the operational side of the school district was a problem for one of the superintendents and a necessity for those superintendents who did have the authority that were interviewed for this report.[472] In New York City, Chancellor Klein is directing power and decision-making authority to successful principals at the individual school level, with the hope that regardless of which mayor or chancellor is in charge, school leaders can make the best decisions for their students.[473]

Appointing school board members was reported as a strength of several school systems because appointments depoliticized the administration of the public schools, to the extent possible.[474] This was said to be the case in Chicago and Boston. Boston interviewees mentioned, approvingly, the fact that the appointed School Committee is no longer viewed as a "steppingstone" to political office.[475] The extent to which political agendas influence decision-making in the nine school systems in our study may also depend on who is on the panel responsible for nominating board members and/or superintendents. If state law designates the composition of a nominating panel, as in Boston and Cleveland, there may more competing agendas than if the mayor chooses school board members directly, as in Chicago.

Dr. Ackerman of Philadelphia believes that regardless of whether the school board is appointed, elected or a hybrid, what matters most is "who the people are that are on the board and their focus on being a governance team."[476] She pointed out that as a superintendent, she would like board members to "understand their role and behave in a way that supports the overall mission. It's when they decide that they are there for this particular constituency group, or they have a certain agenda outside of what may be good for the whole, that I find the problems are evident."[477]

Some administrators noted that appointed boards of education with decision-making authority need less "care and feeding" than an elected board, which means that senior administrators spend less time helping board members to distinguish policy and administrative matters.[478] Appointments are often made from the business sector and include people with experience as members of corporate or nonprofit organization boards. Their familiarity with the functions of a board can reduce the time required to become effective. However, several school administrators observed that regardless of

---

[472] Interviews of Arlene Ackerman, May 6, 2009 and Eugene Sanders, April 16, 2009.

[473] Hemphill and Nauer, 2009.

[474] Interview of Rev. Gregory Groover, February 10, 2009.

[475] Interviews of Carol Johnson March 25, 2009; Rev. Gregory Groover, February 10, 2009; Thomas Payzant, February 10, 2009; Boston Teachers Union President Richard Stutman, February 5, 2009.

[476] Interview of Arlene Ackerman, May 6, 2009.

[477] Ibid.

[478] Interview of Carol Johnson, March 25, 2009; interview of District of Columbia Schools Chancellor Michelle Rhee, April 1, 2009; interview of Debra Weiner, consultant to Philadelphia public schools, March 26, 2009.

prior experience board members in large urban school districts need training in governance and about the policymaking role of school boards, training that is geared to the large urban settings in which they operate. Boards of education typically play roles that corporate boards or city councils do not, according to Dr. Carol Johnson. She distinguished between being "policy governance-oriented," as boards of education are, and being "constituent- or just governance-oriented," as city councils and corporate boards are. She pointed out that with school boards, "You're trying to define the specific policies that would benefit students, what the parameters are that the superintendent and staff should operate under, what stability can be afforded the superintendent, and how to have a good accountability system for holding the superintendent and staff accountable."[479] In addition, as another administrator noted, school boards hold student expulsion and teacher termination hearings, functions which are unique to school boards.[480]

Many states require simply that school board members be of a certain age; no particular experience is required of school board members. According to Cleveland's Dr. Sanders, those minimal requirements suggest an "issue around competency skills for board members."[481] The number of members on the board can also impact its effectiveness, as well as the swiftness with which boards can meet and make decisions.[482] Dr. James Nevels, former chair of the Philadelphia School Reform Commission, noted that as chair of the SRC, it was much easier to administer five people than if the membership had been larger; the SRC could meet "as a committee of the whole."[483] For her part, Dr. Ackerman of Philadelphia believes that five SRC members are "a sufficient number."[484]

There are varying levels of authority for the superintendents and CEOs in the nine cities in our study, particularly in the area of hiring. Where the CEO has the power to hire personnel without board approval, or to execute contracts on behalf of the school district, as Cleveland CEO Eugene Sanders and New York City Schools Chancellor Joel Klein do, this enhanced authority "eliminates a great deal of conflict," according to Dr. Sanders.[485] Dr. Thomas Payzant, former Boston superintendent, noted that when superintendents have hiring authority, especially of principals, greater accountability is given to the superintendent. The school board's time is streamlined, and the board then has more time to focus on policy decisions.[486]

On the other hand, decentralization of school administration from central office to the schools is a governance feature that several cities have adopted. Chicago's local school councils with hiring authority are a longstanding example. In Baltimore, Dr. Andres Alonso has implemented a decentralized model in which he increased principals' per

---

[479] Interview of Carol Johnson, March 25, 2009.
[480] Interview of Nithin Iyengar, Philadelphia School Reform Commission Chief of Staff, March 26, 2009.
[481] Interview of Eugene Sanders, April 16, 2009.
[482] Interview of former Philadelphia School Reform Commission Chair James Nevels, May 19, 2009.
[483] Ibid.
[484] Interview of Arlene Ackerman, May 6, 2009.
[485] Interview of Eugene Sanders, April 16, 2009.
[486] Interview of Thomas Payzant, February 10, 2009.

pupil budget allotment, and let principals decide how to spend their allotments.[487] In
New York City, principals are "CEOs" of their buildings, who make all budgetary,
staffing, and teaching decisions.[488] There are also examples of principals who are non-
educators, in New York and Chicago.[489]

We heard a different perspective on school district accountability from Dr. Paul Vallas,
who headed the school systems in Chicago and Philadelphia and now heads the Recovery
School District in New Orleans. He believes that what is essential is "centralized
accountability." Clear educational "standards and templates" are vital to counteract an
uncommitted mayor.[490] Vallas' efforts in New Orleans are "to create and institutionalize
excellence with educational standards and strong accountability" that will outlive any
"bad mayor or incompetent state board."[491] In addition, each charter school in New
Orleans has its own board; each non-charter school has a local school council (modeled
on the Chicago LSCs); and the Recovery District provides core supports to all schools in
the form of professional development, facilities, special education and best practice
techniques.[492]

In cities where the state took over or plays a large role in governing the school system,
administrators noted that the state's involvement has resulted in greater financial support.
In Baltimore, increased funding came in response to system school finance and special
education litigation and in Philadelphia in response to a fiscal crisis. In both cities the
state's governance role also gives the state a greater stake in improving student
achievement. The Baltimore and Philadelphia interviewees noted that the city-state
partnerships can only work, and have only worked, when the city and state work
together.[493] The state partnership in Philadelphia has created, "not only buy-in but
commitment and resources that follow in a number of ways," including shared
"responsibility for the success of the outcome of the school system."[494] An $80 million
influx of state funding in the early 2000's was "huge," and made "a big difference in
helping a lot of children," according to former SRC chair James Nevels.[495] In Hartford,

---

[487] Interview of Thomas Wilcox, Baltimore Community Foundation President, February 18, 2009.
[488] Interview of Council of Supervisors and Administrators President Ernest Logan, April 28, 2009. See
also Gail Robinson, "Reorganizing the Schools (Again)," *Gotham Gazette, New York City News and
Policy.* (New York: Citizens Union Foundation. January 2007),
http://www.gothamgazette.com/article/education/20070123/6/2084.
[489] Interview of Clare Muñana, Vice President of Chicago Board of Education, March 5, 2009.
[490] Interview of Superintendent of Recovery School District of New Orleans Paul Vallas, April 3, 2009.
[491] Ibid.
[492] Ibid.
[493] Interviews of Baltimore Superintendent Andres Alonso, January 15, 2009; Maryland State
Superintendent of Schools Nancy Grasmick, February 25, 2009; Baltimore Community Foundation
President Thomas Wilcox, February 18, 2009; Nithin Iyengar, Philadelphia School Reform Commission
Chief of Staff, March 26, 2009; Pennsylvania Secretary of Education Gerald Zahorchak, May 22, 2009;
Philadelphia Chief Education Officer Lori Shorr, February, 23, 2009; Philadelphia Education Fund
Executive Director Carol Fixman, April 20, 2009.
[494] Interview of Arlene Ackerman, May 6, 2009.
[495] Interview of James Nevels, May 19, 2009.

board chair Ada Miranda reported that state funding flattened after state control of the Hartford public schools ended in 2002.[496]

None of the school administrators was able to correlate directly, with hard data, gains in student achievement and the form of governance in their cities. The chair of the Boston School Committee commented, however, "There *has* to be a correlation between student achievement and governance — if all the stars are aligned, everyone is on the same page as to what the goals and priorities are and how do we get there, we can't help but see achievement."[497] Cleveland CEO Dr. Sanders noted that while appointed boards do not lead necessarily to improved student achievement, appointed boards can lead to a better-functioning administration, and position the district to keep more attention on its goals.[498]

Administrators were aware of the often-voiced criticism that mayor appointed school boards remove school district governance from the democratic process. They cited various ways in which their administrations seek "community input," such as outreach through a district office of community relations and involvement of parents and others on district-wide or school-based advisory councils. Superintendents in Philadelphia and Washington, D.C. hold monthly round table meetings to inform the public about district initiatives, and to solicit public comment and answer questions.[499] Ultimately, voters have the prerogative not to reelect the mayor if they disagree with how the schools are run. Chancellor Rhee asserted that Mayor Adrian Fenty maintains that democracy is present in the District of Columbia public schools through the ballot box during mayoral elections. She said that community input is invaluable, but she makes her decisions based on what is best for children, not popularity. She summarized her position on the issue succinctly: "You can't lead by consensus or committee."[500]

Another question related to democracy is whether mayor appointed school boards have less debate at public meetings than elected boards. If there is less debate on appointed boards, does that mean there is more consensus or merely rubber-stamping what the CEO recommends? On this issue, the administrators we interviewed asserted that less debate usually means that there has been effective consensus-building (an example is former Boston School Committee chair Liz Reilinger's ability to develop consensus, according to Dr. Payzant), and thoughtfulness (a word used by Dr. Byrd-Bennett). "Lack of public shenanigans and expressions of disagreement" are not rubber stamps, according to Byrd-Bennett.[501] In Boston, where fistfights had occurred at meetings of the prior elected school committee, there was a sense of relief that civil decorum reigns at meetings of the appointed school committee.

Also essential to the issue of democracy is whether board members are protected by fixed terms or can be removed by the mayor. When a consensus was not reached on Mayor

---

[496] Interview of Ada Miranda, May 27, 2009.
[497] Interview of Rev. Gregory Groover, February 10, 2009.
[498] Interview of Eugene Sanders, April 16, 2009.
[499] Interviews of Arlene Ackerman, May 6, 2009 and Michelle Rhee, April 1, 2009.
[500] Interview of Michelle Rhee, April 1, 2009.
[501] Interview of Barbara Byrd-Bennett, March 14, 2009.

Michael Bloomberg's policy to end social promotion in third grade, three members of the Panel for Educational Policy were removed the day of the vote, even though the policy would have been approved.[502] Testifying at a public hearing before the New York State Assembly, Chancellor Joel Klein said that "diluting" the mayor's authority over the Panel for Educational Policy would "undermine the mayor's accountability to the city and that would be a huge mistake" because "if a mayor cannot pursue his priorities, he cannot fairly be held responsible for what happens in education."[503]

Strong, visionary leadership by mayors, chief school administrators, and school boards was recognized universally by the interviewees as vital to the success of educational reform. Philadelphia's Dr. Ackerman said that the strengths of the school board and its ability to improve the educational system are really determined by "…who is on the board and their focus on putting children first. I am a firm believer that that is the real test of whether or not a governance system will work for all children."[504] Baltimore superintendent Andres Alonso observed, "There has to be a way to create a governance structure that promises autonomy from politics and sustainability over time."[505]

Teachers and unions

Given that the impetus for new governance models in our nine cities came largely from Republicans and business critics pressing to free public schools from education bureaucrats and teacher union contracts and to open the way for more competition from charter schools and vouchers,[506] it is not surprising that teachers and unions have not been eager supporters of governance changes.

In Detroit, teachers defied the Governor of Michigan and went out on strike, delaying the opening of school in the first year of mayoral control.[507] In 1991, during the early days of mayoral control in Boston, president of the Boston Teachers Union, Edward Doherty, was harsh in his criticism of the mayor's meddling in the schools: "In my view, the mayor has done more harm to this school system over the past two years than all of the thirteen School Committee members [the former elected board of education] put together."[508] As a general matter, unions tend to dislike appointed school boards, with whom they have less influence than elected ones.[509]

---

[502] Herszenhorn, David M., "Bloomberg Wins on School Tests after Firing Foes," *The New York Times,* March 16, 2004, http://www.nytimes.com/2004/03/16/nyregion/bloomberg-wins-on-school-tests-after-firing-foes.html. (accessed September 11, 2009).

[503] Public testimony of New York City Schools' Chancellor Joel Klein to the New York State Assembly, February 6, 2009.

[504] Interview of Arlene Ackerman, May 6, 2009.

[505] Interview of Andres Alonso, January 15, 2009.

[506] For a succinct statement of this viewpoint, *see* March 4, 2009 testimony of R. Eden Martin, president of the Civic Committee of the Commercial Club of Chicago before the Illinois Senate Committee on Deficit Reduction, www.ilga.gov/senate/Committees/DeficitReduction/Civic%20Cmmittee%20Testimony.pdf.

[507] Jim Irwin, "72,000 Teachers Strike in Detroit," *AP Online*, August 31, 1999; Catherine Tsai, "Detroit Teachers to Go Back to Work," *AP Online*, September 8, 1999, www.highbeam.com.

[508] Diego Ribadeneira, "The Rule of Boston's Schools Opponents: Flynn's Aims Largely Political," *The Boston Globe*, February 5, 1991, www.highbeam.com.

[509] Interview of Richard Stutman, Boston Teachers Union President, February 5, 2009.

Teachers unions have had good cause to be wary of these new models. In Chicago, the teachers union lost the right to bargain over such basic issues as class size, teacher assignment, student assignment, school choice, selection of new employees, direction of employees, "and the impact of these decisions on individual employees or the bargaining unit." While the union subsequently was able to persuade the school district and legislature to soften that restriction, today those issues are still only "permissive" subjects of bargaining; CPS can still choose to refuse to bargain over any of those issues.[510]

In Hartford, teachers greeted Superintendent Steven Adamowksi's plans to reform the district's school system with disaffection, particularly his decision to shut down failing schools and replace them with new ones. Teachers objected to the fact that those working in "failing schools" (however defined) had to reapply for new jobs regardless of their level of seniority when their old schools are restructured or shut down. Perhaps in response to these changes, and a feeling of disrespect, more teachers than usual left the district over the summer of 2008.[511]

Resentment about having to reapply for their own jobs is not all that alienates teachers. In November 2007, members of the Hartford Federation of Teachers held an informational picket to express their concern that they were being left out of the process and that Superintendent Adamowski failed to communicate with them.[512] Nevertheless, Hartford's teachers did accept his proposal for incentive pay. Under their new contract, which took effect in July 2008, teachers will receive a twelve percent salary increase over three years. In addition, they will be eligible to receive a $2,500 annual bonus if they can demonstrate that their entire school is adequately performing on the Connecticut Mastery Test and Connecticut Academic Performance Test.[513]

In other cities, schools were turned over to private, for-profit operators like Edison, Inc. (in Philadelphia) or to new charters, with the understanding that the new schools would be non-union. In an interview with us, Philadelphia Federation of Teachers president Jerry Jordan identified outsourcing as one of the weaknesses of the current city-state governance structure. He observed that Edison has "not done any better than the public schools that are operated by the District. In fact, some of them have done worse, so I would probably eliminate the private management organizations operating the schools."[514] Recently, the New York Federation of Teachers sought voluntary recognition as the sole collective bargaining representative for the teachers at KIPP AMP, a charter school run by the Knowledge Is Power Program in Crown Heights, Brooklyn. The school's management, however, refused to recognize the union, so the union will

---

[510] Illinois Public Act 093-0003 (2003).

[511] Arielle Levin Becker, "Reforms Remake City's Public Schools; Adamowski: Urban Students Hold Key to State's Future," *The Hartford Courant*, 24 August 2008, A1.

[512] *Teachers Lash Out at Superintendent*, November. 21, 2007, www.wfsb.com/print/14659084/detail.html.

[513] Rick Green, "Giving Teachers Incentives," *The Hartford Courant*, 26 February 2008, B1.

[514] Interview with Jerry Jordan, March 24, 2009. For two different perspectives, *see* Peterson & Chingos, *Impact of For-Profit and Nonprofit Management on Student Achievement: The Philadelphia Intervention, 2002-2008* (2009) and Gill, Zimmer, Christman, & Blanc, *State Takeover, School Restructuring, Private Management, and Student Achievement in Philadelphia* (Rand Corporation 2007).

have to pursue formal proceedings before the New York Public Employment Relations Board.[515]

Yet teachers have not fared badly under mayoral control. Overall, class size has decreased in the cities we studied, as has the student-teacher ratio.[516] In many cities, spending on schools has risen dramatically and with that, salaries have risen as well. For example, in the first five years that Mayor Bloomberg had control of the New York City schools, teacher salaries rose 40 percent.[517]

Other than in Detroit, where the Federation of Teachers reacted to mayoral control with a strike and helped vote out mayoral control five years later, there have been no strikes since changes in governance in the other eight cities we studied. Contracts have tended to be of longer duration,[518] giving the new managers breathing space to concentrate on educational reforms. Washington, D.C. is an exception: the Washington Teachers Union and the new mayoral management team were locked in contract talks from when the collective bargaining agreement expired on September 30, 2007 to April 2010. However, as of June 3, 2010, the D.C. Teachers' Union ratified a new contract that infuses traditional financial terms with a voluntary performance pay contract and a new teacher evaluation system.[519] The contract also includes a "mutual consent" provision, where ousted teachers are not guaranteed another position within the school system.

In Cleveland, the union was adamantly opposed to mayoral control when it was first proposed, but it changed its position and supported the 2002 referendum continuing mayoral control. David Quolke, Cleveland Teachers Union president, identified stability as the greatest strength of mayoral control. In his first fourteen years since joining the district in 1984, there were nine superintendents; in the eleven years since mayoral control, there have been two CEOs and two interim CEOs.[520]

Randi Weingarten, former president of the New York Federation of Teachers and now president of the American Federation of Teachers (to which all of the unions in our nine cities belong), has been careful in her comments on mayoral control. She came out in favor of extending mayoral control for New York City.[521] Instead of fighting with the administration, Weingarten has proposed partnering to garner additional funds to help turn around failing schools, but she insists that unionized teachers stay in the schools and be included in the turnarounds. As co-negotiator on the D.C. teachers' union contract,

---

[515] Jennifer Medina, "Charter School's Deadline to Recognize Union Passes," *The New York Times*, February 13, 2009, http://www.nytimes.com/2009/02/13/education/13kipp.html.
[516] See discussion in Section III.B.6 below.
[517] Diane Cardwell, "Under Bloomberg, Budget and Revenues Swell," *The New York Times*, September 17, 2007, http://www.nytimes.com/2007/09/17/nyregion/17bloomberg.html. (accessed September 17, 2009).
[518] See chart, Appendix B.
[519] Bill Turque, "D.C. teachers' union ratifies contract, basing pay on results, not seniority," *The Washington Post*, June 3, 2010,
http://www.washingtonpost.com/wpdyn/content/article/2010/06/02/AR2010060202762.html.
[520] Interview with Cleveland Teachers Union President David Quolke, April 4, 2009.
[521] Rachel Monahan, "Teacher's union president Randi Weingarten's boost to Bloomberg earns a kiss from Joel Klein," *Daily News*, 10 May 2009.

she was pleased with plan for increased professional development and classroom resources, but still concerned with the level of top-down school district authority and lack of collaboration with district teachers.[522]

In Chicago, as well, the Chicago Teachers Union has on occasion worked with the administration to experiment with improving teacher outcomes. In 2003, the CTU and the board of education entered into an agreement covering ten schools and in 2005 that agreement was extended and continued to June 30, 2010.[523]

Other organized groups express similar concerns: appreciation for the additional funding that came initially with new governance, but caution about the concentration of power in the school executive. Jimmy Gittings, head of the Baltimore City Public School Administrators and Supervisors Association, has observed that many of his members are retiring, choosing to opt out rather than continue to work under the pressures generated by the demands of the CEO. He contends that the additional money that the district gives to principals is "a joke," because central office "looks over their shoulders" and tells principals how to spend the money they get. He would like to see a return to an elected school board that would be more responsive to the school community.[524]

Parents

One of the main goals of the changes in governance in our nine cities was to improve the image and academic performance of the public schools and thereby attract more families to live in the city and send their children to the public schools. We found little evidence that the goal is being met. We examined, for example (see Section III (B)), data on school enrollments and economic status of public school families. Even where it might be possible to identify a trend in enrollments and economic status — for example, to indicate that more middle class families are choosing to send their children to public schools — it is impossible to separate out the overall economic and demographic trends, let alone show a correlation to a particular form of school governance.

Nevertheless, we know that in our nine cities, parents and community activists have been involved in school issues. What do they think of the new governance models? In some cities, like Washington, D.C. and Hartford, where the new systems are still in their infancy, it may be too early to say. In New York a group comprised of multiple advocacy groups within the city, the Parent Commission on School Governance and Mayoral Control, convened in June 2008 to make recommendations over whether to extend mayoral control upon its sunset in June 2009 and weighed in on a variety of issues, including increasing community involvement in decisions affecting neighborhood

---

[522] Bill Turque, "D.C. teachers' union ratifies contract, basing pay on results, not seniority," *The Washington Post,* June 3, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/06/02/AR2010060202762.html.

[523] Chicago Board of Education and Chicago teachers Union Memorandum of Agreement with Respect to Fresh Start Schools, June 22, 2005, http://www.ctunet.com.

[524] Interview with Baltimore Public School Administrators and Superintendents Association President Jimmy Gittings, March 9, 2009.

schools.[525] While aspects of their recommendations were adopted in new legislation, the level of parent and community involvement so far has not increased to their desired level.

Without interviewing a representative sample of parents, it is difficult to judge parental reactions to governance changes. We cannot assume that activist groups whose opinions are most easily canvassed truly represent the majority of parents or community members. Further, it is well known that parental participation drops off in the high schools; do outspoken elementary school parents speak for all? Still, some trends among parent groups can be identified in our nine cities. Few parent or community groups directly attack the system of governance. Detroit, where the voters ended mayoral control in a referendum five years after it began, is an exception to that general trend. In Boston and Cleveland voters supported a continuation of mayoral control.

Elsewhere, parents and community groups tackle specific issues rather than the system of governance itself. Hot button issues include:

School Closings. Whether responding to changing demographic patterns or poor academic performance, decisions to close schools are among the most controversial in our nine cities. In April 2009 Detroit parents joined teachers and staff from some of the 23 schools targeted for closure to protest the plan.[526] Boston parents protested a planned school reorganization in 2008 that would have closed about a dozen schools.[527]

In Chicago, where Mayor Daley has touted his "Renaissance 2010" plan to close 100 poorly performing schools and replace them with new schools by 2010, parent activists, including Parents United for Responsible Education, sponsored legislation that would create an independent panel to design a new process for school closings.[528] PURE identified eight major problems with Renaissance 2010: 1) decisions are driven by real estate development priorities; 2) students are displaced, which increases detrimental mobility; 3) violence has increased in and around affected schools; 4) board members do not attend hearings, yet vote unanimously for all recommendations; 5) teachers are not being fairly evaluated; highly qualified, certified teachers are being displaced and the percentage of African-American teachers is declining; 6) the newly-created schools do not have Local School Councils, the subject of a current lawsuit; 7) new schools get an unfair share of resources; and 8) the new schools and charter schools are not performing better than other schools.

Growth of Charter and For-Profit Schools. Parent groups are leery of the trend toward more private and charter schools. While critical of the education their children receive, parents tend to support the teachers and principals they know. In Philadelphia, parents

---

[525] *See* "Recommendations on School Governance, New York City, March, 2009," http://parentcommission.org/parent_commission_Final_Report.pdf.

[526] "Detroit school closings plan raises ire," *UPI*, 10 April 2009; Chastity Pratt Dawsey, "Detroit parents voice concerns to board," *Detroit Free Press*, 9 April 2009.

[527] James Vaznis, "Emotions high over school closings," *Boston Globe*, 16 October 2008. http://www.boston.com/news/local/articles/2008/10/16/emotions_high_over_school_closings?mode=PF.

[528] "Chicago parents ask you to vote YES on HB 363," www.pureparents.org/data/files/HB363senfax5-8-09.pdf.

were skeptical from the beginning of what was billed as "the country's boldest education privatization experiment, putting 38 schools under private management to see if the free market could educate children more efficiently than the government."[529] A group known as Parents United for Public Education weighed in against continuing the contract with Edison, Inc. Helen Gym, a leader in the group, stated that privatization "has not been the innovative, spectacular system as it was sold to the citizens of this city."[530]

As noted above, parents in Chicago have been vocal against turning their local schools over to charters or private operators. Similarly, in New York City, among the many recommendations to the New York legislature of the Parent Commission on School Governance and Mayoral Control, were recommendations to grant specific powers to the Community District Education Schools in the process over closing and opening schools and opening new charter schools.[531]

Budget Priorities. A shortage of funds is one of the driving forces behind a plan to end Boston's busing program that supports the city's school choice program. In the 1970's, when busing was introduced as a desegregation tool, there was heated community opposition, largely on racial grounds. Today, parents are unified in arguing to end costly busing.[532] On April 23, 2009 a multiethnic and multilingual group of parents and students met with Mayor Thomas Menino and Superintendent Carol Johnson to express their concerns about the new busing plan.[533] Hundreds of parents also rallied at the statehouse in Boston to protest the allocation of stimulus dollars, advocating that a larger share of the federal money go to the public schools.[534]

As school districts face tough budgetary choices and discuss teacher layoffs and school closings, parents will become more vocal, asking for a say in decisions, whatever the form of governance.

Business and philanthropic communities

Business and philanthropic communities have been major supporters of strong mayoral involvement in urban school districts. Businesses and philanthropic leaders see themselves as important stakeholders in improving our cities' schools, having too often experienced firsthand the problems facing urban schools when their employees who are products of their city's schools come to them unprepared for the workforce. Cognizant

---

[529] Keither B. Richburg, "Setback for Philadelphia Schools Plan," *The Washington Post*, June 29, 2008, http://www.washingtonpost.com/wp-dyn/content/article/2008/06/28/AR2008062801637_pf.html.

[530] *Id*. *See also* "The Philadelphia Public School Notebook, An Independent Voice for Parents, Educators, Students and Friends of Philadelphia Public Schools," February. 20, 2009, http://www.thenotebook.org/blog/091025/hes-it-again.

[531] "Recommendations on School Governance, New York City, March, 2009," http://parentcommission.org/parent_commission_Final_Report.pdf.

[532] Chris Faraone, "Hitting the brakes: With Boston public schools facing a $107 million budget gap, busing is once again in the crosshairs," *The Phoenix*, 13 February 2009,

[533] BPON [Boston Parent Organizing Network] Parents Discuss Concerns with Mayor Menino and Superintendent Johnson," http://www.bpon.org/news/current#story77.

[534] Stephen Oldz, "Is Parents' Rally in Boston a Harbinger of Wider Protests?" PsySR Blog, March 26, 2009, http://psysr.wordpress.com/2009/03/26/is-parents-rally-in-boston-a-harbinger-of-wider-protests/.

that a city's vitality is closely tied to its school system, corporations and foundations have been supporting efforts to reform school districts with strong mayoral involvement by providing operational expertise and funding.

It is worth noting that the model of governance used by school districts under mayoral control borrows a lot in both form and substance from the corporate model. In four of the nine cities studied, Cleveland, Hartford, Chicago, and Detroit, it is not the superintendent who heads the school district, but rather the CEO. And in Chicago (with Cleveland and Washington, D.C. following a similar pattern), the CEO is joined by a Chief Financial Officer, Chief Purchasing Officer, Chief Operations Officer, and a Chief Education Officer, titles — and to a certain extent, functions — borrowed from the corporate world.

In addition to looking to the corporate model for its governance structure, several cities under mayoral control depend significantly on businesses for providing personnel as well as operational and financial support. New York City Chancellor Joel Klein, for instance, was a well-known attorney before being tapped to head New York City schools, and many of his top aides are from the worlds of business and law.[535] Moreover, representatives from prominent corporate interests can be found on most school boards, and many school districts have worked to foster direct relationships with the business community by developing programs like the one in New York which matches civic and business leaders with principals from throughout the city.[536]

Boston, one of the cities with the longest history of mayoral control, has had substantial long-standing ties between the school and business communities for years through the Boston Compact, an agreement between Boston's mayors, superintendents and business leaders to improve that city's schools. More recently, the Boston Private Industry Council has administered the Compact, which also matches students with jobs.

Other cities have sought to develop similar relationships. In Hartford, business leaders, using Boston as their model, recently raised more than $1 million for a private group, the Local Education Fund, to provide oversight to reforms and to help lobby to push potentially unpopular changes like a longer school day.[537] In 2005 Chicago launched Renaissance 2010, a program that seeks funding from the business and philanthropic communities for the opening of new small schools.[538] In 2007 Detroit Mayor Kwame Kilpatrick proposed a partnership with businesses and other institutions to open themed charter schools in that city.[539] Mayor Michael Bloomberg has made opening small schools with the support of major funders a key strategy for improving high school graduation rates in New York City.[540] In Baltimore, the Community Foundation of

[535] Rogers, David, "Mayoral Control of the New York City Public Schools," (New York: Springer 2008).
[536] Press Release, PENCIL, "New York City Business Leaders Launch Public School Partnerships during 13th Annual 'Principal for a Day' Event," October 17, 2007, www.cswire.com/pressreleaseprint.php?id+9928.
[537] Vanessa De La Torre, "Oversight Group to Assist Schools," *Hartford Courant*, 13 August, 2008, B3.
[538] Stephanie Banchero, "2010 School Reform Off to Wobbly Start; Power Struggle, Lack of Cash Stalls Progress," *Chicago Tribune*, 10 April, 2005, C. 1.
[539] Nolan Finley, "Business Is Essential to Fixing Schools," *The Detroit News*, 27 May 2007, Op. 55.
[540] Elissa Gootman, "Annenberg Grant to Help Smaller Schools," *The New York Times*, 28 April 2006, B7.

Baltimore is so enthused about Dr. Andres Alonso's vision and leadership that it has increased education funding, including funding an unusual innovation that addressed declining enrollment. The initiative involved community organizers going door to door to encourage enrollment, and bring students to school when needed.[541]

Gaining financial support directly from business and foundations is also an important part of these strategies. At least two cities, Chicago and New York, have high-level staff members responsible for fundraising from individuals, foundations and businesses to support operational and instructional initiatives.[542] These efforts have been successful as evidenced by the significant grants from funders like the Bill and Melinda Gates, Annenberg and Broad Foundations.[543] In fact, two cities under mayoral control, New York and Boston, won the Broad Prize for Urban Education in 2006 and 2007 respectively.[544]

While it cannot be stated with any certainty what impact the corporate and philanthropic communities will have in the long run on efforts to reform school districts under mayoral control, for now they are major supporters of these initiatives. Although the current economic downturn may lessen the ability of corporate and philanthropic leaders to be as prominent in reform efforts as in the past, they undoubtedly will continue to have significant influence on the direction of educational policies in these cities.

B. QUANTITATIVE FINDINGS: STATISTICAL ANALYSIS

The following analyses examine datasets, including United States Census data, Common Core of Data and National Assessment of Educational Progress (NAEP) data, related to the demographic and educational profiles of the cities in our study. We found it difficult to link mayoral involvement causally to student achievement given the vast number of variables that affect achievement and the difficulty in controlling for them. Nonetheless, these data suggest patterns that should be considered in ongoing policy discussions. Data sources for this section are identified in Appendix E.

City portraits

The tables below give a statistical portrait of the nine cities in the study and the United States in general. For the sake of comparison, we include the three New Jersey cities that have been under state takeover.

---

[541] Interview with Thomas Wilcox, President of Community Foundation of Baltimore, Feb. 18, 2009.

[542] Greg Winlen, "The Nation: Public Schools Look beyond the Bake Sale," *The New York Times*, 6 Oct 2002, at Week in Review, sec.4, p. 4.

[543] Interview with Samuel Tyler, Executive Director, Boston Municipal Research Bureau, Feb. 19, 2009; *see* Elissa Gootman, "Annenberg Grant to Help Smaller Schools," *The New York Times*, 28 April 2006, B7.

[544] News Release, "The Broad Foundation Announces 2009 Finalists for $2 Million Broad Prize; Five Urban School Districts Honored for Significant Student Gains," The Broad Foundation Education, www.broadprize.org/asset/420-tbp2009finalistnational.pdf.

Note that all data in this subsection are from the U.S. Census Bureau (see Appendix E). While the data are from a "macro" perspective, they do not support the hypothesis that mayoral involvement has had a large effect on the health and well-being of the cities themselves. Each table reports statistics from three time periods: the 1990 census, the 2000 census and the 2008 American Community Survey.

In general, the populations of these cities have declined since 1990. Demographically, these cities have been marked by a large influx of Hispanic and foreign-born residents. There is no evidence of a return of white middle-class families to the cities.

On average, real median income has fallen in the cities, while it has been stagnant for the U.S. as a whole. Poverty rates have come down slightly for about half the cities, but poverty rates still remain much higher than the U.S. in general. In terms of education-related variables, the percent of residents (ages 25+) with a bachelor's degree across cities has gone up over the eighteen-year period, but there is still a large variation in educational obtainment for adults (ranging from a low of 10.0 percent in Paterson to a high of 48.2 percent for Washington, D.C.) Total youth-aged populations have declined across the cities and the U.S. as a whole, and these cities show a reduction of the proportion enrolled in private schools.

Table 1 presents the city averages and standard deviations for the changes (or change rates) in variables related to demographics, income and education from 1990 to 2008.

Averages of Changes in Cities Variables (1990-2008)*

Variable	Average Change*	St. Dev.	U.S. Change
Demographics			
% Change in population	-5.2	11.5	22.3
Change in % white	-6.4	6.6	-5.3
Change in % black	-0.1	5.4	0.3
Change in % Hispanic	5.2	3.5	6.1
Change in % foreign-born	4.1	4.2	4.6
Income			
% Change in nominal income	62.9	20.1	73.1
% Change in real income (1989 dollars)	-7.0	11.9	-0.3
Change in % in poverty	0.9	3.0	0.1
Education-Related			
Change in % with bachelors degree or higher	7.7	5.3	7.4
Change in % of K-12 enrollment in private school	-3.5	5.4	1.2
Change in % of residents less than 18 years old	-1.0	1.2	-1.3

*Note: Unweighted averages.

Population characteristics

Tables 2 through 6 give basic demographic information for the cities in the study. The cities with the greatest population loss were Cleveland and Detroit which lost between 19 and 25 percent of their populations between 1990 and 2008. New York and Boston showed the greatest population gains. Table 3 shows that, except for Washington, D.C., all of the cities have a lower percentage of white residents, as compared to 1990. Almost all cities increased their share of foreign-born.

Table 2: Population of Cities

City	1990	2000	2008	% Growth 1990-2008
Baltimore	736,014	651,154	636,919	-13.5
Boston	574,283	589,141	613,411	6.8
Chicago	2,783,726	2,896,016	2,741,455	-1.5
Cleveland	505,616	478,403	408,101	-19.3
Detroit	1,027,974	951,270	777,493	-24.4
Hartford	139,739	121,578	117,900	-15.6
Jersey City	228,537	240,055	229,007	0.2
New York	7,322,564	8,008,278	8,363,710	14.2
Newark	275,221	273,546	264,128	-4.0
Paterson	140,891	149,222	148,985	5.7
Philadelphia	1,585,577	1,517,550	1,447,395	-8.7
Washington, D.C.	606,900	572,059	591,833	-2.5
United States	248,709,873	281,421,906	304,059,728	22.3

Table 3: % of Population that Is White

City	1990	2000	2008	Change 1990-2008
Baltimore	39.1	31.0	31.9	-7.2
Boston	62.8	49.5	55.8	-7.0
Chicago	45.4	31.3	44.9	-0.5
Cleveland	49.5	38.8	42.3	-7.2
Detroit	21.6	10.5	11.1	-10.5
Hartford	40.0	17.8	30.8	-9.2
Jersey City	48.2	34.0	37.5	-10.7
New York	52.3	35.0	45.7	-6.6
Newark	28.6	14.2	30.4	1.8
Paterson	41.2	30.8	24.3	-16.9
Philadelphia	53.5	42.5	42.4	-11.1
Washington, D.C.	29.6	27.8	37.5	7.9
United States	80.3	75.1	75.0	-5.3

Table 4: % of Population that Is Black

City	1990	2000	2008	Change 1990-2008
Baltimore	59.2	64.0	63.1	3.9
Boston	25.6	23.8	24.3	-1.3
Chicago	39.1	36.4	34.6	-4.5
Cleveland	46.6	50.5	52.4	5.8
Detroit	75.7	81.2	82.7	7.0
Hartford	38.9	36.0	38.5	-0.4
Jersey City	29.7	28.3	27.1	-2.6
New York	28.7	24.5	25.6	-3.1
Newark	58.5	51.9	53.9	-4.6
Paterson	36.0	32.9	32.0	-4.0
Philadelphia	39.9	42.6	43.4	3.5
Washington, D.C.	65.8	59.4	53.4	-12.4
United States	12.1	12.3	12.4	0.3

Table 5: % of Population that Is Hispanic

City	1990	2000	2006*	Change 1990-2006
Baltimore	1.0	1.7	2.4	1.3
Boston	10.8	14.4	14.9	4.1
Chicago	19.6	26.0	28.2	8.5
Cleveland	4.6	7.3	8.1	3.5
Detroit	2.8	5.0	6.2	3.4
Hartford	31.6	40.5	38.8	7.2
Jersey City	24.2	28.3	27.7	3.5
New York	24.4	27.0	27.6	3.3
Newark	26.1	29.5	31.4	5.3
Paterson	41.0	50.1	55.3	14.3
Philadelphia	5.6	8.5	10.5	4.8
Washington, D.C.	5.4	7.9	8.2	2.8
United States	9.0	12.5	14.8	5.8

*Note: 2006 ACS data are used because of small sample problems in 2007 & 2008.

Table 6: % of Population that Is Foreign-Born

City	1990	2000	2008	Change 1990-2008
Baltimore	3.2	4.6	5.9	2.7
Boston	20.0	25.8	26.9	6.9
Chicago	16.9	21.7	21.4	4.5
Cleveland	4.1	4.5	4.6	0.5
Detroit	3.4	4.8	4.9	1.5
Hartford	15.3	18.6	19.3	4.0
Jersey City	24.6	34.0	36.7	12.1
New York	28.4	35.9	36.4	8.0
Newark	18.7	24.1	25.1	6.4
Paterson	25.1	32.8	20.2	-4.9
Philadelphia	6.6	9.0	10.5	3.9
Washington, D.C.	9.7	12.9	13.2	3.5
United States	7.9	11.1	12.5	4.6

Income and poverty

The tables below demonstrate that real median income has stagnated in these cities over the period, because nominal income has not kept pace with inflation.

Table 7 reports the nominal median incomes of the cities over the period. Nominal incomes have grown steadily. But Table 8 shows that when incomes are adjusted for inflation, all but three of the cities have shown negative income growth.

Table 7: Nominal Median Household Income

City	1989	1999	2008
Baltimore	$24,045	$30,078	$40,313
Boston	$29,180	$39,629	$51,688
Chicago	$26,301	$38,625	$46,911
Cleveland	$17,822	$25,928	$26,731
Detroit	$18,742	$29,526	$28,730
Hartford	$22,140	$24,820	$28,790
Jersey City	$29,054	$37,862	$56,079
New York	$29,823	$38,293	$51,116
Newark	$21,650	$26,913	$35,296
Paterson	$26,960	$32,778	$35,494
Philadelphia	$24,603	$30,746	$36,976
Washington, D.C.	$30,727	$40,127	$57,936
United States	$30,056	$41,994	$52,029

Table 8: Inflation–Adjusted Median Income

City	1989	1999	2008	% Growth 1989-2008
Baltimore	$24,045	$22,559	$23,471	-2.4
Boston	$29,180	$29,564	$28,834	-1.2
Chicago	$26,301	$28,671	$27,590	4.9
Cleveland	$17,822	$19,578	$16,157	-9.3
Detroit	$18,742	$22,032	$17,161	-8.4
Hartford	$22,140	$18,397	$16,146	-27.1
Jersey City	$29,054	$27,937	$30,925	6.4
New York	$29,823	$28,255	$28,189	-5.5
Newark	$21,650	$19,858	$19,464	-10.1
Paterson	$26,960	$24,185	$19,574	-27.4
Philadelphia	$24,603	$22,948	$21,166	-14.0
Washington D.C.	$30,727	$24,333	$33,732	9.8
United States	$30,056	$31,464	$29,965	-0.3

*Note: Prices are adjusted using the urban wage earning Consumer Price Indices for each city or each region. Income is given in 1989 dollars.

Table 9: % of Residents below Poverty Threshold

City	1990	2000	2008	Change 1990-2008
Baltimore	21.9	22.9	19.3	-2.6
Boston	18.7	19.5	18.7	0.0
Chicago	21.6	19.6	20.6	-1.0
Cleveland	28.7	26.3	30.5	1.8
Detroit	32.4	26.1	33.3	0.9
Hartford	27.5	30.6	33.5	6.0
Jersey City	18.9	18.6	16.0	-2.9
New York	19.3	21.2	18.2	-1.1
Newark	26.3	28.4	26.1	-0.2
Paterson	18.5	22.2	24.7	6.2
Philadelphia	20.3	22.9	24.1	3.8
Washington, D.C.	16.9	20.2	17.2	0.3
United States	13.1	12.8	13.2	0.1

Education-related

For all cities, the general education level of the adult population has increased, as measured by the fraction of adults with a bachelor's degree or higher. There is quite a bit of variation in education rates across cities. This variation is an important determinant of income levels across cities.

Table 10: % of Residents (age 25+) with a Bachelor's Degree or Higher

City	1990	2000	2008	Change 1990-2008
Baltimore	15.5	19.1	24.7	9.2
Boston	30.0	35.6	42.1	12.1
Chicago	19.5	25.5	31.1	11.6
Cleveland	8.1	50.0	13.3	5.2
Detroit	9.6	11.0	10.8	1.2
Hartford	14.4	12.4	15.6	1.2
Jersey City	21.4	27.4	37.6	16.2
New York	23.0	27.4	32.7	9.7
Newark	8.5	9.0	12.4	3.9
Paterson	8.7	8.2	10.0	1.3
Philadelphia	15.2	17.9	21.0	5.8
Washington, D.C.	33.3	39.1	48.2	14.9
United States	20.3	24.4	27.7	7.4

Table 11 shows that the fraction of total enrollment in private schools has decreased for a majority of cities. This effect may be due to the increase in charter schools over the period.

Table 11: % of Total K-12 Enrollment in Private Schools

City	1990	2000	2008	Change 1990-2008
Baltimore	14.5	15.3	18.0	3.5
Boston	22.8	18.4	19.4	-3.4
Chicago	20.5	16.7	16.1	-4.4
Cleveland	21.3	16.0	21.8	0.5
Detroit	12.7	9.1	6.5	-6.2
Hartford	8.4	5.1	6.9	-1.5
Jersey City	27.3	20.0	16.4	-10.9
New York	20.9	18.8	20.9	0.0
Newark	13.7	14.1	10.3	-3.4
Paterson	19.1	14.0	5.7	-13.4
Philadelphia	29.2	23.0	22.2	-7.0
Washington, D.C.	16.1	15.1	20.4	4.3
United States	9.8	10.7	11.0	1.2

Table 12 shows that the youth-age populations of cities have declined across the period for all cities, except one.

Table 12: % of Population under the Age of 18

City	1990	2000	2008	Change 1990-2008
Baltimore	24.4	24.8	24.0	-0.4
Boston	19.1	19.8	19.1	0.0
Chicago	26.0	26.2	24.1	-1.9
Cleveland	26.9	28.5	25.6	-1.3
Detroit	29.4	31.1	27.6	-1.8
Hartford	27.5	30.1	27.0	-0.5
Jersey City	26.0	24.7	22.5	-3.5
New York	23.0	24.2	22.9	-0.1
Newark	28.5	27.9	27.0	-1.5
Paterson	30.6	29.6	28.4	-2.2
Philadelphia	23.9	25.3	25.0	1.1
Washington, D.C.	19.3	20.1	18.9	-0.4
United States	25.6	25.7	24.3	-1.3

Mayoral involvement and student enrollment

Table 13 lists the school districts that have had some change in school district governance by giving the mayor more control over education decisions over the last decade. Also listed is the degree of "strength" of mayoral involvement, where strength indicates how much power the mayor has over key education decisions. The degrees of strength were chosen initially based on an in-depth study of each district, including the legal framework and implementation of education policy. The preliminary classification for each district (weak, moderate or strong) was then discussed and debated by the research team until a consensus was reached.

Table 13: Mayoral Involvement in School District Governance

District	Year of Change	Strength
Baltimore	1997	Moderate
Boston	1992	Strong
Chicago	1995	Strong
Cleveland	1998	Moderate
Detroit	1999-2004	Moderate
Hartford	2005	Moderate
New York	2002	Strong
Philadelphia	2001	Weak
Washington, D.C.	2001	Weak till 2007, strong thereafter

The following graphs and tables show the evolution of student enrollment, using the Common Core of Data from http://nces.ed.gov/ccd/. Figure 1 shows a scatter plot of the percent changes in enrollment from year to year for each district in the study. For example, for 1997 the blue diamonds represent the growth rate for each of the districts.

The smooth curve illustrates a trend of enrollment declines on average, starting around 1998. This provides evidence that mayoral involvement is not drawing back students to these cities. Table 14 gives the average per-year change in enrollment between 1989 and 2008. Only one out of nine showed positive yearly growth, on average.

Table 14: Avg. % Change in Enrollment for Each Year from 1989 – 2008

District	Mean	Std. Dev.	Freq.
Baltimore	-1.49	2.05	20
Boston	-0.27	1.82	20
Chicago	-0.06	4.27	20
Cleveland	-1.51	3.36	20
Detroit	-2.45	4.86	20
Hartford	-0.55	1.83	20
New York	0.18	2.30	20
Philadelphia	-0.58	1.95	20
Washington, D.C.	-1.94	2.12	20

Figure 1: Scatter plot, Year to Year % Enrollment Change
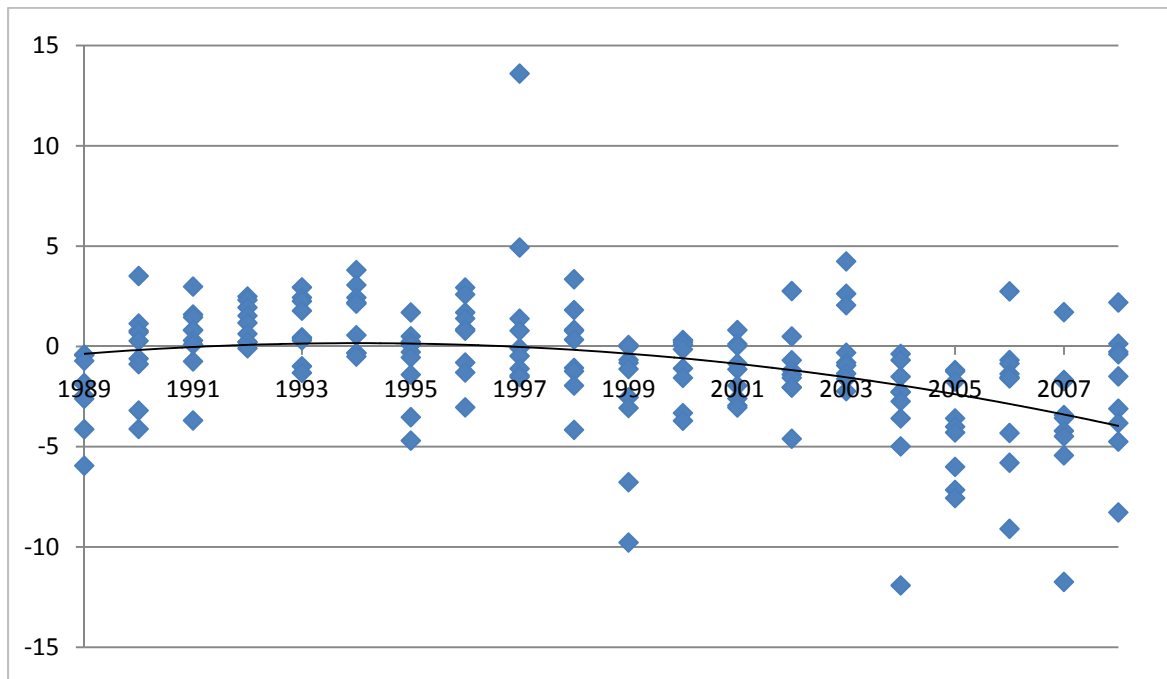
In order to test the hypothesis that mayoral involvement has had an effect on school district enrollments, a regression analysis was performed. Table 15 gives the results. Column (1) gives the results of a regression of the annual percent changes in enrollment on a mayoral control "dummy variable" (i.e., the variables take on the value of 1 in the years that mayoral control was in effect, zero otherwise). This simple regression shows a negative effect of mayoral involvement. However, it does not control for other variables that might be driving the result. Equation (2) includes year variables to measure the general time trends that affect enrollments. The *year* and *year*^{2} are included to pick up the nonlinear trend, as shown in figure 1. With the inclusion of these variables, we see that the effect of mayoral involvement is not statistically significant, though the coefficient is positive. Regression (3) includes dummy variables for each district to

92

control for district-specific effects. Again, the results show no strong statistical effect for mayoral involvement. Equation (4) has the mayoral involvement variable lagged one year, to test the hypothesis that the effect of mayoral involvement may be delayed due to a lag in implementing policies. Again, the mayoral involvement variable is not statistically significant. Lastly, equation (5) includes an interaction term between the lagged mayoral involvement dummy variable and the degree of strength (where weak=1, moderate=2 and strong=3). The results are similar as above: we see a positive coefficient, but we evidence that this coefficient is not statistically significant at the 90% confidence level. It may be, however, that as mayoral involvement continues in these districts, enrollment trends might reverse themselves and become positive.

Table 15: Regression Tables, Dependent Variable % Change in Enrollment

Variable	(1)	(2)	(3)	(4)	(5)
Year		81.5	81.8	85.3	83.2
		(0.04)	*(0.05)*	*(0.06)*	*(0.06)*
Year^2		-0.020	-0.021	-0.021	-0.021
		(0.04)	*(0.05)*	*(0.06)*	*(0.06)*
MC_t	-0.956	0.937	0.837		
	(0.16)	*(0.24)*	*(0.22)*		
MC_{t-1}				0.646	
				(0.34)	
Strength x MC_{t-1}					0.268
					(0.34)
Constant	-0.501	-81197	-81483	-85036	-82881
	(0.31)	*(0.04)*	*(0.05)*	*(0.06)*	*(0.06)*
District Dummies Included	No	No	Yes	Yes	Yes
R-squared	0.03	0.19	0.26	0.26	0.26
# obs.	180	180	180	180	180

Note: p-values given below estimates. A p-value less than 0.1 indicates that a coefficient is statistically different than zero (i.e., is statistically significant). Standard errors were clustered by district.

Student-teacher ratios

The Common Core of Data also contains student-teacher ratios. Figure 2 shows the averages of the student-teacher ratios for each year from 1993 to 2008. In sum, on average, the ratios began to decline starting in 1999 until 2003, when there was increase; the average has remained virtually flat since 2000. Table 16 gives the student-teacher ratios for 2008 for the nine school districts in our study.
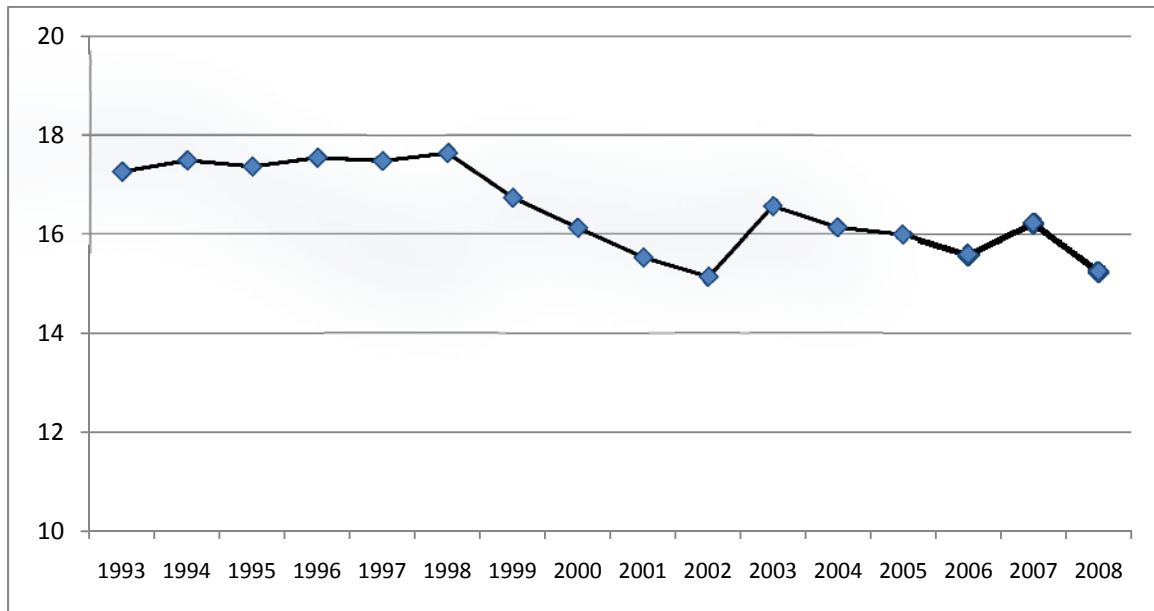
Figure 2: Average Student-Teacher Ratio, 1993-2008

Table 16: Student-Teacher Ratios, 2008

District	Student-Teacher Ratio
Baltimore	13.8
Boston	12.8
Chicago	19.5
Cleveland	15.1
Detroit	16.8
Hartford	14.6
New York*	14.3
Philadelphia	16.2
Washington, D.C.	13.2

*Note: 2006

To investigate the effects of mayoral involvement on student-teacher ratios, a regression analysis was performed. Table 17 gives the results. The first equation is a regression of student-teacher ratios on a mayoral involvement dummy variable (lagged one year to allow for the implementation of policies related to the mayor). This shows no statistically significant effect.

The second equation includes controls for the year and districts. While the mayoral involvement coefficient is positive, it is not statistically significant. Equation (3) includes a dummy variable for the years in which the No Child Left Behind Act was in effect, beginning in 2002. Again, we do not see a statistically significant effect. Finally, Equation (4) shows that the degree of strength of mayoral involvement does not appear to matter either.

94

Table 17: Regression Tables, Dependent Variable Student-Teacher Ratios

Variable	(1)	(2)	(3)	(4)
MC_{t-1}	-0.828	0.730	0.730	
	(0.43)	*(0.22)*	*(0.22)*	
$NCLB_{t-1}$			0.115	0.038
			(0.89)	*(0.97)*
Strength x MC_{t-1}				0.246
				(0.34)
Constant	17.0	16.9	14.7	16.1
	(0.00)	*(0.00)*	*(0.00)*	*(0.00)*
Year Dummies	No	Yes	Yes	Yes
District Dummies	No	Yes	Yes	Yes
R^2	0.02	0.73	0.73	0.73
# obs.	136	136	136	136

Note: p-values given below estimates. A p-value less than 0.1 indicates that a coefficient is statistically different than zero (i.e., is statistically significant). Standard errors were clustered by district.

Assessment data

Though good assessment data are hard to come by, the NAEP data do allow for year-to-year comparisons across and between districts. However, the exam is only given biannually and only to selected districts, thus making sample sizes for assessment quite small. Given the problems with comparisons of state achievement data due to differences in tests and changes in cut scores, NAEP remain the only valid and reliable basis for state and city comparisons.

Figures 3 to 10 show graphs for the five study districts for which math and reading NAEP data are available (for 4th and 8th grades). The graphs show average test performance for each district and test performance minus the national average for each year. All five school districts remain below the national average, but some have made more progress than others in coming close to it. For example, Washington, D.C. has shown steady gains in all years and all grades. Cleveland, on the other hand, has improvements in some years but not in others.

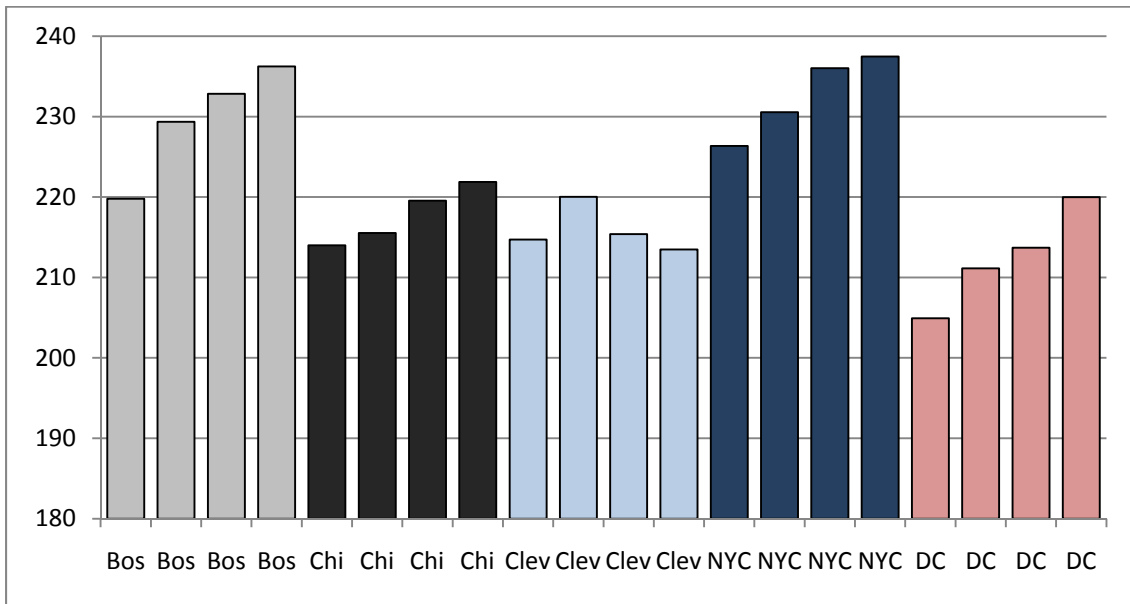*Figure 3:* City NAEP Scores, 4th Grade Math

(2003, 2005, 2007, 2009)

Figure 4: City NAEP Scores minus National Average, 4th Grade Math

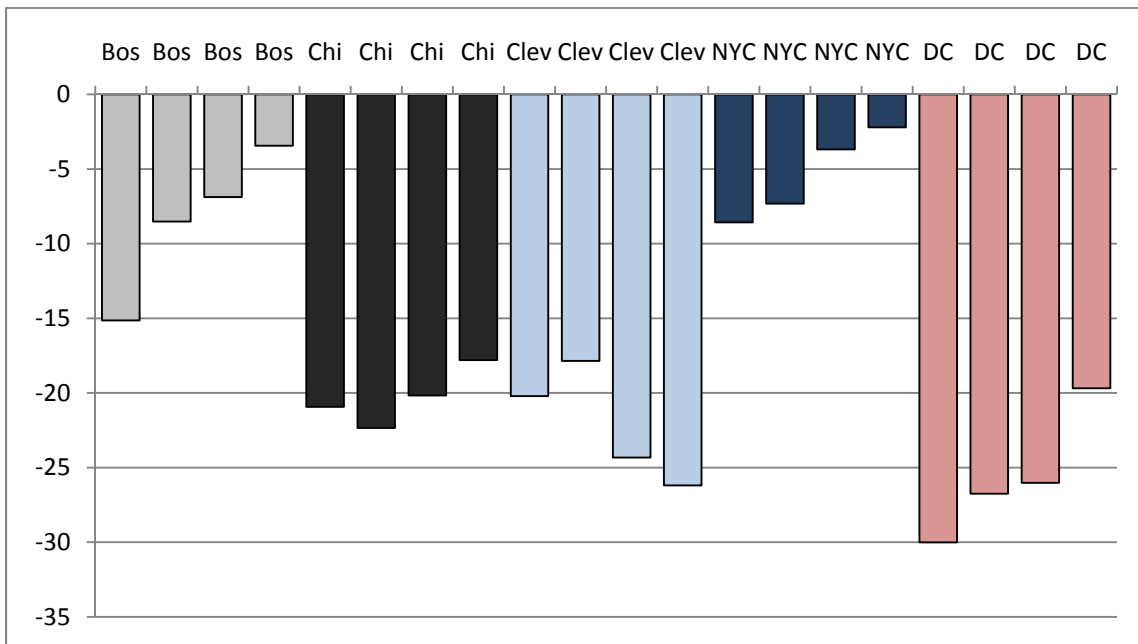(2003, 2005, 2007, 2009)

Figure 5: City NAEP Scores, 4th Grade Reading
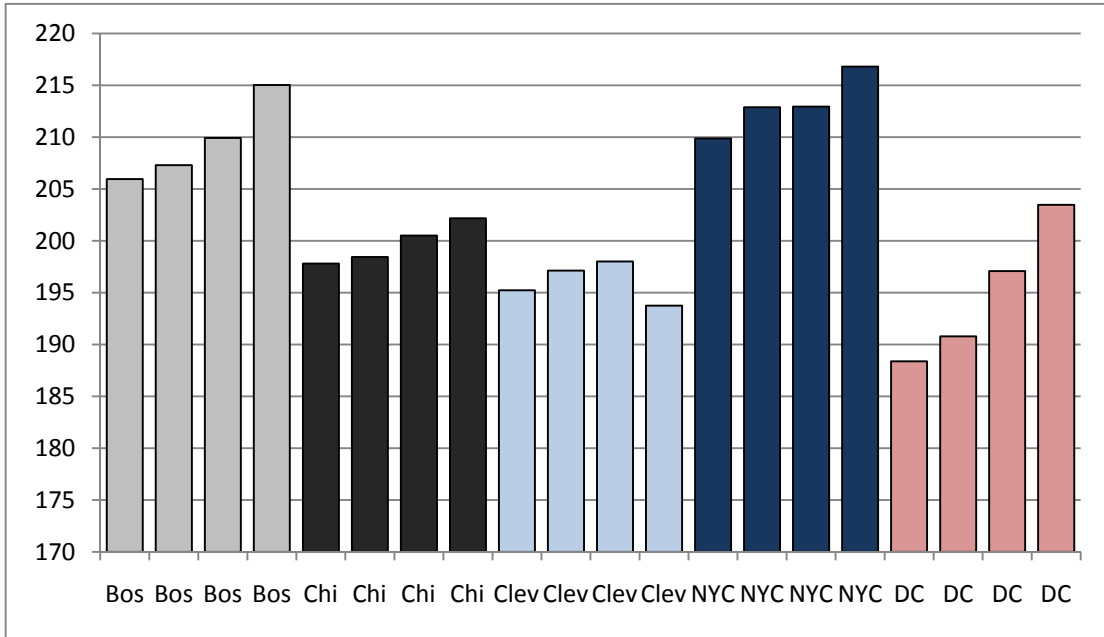(2003, 2005, 2007, 2009)

Figure 6: City NAEP Score minus National Average, 4th Grade Reading
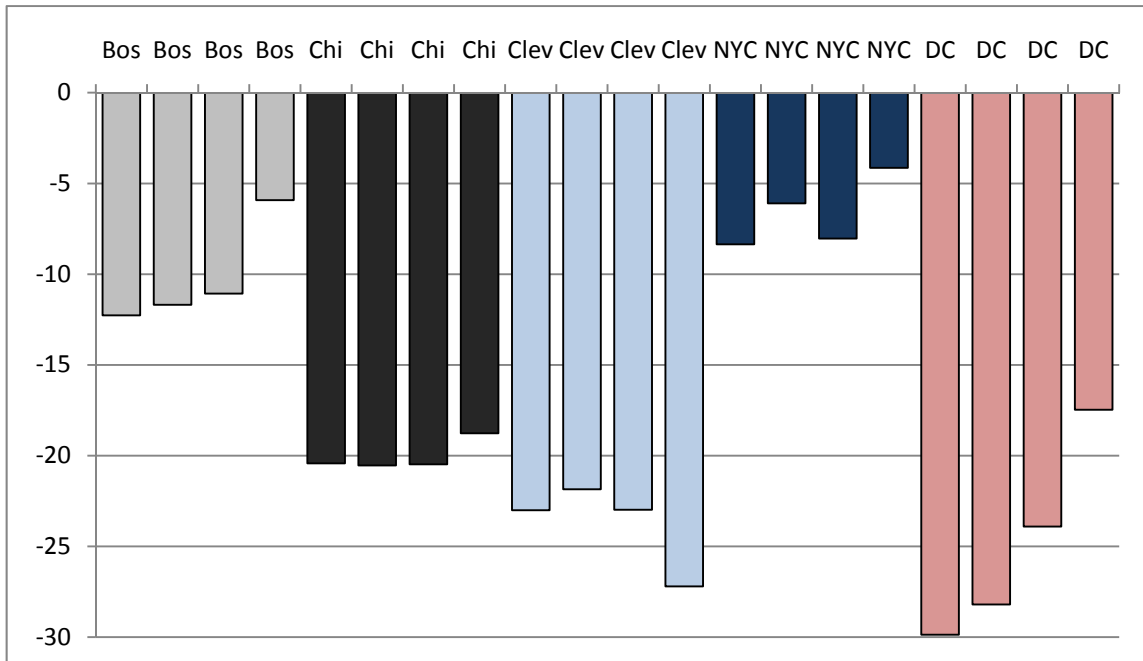(2003, 2005, 2007, 2009)

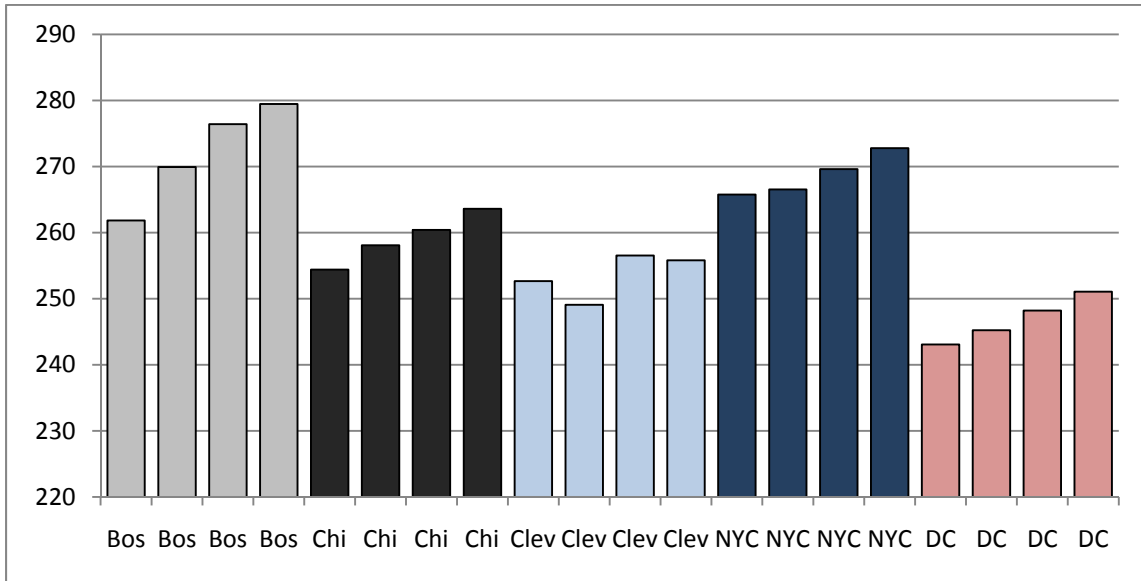*Figure 7:* City NAEP Scores, 8ᵗʰ Grade Math (2003, 2005, 2007, 2009)

Figure 8: City NAEP Scores minus National Average, 8ᵗʰ Grade Math
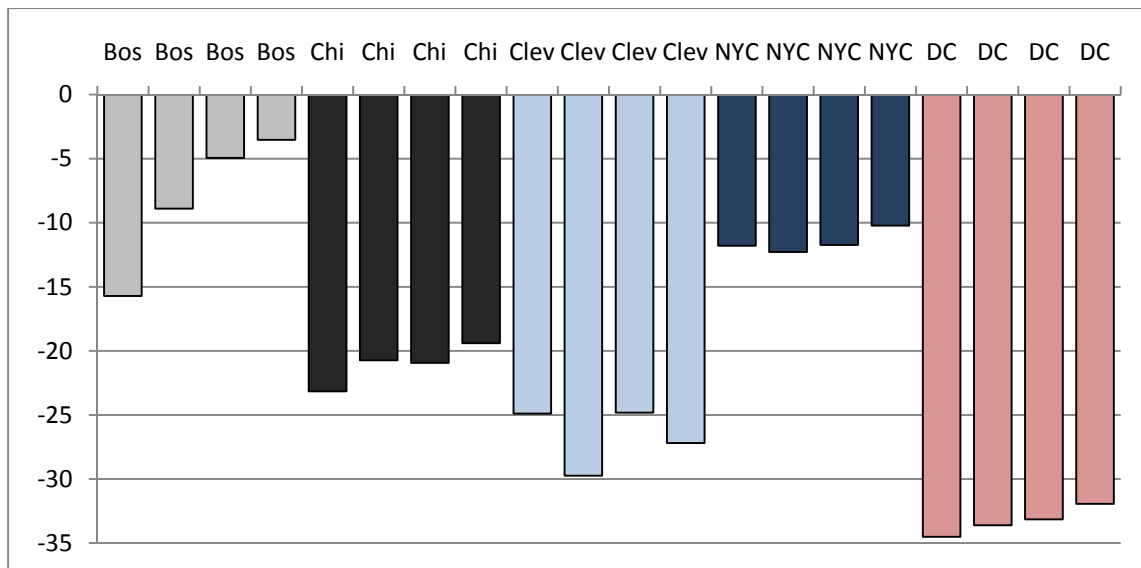(2003, 2005, 2007, 2009)

Figure 9: City NAEP Scores, 8th Grade Reading
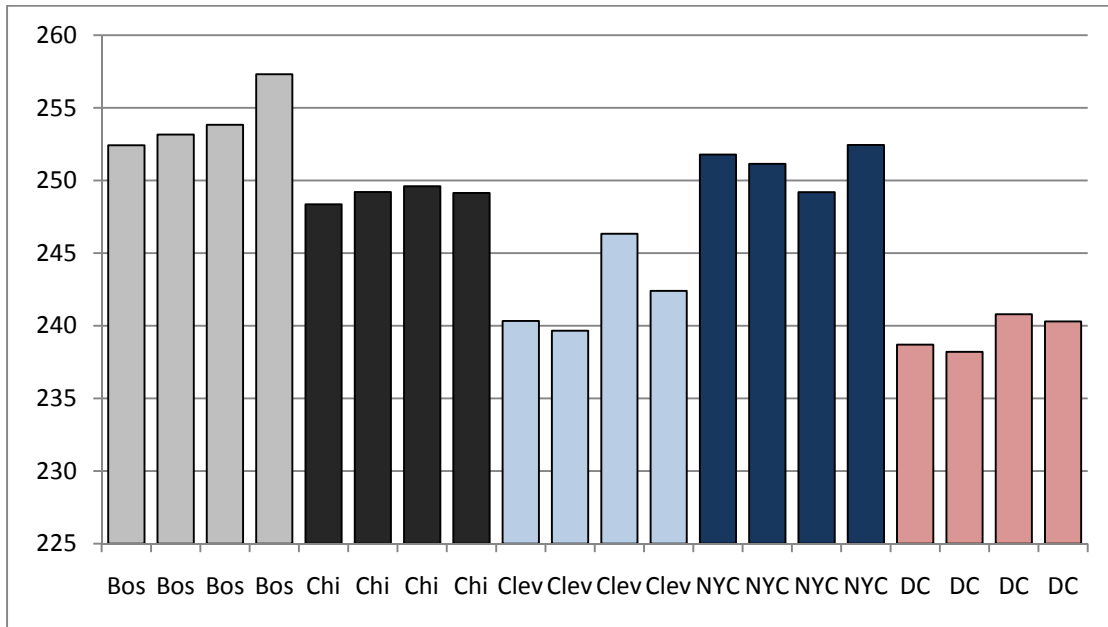(2003, 2005, 2007, 2009)

Figure 10: City NAEP Scores minus National Average, 8th Grade Reading
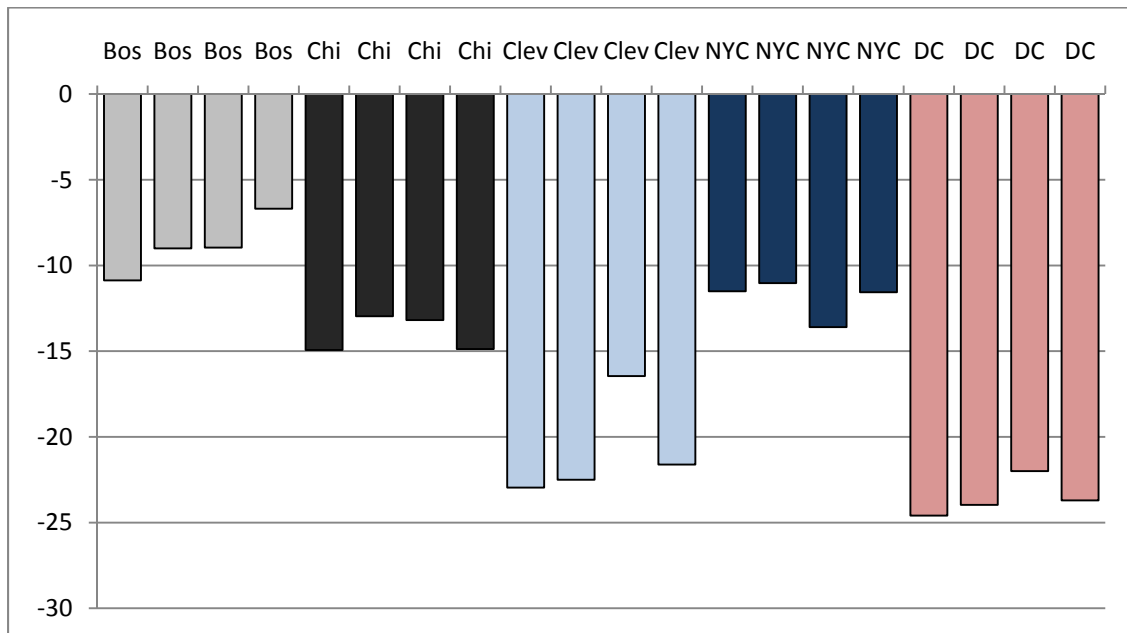(2003, 2005, 2007, 2009)

Table 18 presents the NAEP math and reading scores for 2009 for the large urban districts in the NAEP sample, including five of the nine cities in our study.

Table 18: NAEP Scores

District	4th Grade		8th Grade	
	Math	**Reading**	**Math**	**Reading**
Atlanta	225	209	259	250
Austin	240	220	287	261
Boston	**236**	**215**	**279**	**257**
Charlotte	245	225	283	259
Chicago	**222**	**202**	**264**	**249**
Cleveland	**213**	**194**	**256**	**242**
Houston	236	211	277	252
Los Angeles	222	197	258	244
New York	**237**	**217**	**273**	**252**
San Diego	236	213	280	254
Washington, D.C.	**220**	**203**	**251**	**240**
U.S.	239	221	283	264

Note: Study cities in bold.

With a small-sample caveat, Table 19 presents the results of a regression analysis using the NAEP data. In this case, school districts without formal mayoral involvement are compared to the districts with some form of mayoral involvement. Equations (1) and (4) show results when the only independent variable is a "dummy" variable for mayoral control. In these regressions, we actually see a negative effect.

However, equations (2) and (5) also include three control variables: the percent of residents in each city that are white, the percent of residents in each city that are below the poverty threshold, and the U.S. national average on the NAEP exams. Equations (3) and (6) include a variable that tests to see if the "strength" of mayoral control makes a difference. In general, for 4th grade these regressions do not provide evidence that assessment scores improved because of mayoral involvement in governance.

Table 19: Dependent Variable: NAEP scores, 4th Grade

	Mathematics			Reading		
	(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**
MC	-9.72	-0.95		-5.89	1.09	
	(0.00)	*(0.64)*		*(0.03)*	*(0.63)*	
Strength x MC			0.41			1.03
			(0.57)			*(0.17)*
US Avg.		1.64	1.64		2.12	2.08
		(0.01)	*(0.01)*		*(0.01)*	*(0.02)*
% White		0.52	0.55		0.41	0.43
		(0.00)	*(0.00)*		*(0.00)*	*(0.00)*
% Poverty		-0.52	-0.54		-0.57	-0.58
		(0.07)	*(0.06)*		*(0.02)*	*(0.02)*
Constant	231.4	-178.4	-180.1	207.8	-271.0	-262.5
	(0.0)	*(0.18)*	*(0.18)*	*(0.00)*	*(0.14)*	*(0.15)*
R^2	0.21	0.65	0.65	0.10	0.51	0.53
# obs.	43	43	43	49	49	49

Note: p-values given below estimates. A p-value less than 0.1 indicates that a coefficient is statistically different than zero (i.e., is statistically significant). Standard errors are robust. Note for 2009, 2008 ACS data was used.

Table 20 runs similar regressions as in Table 19, but looks at the changes in the variables. Again, there is no statistical support for mayoral involvement having an effect on test score growth for 4th grade (though the coefficients are positive, they are not statistically significant).

Table 20: Dependent Variable: Changes in NAEP Scores, 4th Grade

	Mathematics			Reading		
	(1)	(2)	(3)	(4)	(5)	(6)
MC	1.14	1.06		0.209	0.134	
	(0.28)	*(0.25)*		*(0.81)*	*(0.87)*	
Strength x MC			0.457			0.219
			(0.12)			*(0.39)*
ΔUS Avg.		0.995	1.03		-0.600	-0.599
		(0.01)	*(0.00)*		*(0.23)*	*(0.23)*
Δ% White		0.051	0.061		0.161	0.163
		(0.30)	*(0.73)*		*(0.19)*	*(0.18)*
Δ% Poverty		0.669	0.627		-0.227	-0.240
		(0.07)	*(0.08)*		*(0.52)*	*(0.50)*
Constant	2.14	0.787	0.682	2.02	2.49	2.29
	(0.0)	*(0.15)*	*(0.20)*	*(0.00)*	*(0.00)*	*(0.00)*
R^2	0.04	0.33	0.34	0.001	0.08	0.10
# obs.	32	32	32	38	38	38

Note: p-values given below estimates. A p-value less than 0.1 indicates that a coefficient is statistically different than zero (i.e., is statistically significant). Standard errors are robust.

Table 21 performs a similar regression as Table 19, but for 8th grade test scores. Equations (1) and (4) show a negative effect for mayoral involvement districts, when there are no controls for the national trends, race or poverty rates. When we do add the controls, however, we see a positive and statistically significant effect for mayoral involvement. For example, controlling for national trends, race and poverty rates, we see that mayoral involvement districts, on average, had a 4.76 point higher performance on 8th grade reading tests, compared to their counterparts without mayoral involvement (all of the districts included are listed in table 18). There is also a greater effect for stronger control districts, as shown in equation (3). For example, based on this equation, we would predict that a "strong" mayoral control district would have a 6.45 point higher performance on the NAEP math scores, compared to a non-mayoral control district, all else equal. Similar effects also hold for the reading scores.

Table 21: Dependent Variable: NAEP scores, 8th Grade

	Mathematics			Reading		
	(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**
MC	-7.80	5.15		-1.97	4.76	
	(0.04)	*(0.02)*		*(0.35)*	*(0.00)*	
Strength x MC			2.15			1.98
			(0.00)			*(0.00)*
U.S. Avg.		1.92	1.86		-0.33	-0.41
		(0.00)	*(0.00)*		*(0.72)*	*(0.64)*
% White		0.84	0.82		0.41	0.38
		(0.00)	*(0.00)*		*(0.00)*	*(0.00)*
% Poverty		-0.51	-0.52		-0.51	-0.54
		(0.06)	*(0.05)*		*(0.01)*	*(0.00)*
Constant	267.8	-308.2	-290.6	248.9	322.6	345.6
	(0.00)	*(0.04)*	*(0.05)*	*(0.00)*	*(0.20)*	*(0.15)*
R^2	0.10	0.72	0.74	0.02	0.52	0.56
# obs.	43	43	43	48	48	48

Note: p-values given below estimates. A p-value less than 0.1 indicates that a coefficient is statistically different than zero (i.e., is statistically significant). Standard errors are robust. Note for 2009, 2008 ACS data was used.

Table 22, however, shows that there is no evidence that mayoral involvement districts have higher growth rates, in terms of their test performance, as compared to districts without strong mayoral involvement.

Table 22: Dependent Variable: Changes in NAEP Scores, 8th Grade

	Mathematics			Reading		
	(1)	(2)	(3)	(4)	(5)	(6)
MC	-0.972	-0.996		-1.10	-0.94	
	(0.36)	(0.33)		(0.21)	(0.28)	
Strength x MC			-0.152			-0.364
			(0.65)			(0.20)
ΔUS Avg.		0.972	1.10		0.539	-0.592
		(0.37)	(0.34)		(0.22)	(0.18)
Δ% White		0.044	0.023		-0.214	-0.230
		(0.82)	(0.90)		(0.17)	(0.14)
Δ% Poverty		-0.340	-0.311		-0.530	-0. 115
		(0.58)	(0.62)		(0.05)	(0.06)
Constant	3.97	2.16	1.65	1.57	1.37	1.35
	(0.0)	(0.30)	(0.44)	(0.02)	(0.02)	(0.01)
R^2	0.03	0.14	0.12	0.04	0.22	0.37
# obs.	32	32	32	37	37	26

Note: p-values given below estimates. A p-value less than 0.1 indicates that a coefficient is statistically different than zero (i.e., is statistically significant). Standard errors are robust.

Given the demographic differences among the nine districts with respect to race and socio-economic status, we disaggregated these NAEP data for 2009 in order to analyze whether differences in district performance vary by race and socio-economic status. The following tables present these findings:

Table 23: 4th Grade NAEP (2009) by Race and Free Lunch

	4th Grade Math (2009)				4th Grade Reading (2009)			
District	White	Black	Hispanic	RFL Eligible	White	Black	Hispanic	RFL Eligible
Baltimore	240	220	na	220	220	200	na	199
Boston	251	231	232	233	231	212	209	211
Chicago	242	212	226	219	228	194	203	199
Cleveland	228	209	217	213	209	189	200	194
Detroit	na	199	206	198	na	186	190	186
New York	254	227	230	235	235	208	208	214
Philadelphia	239	216	221	219	215	191	187	192
Washington, D.C.	270	212	227	210	257	195	207	193
U.S.	248	222	227	227	230	205	205	206

Note: na=not available

104

Table 24: 8th Grade NAEP (2009) by Race and Free Lunch

District	8th Grade Math (2009)				8th Grade Reading (2009)			
	White	Black	Hispanic	RFL Eligible	White	Black	Hispanic	RFL Eligible
Baltimore	na	255	na	254	na	243	na	242
Boston	311	268	269	273	282	248	251	251
Chicago	289	252	268	261	272	243	249	246
Cleveland	275	252	250	256	258	239	237	242
Detroit	na	237	255	235	na	232	232	228
New York	295	261	261	270	271	246	243	250
Philadelphia	284	256	258	261	266	241	241	243
Washington, D.C.	na	244	263	243	na	235	249	232
U.S.	293	261	266	266	273	246	249	249

Note: na=not available

These data do not support the hypothesis that cities with larger concentrations of poverty and African-Americans and Hispanics have higher achievement for these groups. Boston and New York have the highest achievement among African-American, Hispanic and low-income students.

Finally, Figure 11 indicates that the data do not support the hypothesis that cities with larger percentages of white and middle class students, particularly Boston and New York City, owe their high overall student achievement to the presence of these groups, as there is a strong correlation between black and white test scores.

Figure 11: NAEP Black Student Average versus White Student Average for 14 Urban Districts 2009, 8th Grade Math
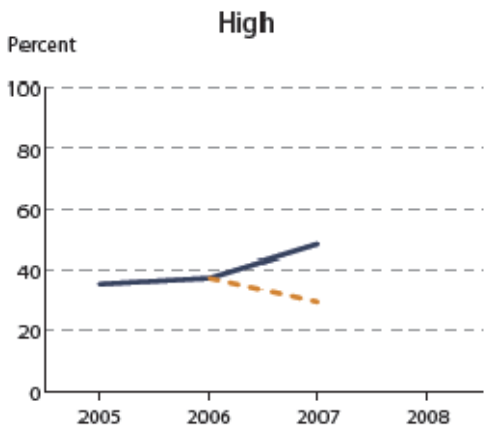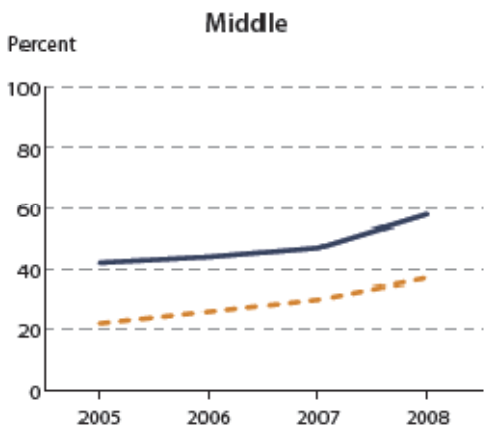
Table 24: 8th Grade NAEP (2009) by Race and Free Lunch

District	8th Grade Math (2009)				8th Grade Reading (2009)			
	White	Black	Hispanic	RFL Eligible	White	Black	Hispanic	RFL Eligible
Baltimore	na	255	na	254	na	243	na	242
Boston	311	268	269	273	282	248	251	251
Chicago	289	252	268	261	272	243	249	246
Cleveland	275	252	250	256	258	239	237	242
Detroit	na	237	255	235	na	232	232	228
New York	295	261	261	270	271	246	243	250
Philadelphia	284	256	258	261	266	241	241	243
Washington, D.C.	na	244	263	243	na	235	249	232
U.S.	293	261	266	266	273	246	249	249

Note: na=not available

These data do not support the hypothesis that cities with larger concentrations of poverty and African-Americans and Hispanics have higher achievement for these groups. Boston and New York have the highest achievement among African-American, Hispanic and low-income students.

Finally, Figure 11 indicates that the data do not support the hypothesis that cities with larger percentages of white and middle class students, particularly Boston and New York City, owe their high overall student achievement to the presence of these groups, as there is a strong correlation between black and white test scores.

Figure 11: NAEP Black Student Average versus White Student Average for 14 Urban Districts 2009, 8th Grade Math
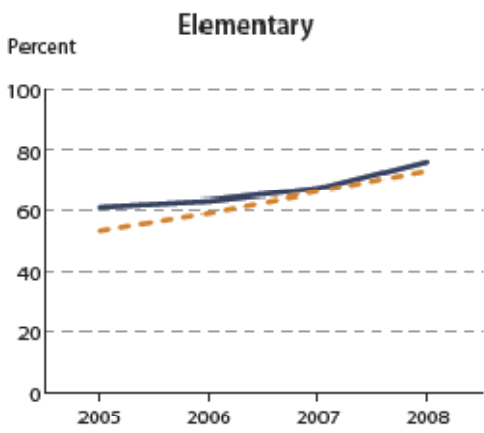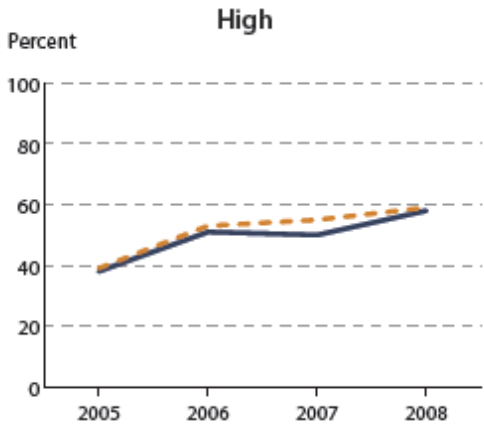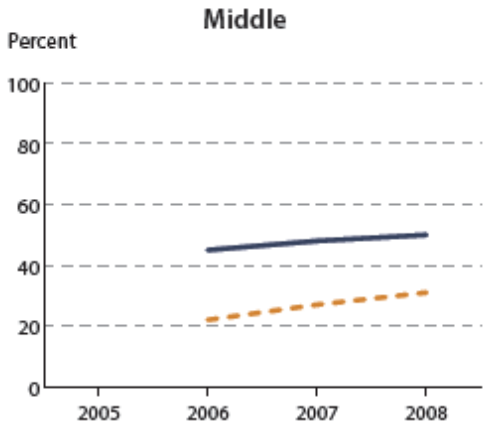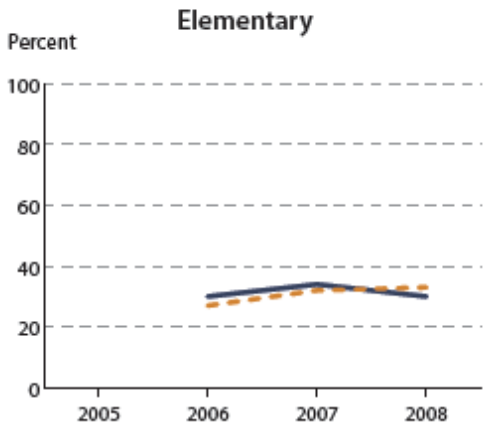
Broad Foundation Data

In order to see how each district has been performing on state-administered exams, we reproduce the graphs reported in the Eli Broad Foundation website (http://www.broadprize.org/resources/reports2009.html) for each school district. Each set of graphs is from the nine cities in our study and they give the percentage of all students in the district scoring at or above proficiency in reading and mathematics in elementary, middle, and high school from 2005 to 2008. In some cases these data are reported until 2007.

Note that for each graph the solid line (━━━) are reading scores and the dashed line (━ ━) are mathematics scores. The graphs do not provide a consistent pattern. School district performance on state exams varies widely, across districts, time and grade levels.
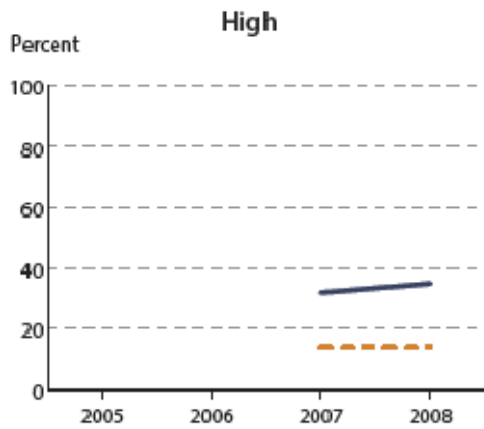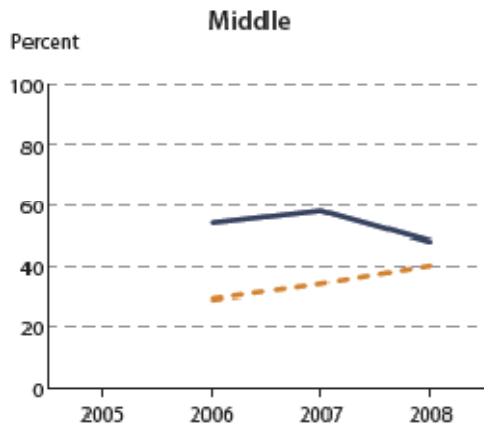
Baltimore
DISTRICT PROFICIENCY RATE

Elementary

Middle

High

Boston
DISTRICT PROFICIENCY RATE
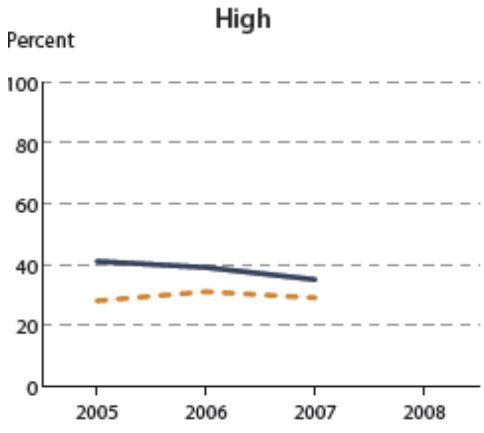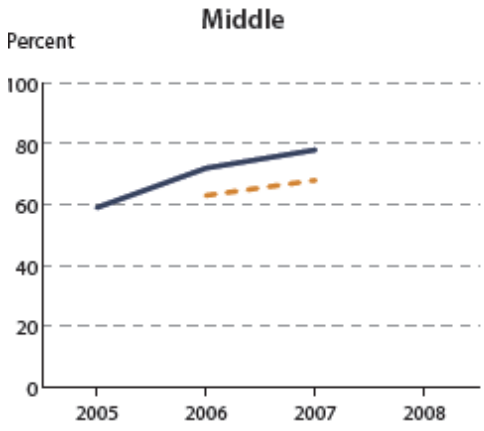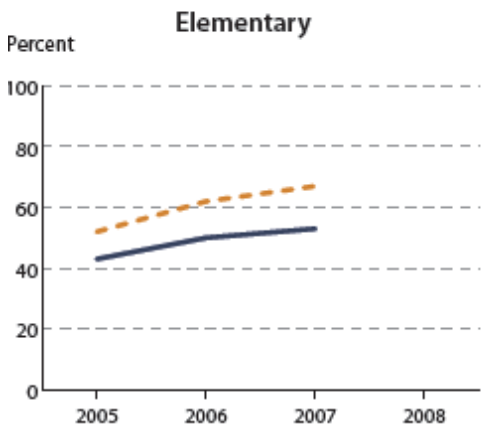
Elementary
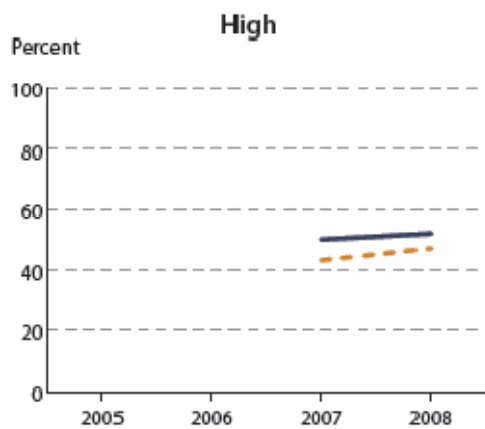

Middle

High

Chicago

Elementary

Percent

Middle

Percent

High

Percent

Cleveland

Elementary

Percent

Middle

Percent

High

Percent

108

Detroit

Elementary

Percent

100
80
60
40
20
0

2005 2006 2007 2008

Middle

Percent

100
80
60
40
20
0

2005 2006 2007 2008

High

Percent

100
80
60
40
20
0

2005 2006 2007 2008

Hartford

Elementary

Percent

100
80
60
40
20
0

2005 2006 2007 2008

Middle

Percent

100
80
60
40
20
0

2005 2006 2007 2008

High

Percent

100
80
60
40
20
0

2005 2006 2007 2008
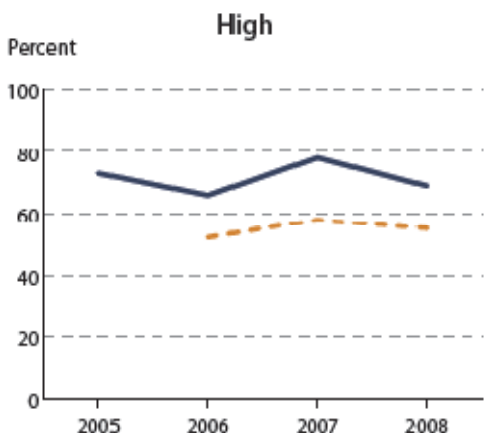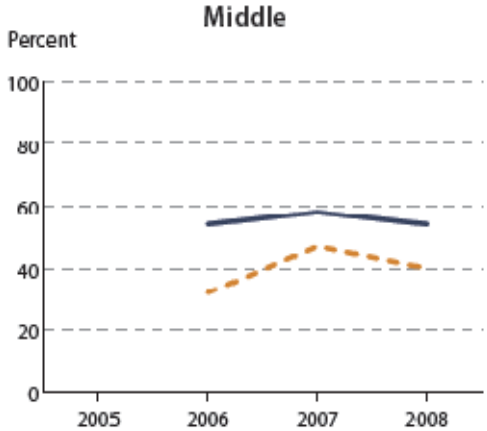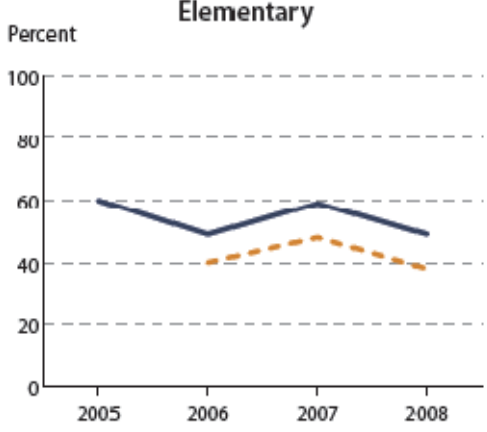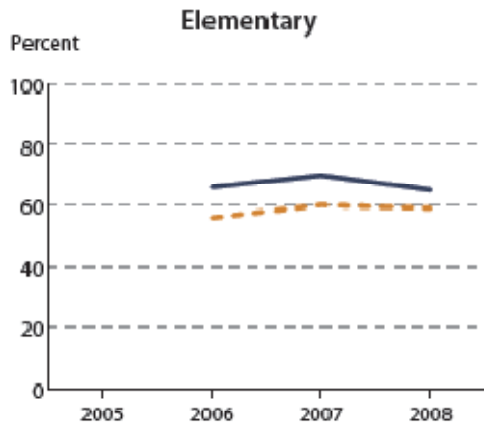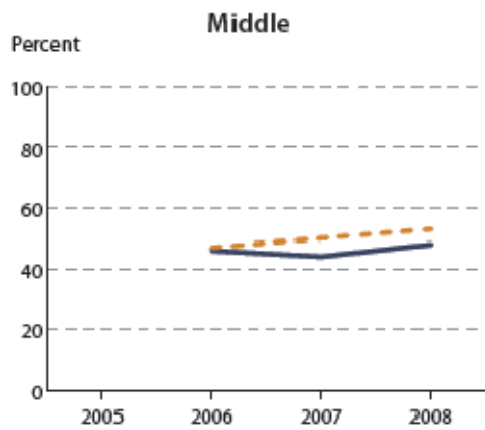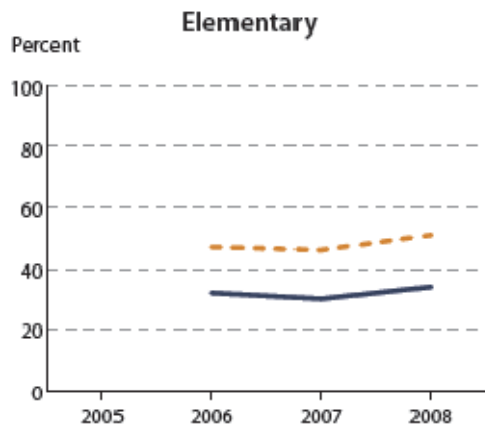
New York
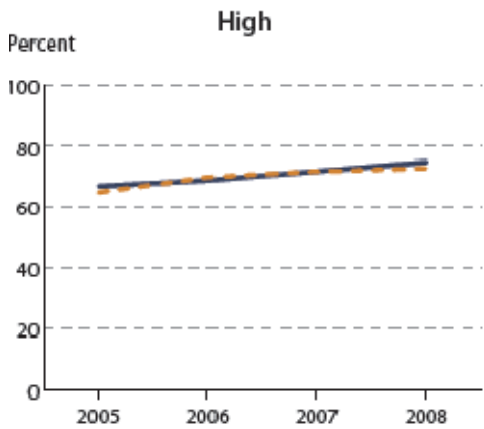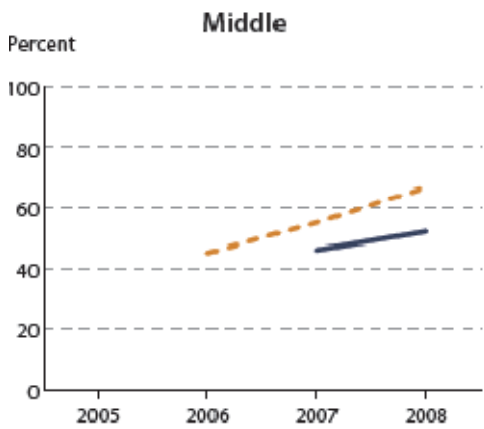## DISTRICT PROFICIENCY RATE

Elementary
Percent

Middle
Percent

High
Percent
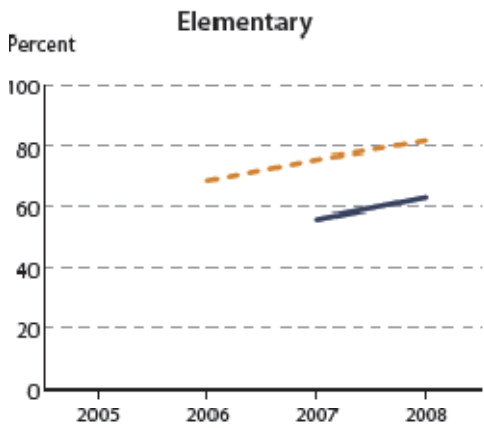
Philadelphia
DISTRICT PROFICIENCY RATE

Elementary
Percent
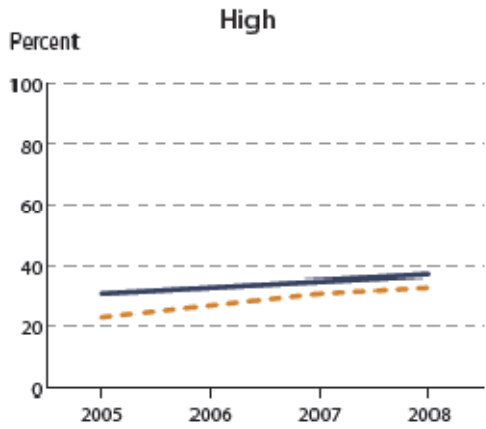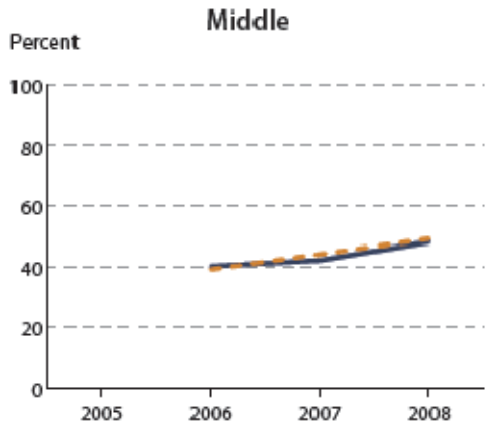

Middle
Percent

High
Percent

110
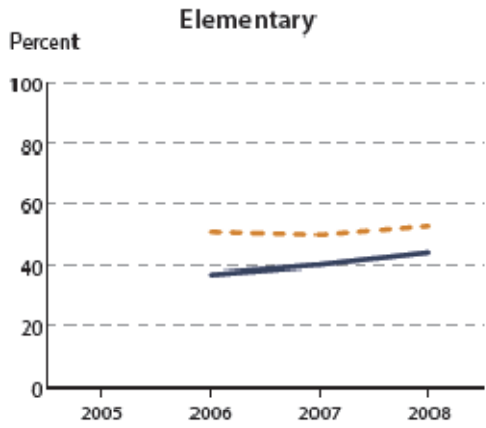
Washington, D.C.

DISTRICT PROFICIENCY RATE

Elementary

Percent

Middle

Percent

High

Percent
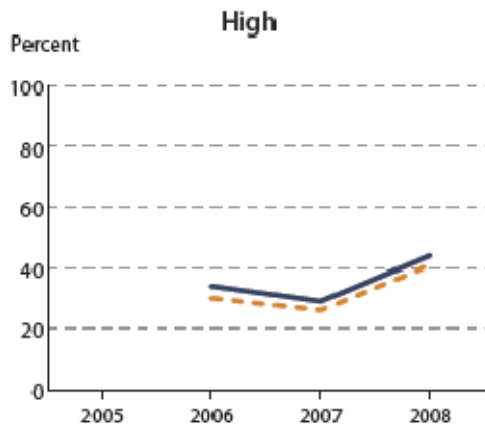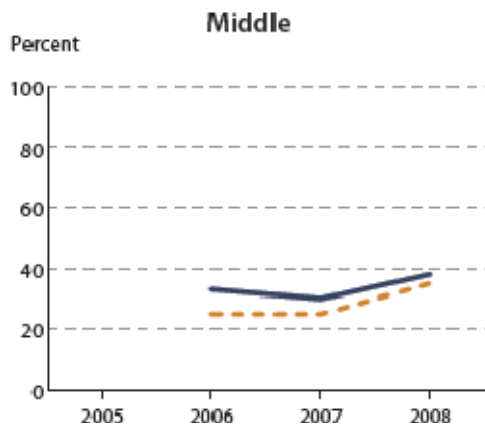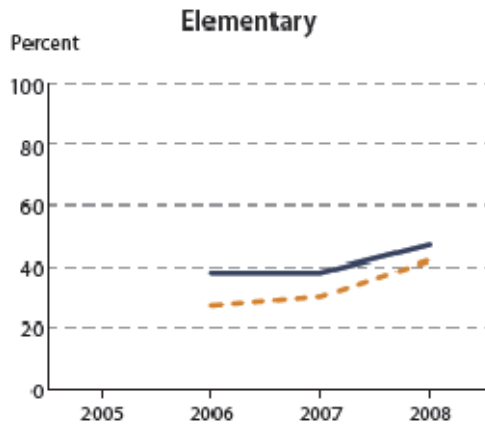
Statistical evaluation

Although Wong et al. (2007) find small significant effects of mayoral involvement in governance on student achievement, our statistical analysis does not provide convincing evidence to suggest that mayoral involvement has a causal positive effect on achievement or on other demographic and educational measures. There have been improvements in student achievement on NAEP from 2003-2009 in almost all of the districts with some forms of mayoral involvement, but it is impossible to isolate any causal effect of mayoral involvement, given the mixed findings of the statistical results. We simply cannot reject rival hypotheses, such as the effects of NCLB or other systemic reforms in each of the cities or their states.

In addition, comparisons to cities without mayoral involvement on NAEP during the same time period do not indicate that mayoral involvement explains achievement gains, independent of other variables. The two highest-performing cities, Austin and Charlotte — the only two above the national average in both mathematics and reading — are both cities without mayoral involvement.

Nevertheless, given the gains in NAEP (2003-2009) scores in almost all cities and all levels, the statistical significance of these gains in cities with strong mayoral involvement (control) and the gains in almost all the cities on state examinations (2006-2008), the evidence suggests that mayoral control is associated with increases in student achievement. However, the evidence is insufficient to argue for causality.

The data certainly do not indicate that forms of governance with mayoral involvement have a negative effect on student achievement, but rather that governance may not be the most important factor; or, at the least, may be one of many factors in raising student achievement. If raising student achievement is the only reason to consider implementing a mayor-dominated governance model, then our findings do not provide support for stronger mayoral involvement. However, our evidence indicates that as part of an overall systematic approach to urban district improvement, mayoral involvement—if not control—should be considered.

IV. CONCLUSIONS AND RECOMMENDATIONS

A. GENERAL CONCLUSIONS

We began our study on governance with the goal of getting a well-rounded understanding not only of the theory behind the different governance models in our nine cities but also, more importantly, how those theories have played out.

Among the many ideas driving the adoption of new governance models we noted the following:

– **Frustration with persistent poor academic performance and fiscal woes:** In every city, there was a widespread recognition that the public schools were failing to educate children, especially poor, minority and non-English speaking children; and there was often not enough money or available funds were being mismanaged.

– **The view that a business management model would do better:** Particularly at the state government level, Republican lawmakers were often vocal in their criticism of city leadership (almost always Democratic). They argued that a "business" approach to managing schools would result in greater efficiencies and more effective teaching.

– **Anti-union sentiment:** Many business leaders, and especially Republican lawmakers, were vocal in ascribing blame to teachers and their unions for protecting poor performance and stifling work-rule changes. They argued for governance not beholden to unions.

– **Pressure for charter schools and vouchers:** Over time there has been increased pressure, especially from Republican lawmakers and business and civic groups for more competition in schools. Charter schools have become a widely accepted method to increase options for parents and test new educational models; to a lesser extent, outsourcing and privatizing school management have been tried as well. While many believe that charter schools are a stalking horse for vouchers, there has been little movement in that direction in our cities, other than in Cleveland.

– **Drive for accountability:** The trend to identify measurable outcomes and closely monitor achievement in the schools — a key component of the No Child Left Behind Act — also was a factor leading to more centralized governance, where the mayor or new school leaders can be held accountable for student performance.

These drivers of change have themselves altered in the years during which the new governance models have been in place. Support for mayoral control, for example, is much broader today than before, and many different groups have lent their voices to

promoting governance changes. In July 2009 U.S. Education Secretary Arne Duncan told the National Education Association what he has told school boards: if they can't improve student achievement, they have a moral obligation to consider mayoral control.[545]

So, what have governance changes accomplished? After reviewing school district governance literature, interviewing many stakeholders in our nine cities, and analyzing statistical data, we found that changes of governance helped the public school systems progress in several key areas, but there have still have been problems and limitations. Notably:

- **Efficiency/level of corruption** – In cities including Chicago, Cleveland, Boston, Philadelphia and Washington, D.C., stakeholders reported — and the literature supported — that the school systems have become more efficient, and there is a perception that the level of corruption in public education has gone down. For example, Chicago was able to come out from under fiscal oversight by a state-created body and the Commonwealth of Pennsylvania no longer identifies Philadelphia as being in fiscal crisis. However, in three cities, Baltimore, Detroit and Hartford, the mayors were convicted of criminal acts. Although their offenses were not related to management of the schools, they are a reminder that mayoral control is dependent on the effectiveness and leadership of each mayor and while mayoral control often reduces corruption, it is also can be a source of it. From a long historical perspective, that should not come as a surprise, since vesting responsibility in elected school boards initially was a response to corruption and political patronage when mayors were in control of the schools.

- **Stability/level of chaos** – In certain cities stakeholders reported improved stability in the school system, enabling school leaders and the community to concentrate on strategies to improve achievement. In each of our cities, leaders have touted new educational approaches and programs that might have been much more difficult to push through without the backing of strong leadership. Of particular note are these: the stability in Cleveland's leadership after a period of rapid turnover in superintendents (thirteen superintendents in fifteen years before new governance, and two in the ten years since); the reduction in labor strife in Chicago (where there had been nine strikes between 1969 and 1987, but none since mayoral control); and Boston, where a superintendent served eleven years working closely with one mayor, replacing years of fighting within the elected School Committee and between the School Committee and the mayor. In each of those cities, the mayors claim substantial improvements in educational outcomes. (See Appendix B for a summary of longevity of mayors and school leaders and Appendix C for a summary of collective bargaining contracts in our nine cities.)

- **Funding levels** – In virtually every one of our cities, changes of governance have been associated with increases in funding. In some cases, as in Baltimore and Philadelphia, the change in governance was the *quid pro quo* for increased state

---

[545] http://www.ed.gov/news/speeches/2009/07/07022009.html (accessed August 15, 2009).

funding. In other cities, like Chicago, Boston and Washington, D.C., the mayors have supported increased funding and have raised significant funds from the private sector.

- **Process improvements** – While it is somewhat difficult to verify the many claims made by school leaders, there is no doubt that new school leadership has pressed for a number of improvements in classrooms, from new programs to more computers to more outside resources.

- **Unionization/teacher flexibility** – In some cities, notably New York and Chicago, the new governance leadership has successfully bargained with the teacher unions to lengthen the instructional day; another sign of increased flexibility has been the cooperation of unions in those cities in creating unionized charter schools where new teaching methods are being tested.

- **Choice options** – The new governance groups in our cities have proudly pointed to increased choice as a benefit of their leadership. In New York and Chicago, with the support of the Gates Foundation, larger schools have been divided into new, small schools, and more charter schools have opened. Philadelphia has seen perhaps the most dramatic increase in school options, with the management of many schools being turned over to public and private organizations. In Cleveland, despite the challenge of operating under Ohio law, where charter schools are outside the public school umbrella, the district has opened one charter school and is opening multi-district magnet schools, including one on the campus of a Fortune 500 company.

- **Community input** – This is one area where the new governance models have received poor marks from some stakeholders. Parents in New York City, unhappy with lack of transparency about the mayor's plans and without a strong voice in school policy, came together to lobby for radical changes in the mayoral control law as the legislature considered whether to continue Mayor Bloomberg's control. Parents in Chicago and Boston complain that they have too little input on school closings. Groups in Philadelphia and Baltimore want to decrease the extensive state role in their city school systems. Detroit parents and community members were so strongly opposed to mayoral control that they voted to end it five years after it was implemented.

- **Satisfaction** – If satisfaction in our cities is measured by voter referendum, the voters in two cities — Cleveland and Boston — voted in favor, while voters in one city — Detroit — voted to end mayoral control. In Boston and Chicago, voters have returned their "education mayors" to office with overwhelming margins. In New York, however, Mayor Bloomberg's recent re-election was by an unexpectedly narrow margin. We also looked at demographic data to see whether there was any evidence that new governance models have induced more middle-class families to move back to the cities or to send their children to public schools, but we could not establish such a link.

- **Student achievement** – Student achievement has been the toughest nut to crack. While school leaders tout many improvements in test scores, attendance and graduation rates, in fact, we were unable to establish conclusively that the change in governance had any causal relationship to improved performance, as discussed in Section III above, or that, using nationally-normed test data, our cities had greater improvements than anywhere else. Nevertheless, the association of mayoral involvement with increased test scores and the statistical significance of strong mayoral involvement with achievement scores at some levels and in some areas, suggests that mayoral involvement, if not control, should at the very least be considered as part of an overall district improvement strategy.

B. RECOMMENDATIONS FOR NEW JERSEY CITIES

The nine cities we chose to study include some of the biggest metropolitan areas and biggest public school districts in the country. For that reason, they may not appear to offer many lessons for New Jersey's much smaller cities. Yet, two of our cities, Cleveland and Washington, D.C., have school populations of approximately the same size as Newark (50,000), and Hartford has approximately 20,000 students, roughly the size of Paterson and Jersey City. Size alone, however, is not the only relevant factor when looking for models of public school governance. The school populations of all nine cities share key demographic features with Newark, Paterson and Jersey City, including large percentages of minorities, immigrants and impoverished children, and all have suffered from chronic low student achievement. For that reason, we expected, and found, that their experiments with school governance as a tool for reform had relevance to the challenges facing our New Jersey cities.

For all the similarities we noted among our target cities, and between them and New Jersey cities, there are just as many — and as significant — differences among the nine cities we studied. Each is unique in history, in governance design and in the length of time the new governance model has been in place. We were unable to identify any single city as a "best practices" model; what has worked in Boston, for example, did not work in Detroit. A mixed elected and appointed board in a small city like Hartford that has only recently ended its city manager form of government offers very different lessons than a large, complex city like New York. Nevertheless, we were able to identify some lessons we consider relevant for New Jersey.

We learned that regardless of the particular form of governance adopted — a city/state partnership, strong mayoral control, or a mixed model — the adoption of a new governance model, in and of itself, brought a higher level of public commitment to education. In each of our nine cities, education has become a higher political priority, with more public discussion, more public and private funding, and more attention to successes. In several of the cities, the impetus for the new governance model came from the state, rather than from municipal leadership. But in each case, the mayors have embraced the role of "education mayor," often lending their municipal powers, along with their "bully pulpits," to the myriad tasks of improving business and educational

processes within their school districts. One result has been the engagement of municipal resources in school improvement efforts.

Would New Jersey's mayors similarly embrace the role of "education mayor"? Would their leadership bring together disparate forces within and outside the school systems in the service of school improvement? Newark Mayor Cory Booker has made no secret of his desire to manage his city's public schools. For over a year, the Newark public schools have been led by a superintendent with experience in managing reform in large urban school districts, including Washington, D.C. It remains to be seen whether Mayor Booker will push for his own increased authority over the schools. Paterson's mayor, Jose Torres, has demonstrated some willingness to take responsibility for the school system: in September 2007, he got into a highly publicized battle with the school superintendent when his fire department ordered 52 schools shut down for fire code violations.[546] Presumably, if Mayor Torres controlled the schools, he would have found a way to prevent such a disruption of the educational process.

Commitment to improving public education is only one part of the equation, however; good leadership depends on the quality of the people leading. Many of the superintendents and CEOs in our nine cities are or were highly respected educational leaders. The pace of reform in their cities is tied largely to their vision and expertise. But in three of our nine cities, the mayors who assumed substantial leadership over the schools have faced criminal charges unrelated to their educational oversight, which, obviously, can diminish the effectiveness of that leadership.[547] Over the years, New Jersey mayors, including the mayors of Newark, Paterson and Jersey City, have had their share of distractions due to charges of corruption. Mayoral involvement, therefore, offers no guarantee that the schools will be any more immune from the impact of alleged or proven corruption than they are under locally elected school boards.

One of the major advantages of new governance models that we identified in the nine cities was the influx of public and private funds that came to the cities either as part of the legislative "deal" that brought new governance, or due to the mayors' fund-raising efforts in the business and philanthropic communities. Over the past ten years or so, though, New Jersey — unique among the states — has experienced a large increase of funding to cities struggling with low tax bases and high-needs students as a result of the *Abbott v. Burke* litigation. Newark, Paterson and Jersey City were all *Abbott* districts, and they received major infusions of state aid as a consequence. That litigation entered a new phase in 2009 as the courts ended the *Abbott* designation for school districts, finding that a new statutory formula designed to have state funds follow needy children regardless of the district in which they reside is constitutional so long as it is fully funded by the

---

[546] Nate Schweber and Anne Barnard, "Uproar Is Political and Parental in Paterson School Shutdown," *The New York Times,* September 8, 2007, http://www.nytimes.com/2007/09/08/nyregion/08schools.html. (accessed January 12, 2010).
[547] Annie Linskey, "Baltimore Mayor Dixon Indicted," *The Baltimore Sun*, 10 January, 2009, http://www.baltimoresun.com; Jim Schaefer, "Kilpatrick admits guilt, resigns office," *Detroit Free Press*, September. 5, 2008, http://www.freep.com; Perez' lawyer criticizes state allegations, *Hartford Courant*, Janurary. 27, 2009, http://www.hartfordcourant.com.

legislature. Given New Jersey's extremely generous funding of public education despite the state's major fiscal difficulties, including in the hard-pressed cities, it is not clear how much "clout" the mayors of those cities would have to have to raise additional funds, from the state legislature or from the business and philanthropic communities.

As we look at lessons learned from our nine cities, we note certain restrictions on governance peculiar to New Jersey that may limit the relevance of those experiences. Those include:

> **State governance standards**. Governance in all New Jersey school districts must be evaluated regularly, according to the 2005 Quality Single Accountability Continuum Act ("QSAC"). What does the state look at when it assesses governance in school districts? The New Jersey Department of Education has a checklist (known as the District Performance Review) that evaluates: 1) student achievement; 2) board training, disclosure and operation; 3) ethics compliance; 4) policies, procedures, and by-laws; 5) standard school board practices; 6) annual evaluative process; 7) school board/administration collaboration; 8) budget priorities; and 9) communications. Returning governance to local control in a formerly state-operated school district means that the district must satisfy at least 80 percent of the criteria in all nine areas.

> **Local control of governance in Jersey City**. The Jersey City school district has had part of its governance authority returned because it satisfied 80% of the QSAC criteria for governance. In 2007 the state returned governance (as well as fiscal management and operations responsibilities) to local control, but the state retains the power to manage personnel, instruction and curriculum decisions.[548] Full governance power will resume in the Jersey City school district when the district satisfies 80 percent of state standards in the two QSAC areas remaining under state control.

> **Local control of governance in Newark and Paterson**. Newark and Paterson face the challenge of reestablishing governance of their own school districts. Both school districts have yet to meet 80% of the state's performance goals in governance before the state will allow self-governance.[549] QSAC provides that Newark and Paterson be evaluated every six months until state control is relinquished.

> **Citywide election to choose governance structure**. QSAC requires that within one year of the state withdrawing from intervention in a school district's governance,[550] the board of education must call a special election for the residents

---

[548] *See* Commissioner's Evaluation of the Jersey City School District, July 23, 2007, http://www.state.nj.us/education/genfo/qsac/etr/jerseycity.pdf.
[549]*See* Commissioner's Evaluation of the Newark School District, July 23, 2007, http://www.state.nj.us/education/genfo/qsac/etr/newark.pdf and Commissioner's Evaluation of the Paterson School District, July 30, 2007, http://www.state.nj.us/education/genfo/qsac/etr/paterson.pdf.
[550] N.J.S.A. 18A: 7A-53 (d); N.J.A.C. 6A: 30-7.5 (c).

to vote to select their preferred governance system. Currently, voters can choose from two options: an elected board of education or a mayorally-appointed board. Jersey City held an election in November 2008 that led to an elected board of education.[551] Newark and Paterson voters will be able to express their preferences once their school districts satisfy 80 percent of the standards on the District Performance Review.

Pre-election, limited board voting rights. Even before Newark and Paterson satisfy QSAC's governance criteria, the state could grant some voting authority to their advisory boards. QSAC permits the State Board of Education to grant limited local voting authority even when the state has not withdrawn completely from intervention, with veto power in the Commissioner of Education.

As noted above, many of the forms of governance that have been adopted in the nine cities in this study are not available currently in New Jersey. New Jersey recognizes only two forms: appointed or elected school boards. In either of those cases, once seated, the board acts as an independent legal entity, responsible for hiring, spending and policy implementation. Other legal structures that have added value in our nine cities might be reasonable additions to the menu of choices. These run the gamut from hybrid elected and appointed boards that are independent, to separate school boards that are appointed by mayors but remain subject to some mayoral oversight, to school systems without a separate governing body that are run by the mayor directly as a department of the city. Obviously, if Newark or Paterson, or any other school district, wishes to implement any form of school district governance other than what New Jersey law provides currently, legislative action will be required.

Another aspect of school governance in New Jersey is the degree to which local communities have embraced political ownership of education through the process of electing school boards. Local political control is not unique to New Jersey, of course, and many of our nine cities balked at giving up that control. Notable among those was Detroit, where the citizenry took back local elected control of the school board after five years. Of the 600 school districts in New Jersey, only 50 have opted for mayoral appointment versus election of their school boards.[552] Would Newark and Paterson — or any communities in New Jersey — now opt to give up their electoral power for a system of mayoral appointment, let alone a system of mayoral control, even assuming the legislature would make that available? It seems doubtful. Perhaps, however, the legislature should consider — on an experimental basis — making some form of mayoral control an option specifically for those communities returning to local control after state takeover or intervention. Expanding governance options specifically for those school districts that have struggled in the past with governance problems makes good sense and might be palatable to communities eager to regain some degree of local control after having had virtually none.

---

[551] http://www.jcboe.org/administration/board-members.aspx.
[552] Source: New Jersey School Boards Association, retrieved 9/1/09 from http://www.njsba.org/schoolstats/bmrwebstats_schooldist.html.

Any new models must ensure, though, that there is adequate community input into school governance and policy. This was an important concern in the cities we studied and, given New Jersey communities' historical involvement in school governance, any system that is perceived as shutting out parental and community voices is not likely to be successful. Likewise, there must be transparency and public accountability on which the public can build trust in new leadership models.

However real the benefits may be from new governance models, it is important to remember what we know generally about school reform. We agree with the many voices that told us effective governance is necessary, but not sufficient, to move school reform ahead. Concurrent reforms at the building level, including strong leadership by the principal; the recruitment, retention and support of high quality teachers and administrators; as well as addressing the myriad problems outside of the schools related to poverty and its effects are also vital to urban school improvement. Given the decades of research on the need to tie school improvements to community and economic development, we recommend that such initiatives as the Harlem's Children Zone in New York City and the fledgling Broader, Bolder Initiative in Newark[553] be examined as models along with governance innovations.

In sum, because of the very real benefits that we have observed in the nine cities that have implemented some experimental forms of governance, we recommend that New Jersey lawmakers consider making a broader array of governance models available to cities emerging from state control or intervention. While we were unable to link any specific form of governance to any specific advance in student achievement or school district management, the evidence still demonstrates that raising the profile of education through adopting new governance models has more positive than negative results. Keeping the spotlight on education reform, overall, has benefited public education in the nine cities we studied.

This study supports Viteritti's position that governance structure "is not a solution, it is an enabler…creat[ing] possibilities for the kind of bold leadership needed to turn around failing school districts."[554] Good governance is necessary but not sufficient for meaningful educational reform, and mayoral control is not the only form of good governance. Given the benefits we have seen in the nine cities, mayoral control should be one of a number of options available, as long as parental and community input and involvement are not stifled as they have been in some cities.

---

[553] This initiative is a collaborative effort between the Newark Public Schools, New York University's Center for Metropolitan Education, headed by Pedro Noguera, with the participation of Rutgers University-Newark, University Medical and Dental School of New Jersey (UMDNJ-Newark), the New Jersey Attorney General's Office, the Newark Mayor's Office, and other city non-profits, community organizations and foundations. Its purpose is to address school reform from a multidimensional perspective, including economic development, housing, healthcare and programs aimed at addressing the pernicious effects of poverty on learning.
[554] Viteritti,2009, 9.

APPENDIX A

INTERVIEWS: PEOPLE AND DATES

Baltimore
> Andres Alonso, Superintendent of Schools, 1/15/09
> Jimmy Gittings, President, Baltimore Principals and Supervisors Association, 3/9/09
> Nancy Grasmick, State Superintendent of Schools, 2/25/09
> Thomas Wilcox, President, Baltimore Community Foundation 2/18/09

Boston
> Rev. Gregory Groover, Chair, Boston School Committee, 2/10/09
> Carol Johnson, Superintendent of Schools, 3/25/09
> Thomas Payzant, former superintendent of Boston public schools, 2/10/09
> Richard Stutman, President, Boston Teachers Union, 2/5/09
> John Mudd, Executive Director, Mass Advocates for Children, 2/19/09
> Samuel Tyler, Executive Director, Boston Municipal Research Bureau, 2/9/09
> Ellen Guiney, Executive Director, Boston Plan for Excellence, 3/9/09

Chicago
> Ronald Gidwitz, former head of Illinois Board of Education, 3/9/09
> Clare Muñana, Vice President, Chicago Board of Education, 3/5/09

Cleveland
> David Quolke, President, Cleveland Teachers Union, 4/4/09
> Eugene Sanders, Chief Executive Officer, 4/16/09
> Barbara Byrd-Bennett, former Chief Executive Officer, 3/14/09
> Scott Stephens, journalist, *Catalyst – Ohio* and *The Plain Dealer*, 3/7/09

Detroit
> None.

Hartford
> Ada Miranda, Chair, Hartford Board of Education, 5/27/09

New York
        Christopher Cerf, Deputy Chancellor Strategy & Innovation, 5/21/09
        Ernest Logan, President, Council of Supervisors & Administrators, 4/28/09

Philadelphia
        Arlene Ackerman, Superintendent of Schools, 5/6/09
        Carol Fixman, Executive Director, Philadelphia Education Fund, 4/20/09
        Jerry Jordan, President, Philadelphia Federation of Teachers, 3/24/09
        Kent McGuire, Dean, School of Education, Temple University, 4/10/09
        Debra Weiner, consultant to Philadelphia Public Schools, 3/26/09
        Lori Shorr, Philadelphia Office of the Mayor, 2/23/09
        Len Rieser, Education Law Center – PA, 4/29/09
        Helen Gym, parent/activist, 4/28/09
        Gerald Zahorchak, Pennsylvania Secretary of Education
                (written answers to questions)
        Heidi Ramirez, Temple University, Urban Education Collaborative;
                member, School Reform Commission, 4/1/09
        James Nevels, The Swarthmore Group, former and first chair of School
                Reform Commission, 5/19/09
        Nithin Iyengar, Chief of Staff, School Reform Commission, 3/26/09

Washington, D.C.
        Chancellor Michelle Rhee, 4/1/09
        Mayor Adrian Fenty (written answers to questions)

Other
        Paul Vallas, Superintendent of Recovery School District of New Orleans, and
        former Chief Executive Officer of Chicago and Philadelphia public school
        systems; currently, 4/3/09

APPENDIX B

SCHOOL DISTRICT GOVERNANCE AND LEADERSHIP, 1990's - 2010

City	Form of Governance	Years	Mayors	Superintendents/ CEOs
Baltimore	City/State partnership	1997 – present	Stephanie Rawlings-Blake (2/4/10-present) Sheila Dixon (2007-2010) Martin J. O'Malley (1999-2007) Kurt L. Schmoke (1988-1999)	Andres A. Alonso (2007-present) Charlene Cooper-Boston (2006-2007) Bonnie S. Copeland (2004-2006) Carmen V. Russo (2000-2004 Robert Booker (1998-2000)
Boston	Mayoral control	1991 - present	Thomas M. Menino (1993-present) Raymond L. Flynn (1984-1993)	Carol R. Johnson (2007-present) Michael G. Contompasis (2006-2007) Thomas W. Payzant (1995-2006) Lois Harrison-Jones (1991-1995)
Chicago	Mayoral control	1995 – present	Richard M. Daley (1989-present)	Ron Huberman (2009-present) Arne Duncan (2001-2009) Paul Vallas (1995-2001)
Cleveland	Mayoral control	1998 - present	Frank G. Jackson (2005-present) Jane L. Campbell (2002-2006) Michael R. White (1990-2001)	Eugene T.W. Sanders (2006-present) Barbara Byrd-Bennett (1998-2005)
Detroit	Elected school board; formerly mayoral control	1999 – 2004	Dave Bing (2009-present) Kenneth Cockrel, Jr. (2008-2009) Kwame Kilpatrick (2002-2008) Dennis Archer(1994-2002)	Kenneth Burnley (2000-2005) David Adamany (1999-2000)
Hartford	Mixed board, mayor appoints majority of members	2005 - present	Pedro Segarra (6/25/10-present) Eddie Perez (2001-2010)	Steven J. Adamowski (2006-present)
New York	Mayoral control	2002 - present	Michael R. Bloomberg (2002-present)	Joel Klein (2002-present)
Philadelphia	State/city shared appointments	2002 - present	Michael Nutter (2008-present) John F. Street (1999-2008)	Arlene C. Ackerman (2008-present) Thomas Brady (2007-2008 Paul Vallas (2002-2007)
Washington, D.C.	Mayoral control	2007 – present	Adrian Fenty (2007-present)	Michelle Rhee (2007-present)

APPENDIX C

TEACHER UNION CONTRACTS

City	Union	Affiliation	Current/recent contracts
Baltimore	Baltimore Teachers Union	AFT	7/1/09-6/30/10 7/1/05 – 6/30/07 7/1/03 – 6/30/05
Boston	Boston Teachers Union	AFT	9/1/07 – 8/31/10 9/1/06 – 8/31/07 9/1/03 – 8/31/06
Chicago	Chicago Teachers Union	AFT	6/1/07 – 6/30/12
Cleveland	Cleveland Teachers Union	AFT	7/1/07 – 6/30/10
Detroit	Detroit Federation of Teachers	AFT	7/1/05 – 6/30/09 7/2/02 – 6/30/05 9/1/99 – -8/31/02
Hartford	Hartford Teachers Union	AFT	7/1/08 – 6/30/-11 7/1/05-6/30/-08
New York	United Federation of Teachers	AFT	10/13/07 – 10/31/09 06/01/03 – 10/12/07
Philadelphia	Philadelphia Federation of Teachers	AFT	8/31/09 – 8/31/12 8/31/08 – 8/31/09 extended until 10/31/09 9/1/04 – 8/31/08
Washington, D.C.	Washington Teachers Union	AFT	October 1, 2007- September 30, 2012 (DC City Council approved June 29, 2010)

APPENDIX D

DATA SOURCES FOR "AT A GLANCE" CHARTS IN SECTION I

The following data have been taken from the Common Core of Data (2007-08 school year), except New York City. New York City's data has been taken from the Common Core of Data (2006-07 school year).

- Total Schools
- Total Students
- Teachers (Classroom Teachers FTE)
- Student/Teacher Ratio
- Students with IEPs
- Students population

Poverty of students is based upon the percentage of students eligible for free or reduced lunch as reported by NCES for 2006.

Hartford's poverty rate was for 2008 as reported by the CT DOE retrieved 5/24/09 from: http://www.csde.state.ct.us/public/cedar/cedar/fr_lunch/index.htm.

Cleveland's poverty rate is reported as 96.7 percent for 2007 at http://www.csde.state.ct.us/public/cedar/cedar/fr_lunch/index.htm; but the same source reports the rate as 70 percent in 2006.

School Choice data and other related data have been taken from each school district's official website:

Baltimore Public Schools: http://www.bcps.k12.md.us/
Boston Public Schools: http://www.bostonpublicschools.org/
Cleveland Metropolitan School District: http://www.cmsdnet.net/
Chicago Public Schools: http://www.cps.edu/Pages/home.aspx
Detroit Public Schools: http://www.detroit.k12.mi.us/
Hartford Public Schools: http://www.hartfordschools.org/index.php
New York City Public Schools: http://schools.nyc.gov/default.htm
School District of Philadelphia: http://www.phila.k12.pa.us/
District of Columbia Public Schools: http://dcps.dc.gov/portal/site/DCPS/

APPENDIX E

DATA SOURCES FOR QUANTITATIVE ANALYSIS IN SECTION III

I. Census Data

Table 1: See remaining tables. Tables 1 through 14 are all from the U.S. Census Bureau.
Table 2: 1990, STF1, P001; 2000 SF1 P12; 2008, ACS B01003
Table 3: 1990, STF1, P006; 2000 SF1 P8; 2008, ACS B02001
Table 4: 1990, STF1, P006; 2000 SF1 P8; 2008, ACS B02001
Table 5: 1990, STF1, P008; 2000 SF1 P8; 2008, ACS B03001
Table 6: 1990, STF3, P042; 2000 SF3 P21; 2008, ACS B05002
Table 7: 1990, STF3, P080A; 2000 SF3 P53; 2008, ACS B19013
Table 8: Nominal Median Income same as Table 7. The series is in 1989 prices. For
2000 and 2007, each city's income was divided by the CPI-U for the respective region or
city. Data comes from www.BLS.gov. The CPIs were normalized so that they were 1 in
1989. None of the CPIs are seasonally adjusted. For the following cities, regional CPIs
were used instead of MSA CPIs: Washington, D.C. and Baltimore, South Urban CPI;
Hartford, Northeast CPI.
Table 9: 1990, STF3, P117; 2000 SF3 P87; 2008, ACS B14006
Table 10: 1990, STF3 P057; 200 SF3 P37; 2008 ACS B15002
Table 11: 1990, STF3 P054; 2000 SF3 P36; 2008, ACS B14002
Table 12: 1990, STF1, P011; 2000 SF1 P12; 2008, ACS B01001

II. Student Enrollment

Table 14: Year of Change: Wong et al. (2007). Strength: See text.
Tables 15, Figure 1, and Table 16 use data from the Common Core of Data (CCD), which
is available at: http://nces.ed.gov/ccd/bat/. The "Total Students (District)" variable is
used from the "Total Enrollment Table."

III. Student-Teacher Ratios

All data are from the CCD. The "Pupil/Teacher Ratio (District)" variable is used.

IV. Assessment Data

All NAEP data are from http://nces.ed.gov/nationsreportcard/. NAEP data are available
for the years 2003, 2005, 2007 and 2009 for reading and math. Percent White and
Percent Poverty are from the American Community Survey for each city from the
respective years. Graphs reported from the Broad Foundation website are found at
(http://www.broadprize.org/resources/reports2009.html).

APPENDIX F

DISTRICT DATA: SELF-REPORTED PERFORMANCE SUMMARIES

In this section we briefly summarize the student assessment and performance results that the nine school districts have reported during their periods of mayoral involvement. The information is taken from the districts' websites, state department of education website, and/or data the districts sent directly to us in response to our request for data.

Baltimore City Public Schools (BCPS)

Students made substantial gains on the Stanford Achievement Test 10 in 2009 and achieved their highest scores on the standardized test. 63% of first and 57% of second graders out-scored their peers, and for the first time, reached the national average in reading.

According to the Maryland School Assessment (MSA), 3rd grade to 8th grade students' test scores increased in 2007-2008 and 2008-2009. More specifically, overall reading and math scores have both increased 16% over two years. In 2009, 72.4% of students scored at the proficient or advanced proficient level in Reading; this is a gain of 23.6 points from 2004. Also, 63.5% of students scored at the proficient or advanced proficient level in Math; this is a gain of 30 points from 2004.

Nearly 1,000 fewer students dropped out of school in the last two years than in 2008-09. And in 2007-2008, the first year that students in Maryland were required to meet the High School Assessment (HSA) requirements in order to graduate, 266 more students received diplomas. The passing rate for the HSA increased by 5% in 2008-09 compared to 2007-08. Students passed 7% more Algebra tests, 12% more English tests and 23% more Biology tests. At the same time, students passed 15% fewer Government tests.

A total of 3,390 high school graduates took the SATs, an increase of 7% over 2007-08, and 22 of 34 high schools reported an increase in test-takers. SAT participation was up nationally by less than 1% and down nearly 1% at the state level. At 79%, City Schools' participation rate was significantly higher than both the state and national averages for SAT participation, which were 69% and 46%, respectively, in 2008-2007, 2008-09.

Source: data district sent directly to us; http://www.bcps.k12.md.us/

Boston Public Schools (BPS)

According to the Massachusetts Comprehensive Assessment System (MCAS), across 4th grade to 10th grade, 32% of BPS students met or exceeded the proficient level in 2009.

In the English Language Arts (ELA) test, 10th graders demonstrated higher performance than that of all other grade levels. 64% of 10th graders met or exceeded the proficient

level and made the most gains (6%). BPS students at every grade level demonstrated growth compared to their peers statewide since 2008 in ELA.

For mathematics, the percentage of students meeting or exceeding the proficient level in 2009 declined for grades 3, 4 and 5. For grades 6, 7, 8 and 10, the percentage of students meeting or exceeding proficient level increased or remained constant. Tenth grade students showed higher performance than other grade levels and their proficient level exceeded the state level.

In regard to SAT scores, from 2007 to 2008 the average BPS reading score increased 6 points from 432 to 438. The average mathematics score increased 8 points from 449 to 457. These increases were higher than those of the state and the nation over the same time period. BPS also experienced an increase in its writing score compared to 2007; the average district score was 436 in 2008, up from 430 in 2007. The state-wide score over the same period increased by 4 points, while the national score remained unchanged. From 2004 to 2008, the average BPS reading score increased 7 points from 431 to 438, while the average mathematics score increased 12 points from 445 to 457.

Source: http://bostonpublicschools.org/node/192

Chicago Public Schools

 According to the Illinois Standards Achievement Tests (ISAT) (2001-2009, 3rd grade through 8th grade), 67.8% of CPS students met or exceeded the proficient level in 2009. Since 2001, the percentage of students meeting or exceeding the proficient level is up 29 points in the ISAT reading. For the ISAT math test, 73.6% of CPS students met or exceeded the proficient level. The percentage of students meeting or exceeding proficient level is up 38.8 points in math since 2001.

According to the Prairie State Achievement Examination (PSAE) (2009, 11th grade), in 2009, 34.8% of CPS 11th grade students met or exceeded in the proficient level in reading and 26.9 % of CPS 11th grade students met or exceeded in the proficient level in math.

Source: http://research.cps.k12.il.us/cps/accountweb/Reports/citywide.html

Cleveland Municipal City District

Review of CMSD's 2008 to 2009 Performance: State Indicators (the state indicators are based on state assessments, as well as on attendance and graduation rates). To earn an indicator for Achievement or Graduation Tests, at least 75% of students must reach proficient or above for the given assessment) – CMSD earned three of the thirty state indicators: 10th grade writing (79.3%), 11th grade reading (89.2%) and writing (91.0%).

In regard to graduation rates, for 2007-2008 the rate was 53.7%; for 2006-07 the rate was 61.9%; 2005-06 the rate was 55.0%; and for 2004-05 the rate was 51.8%.

The CMSD performance index (which ranges from 0-120 points) dropped 0.3 points to 71.8 from 2008 (72.1) and 4.4 points from 2007 (76.2).

In reading, the percentage of students meeting the proficient level declined across all grades from 2007 to 2009, except grade 11. Eighth graders made the most reductions (19.8%). Tenth grade students had higher percentage of meeting proficient level (64.5%), and 5th grade students had lower percentage of meeting proficient level (38.2%) than other grade levels.

In math, the percentage of students meeting proficient level also declined across all grades from 2007 to 2009, except grade 11. Again, 8th graders made the most reductions (13.7%). Tenth grade students had higher percentage of meeting proficient level (56.9%), and 5th grade students had lower percentage of meeting proficient level (24.9%) than other grade levels.

Source: http://ilrc.ode.state.oh.us/Power_Users.asp

Detroit Public Schools

According to the aggregate Michigan Educational Assessment Program (MEAP) Student Achievement Data (2008-2009), 52.8% of DPS students met the proficient level in English Language Arts (ELA), and 54.5% of DPS students met the proficient level in math. The percentage of students meeting proficient level declined from 75% to 72% from 2007 to 2009 in ELA. The percentage of students meeting proficient level increased from 68% to 70% from 2007 to 2009 in Math.

In ELA, the percentage of students meeting the proficient level improved across grades 3, 7 and 8. 3rd grade made the most gains (5.2%) from 2008. The percentage of students meeting proficient level declined across grade 4, 5, 6 and 11. Grade 11 made the most reductions (34.6%) from 2008.

In math, the percentage of students meeting the proficient level improved only for grades 3 and 4. Grade 3 made the most gains (7.8 %) from 2008. The percentage of students meeting proficient level declined across grade 5, 6, 7, 8 and 11. Grade 11 made the most reductions (38.8%) from 2008.

Source: http://www.detroit.k12.mi.us/data/rea/

Hartford Public Schools

According to the 2009 Connecticut Mastery Test (CMT) Achievement Data (Grades 3 through 8), 58% of HPS students met or exceeded the proficient level in Math, and 46% of HPS students met or exceeded the proficient level in Reading. The percentage of students meeting or exceeding the proficient level increased or remained constant across all grades from 2006 to 2009. Seventh grade students made the most gains in both math (16.3%) and reading (14%). Fourth grade students made the least gain in both math

(5.5%) and reading (2.3%). However, the percentages of all students through 3rd to 8th meeting or exceeding the proficient level were still lower than the rest of state from 2006 to 2009.

According to the 2010 Connecticut Academic Performance Test (CAPT) data, 52.2% of HPS 10th grade students met or exceeded the proficient level in Math, and 64.3% of HPS 10th grade students met or exceeded the proficient level in Reading. The percentage of students meeting or exceeding the proficient level in Reading test increased from 2007to 2010. Like 3rd to 8th grade students, the percentages of 10th grade students meeting or exceeding the proficient level were still lower than the rest of state from 2007 to 2010.

Source: http://www.ctreports.com
http://www.csde.state.ct.us/public/cedar/districts/index.htm?sdePNavCtr=|#45480

New York City Public Schools

Math: From 2002 to 2009, the percentage of students meeting or exceeding the state standards increased 32.9 points in 4th grade (52.0% to 84.9%) and 41.5 points in 8th grade (29.8% to 71.3%). The gap between NYC and the rest of state was reduced by 20.8 points for 4th grade, and 13.6 points for 8th grade. In 2009, 8 in 10 NYC students in grades 3 to 8 met or exceeded standards in Math test. This is a gain of 7.5 points since 2008.

English Language Arts (ELA): From 2002 to 2009, the percentage of students or exceeding state standards increased 22.4 points in 4th grade (46.5% to 68.9%) and 27.5 in 8th grade (29.5% to 57.0%). In 2009, 7 in 10 NYC students in grades 3 to 8 met or exceeded standards in ELA test. This is a gain of 11.2 points since 2008. Also since 2008, NYC students have gained on students in the rest of state, closing the gap by 3.6 points.

NAEP (4th and 8th grade math): The average score of all students at grade 4 and grade 8 showed statistically significant gains from 2003 to 2009. Only the average score of 8th grade Hispanic and White students did not show statistically significant gains from 2003 to 2009. However, all 4th and 8th NYC students' math score were still lower than the rest of state and national level from 2003 to 2009.

Source: http://schools.nyc.gov/Accountability/DOEData/default.htm

Philadelphia Public Schools

According to the Pennsylvania System of School Assessment (PSSA), about half of the PPS students met or exceeded state standards in both reading and math.

In reading, 47.7% of students met or exceeded the proficient level in 2009. This is a gain of 23.6 points from 2002. In 2009, for the first time, 54% of 3rd and 62% of 8th grade students met or exceeded state standards in reading. However, only 38% of 11th grade

met or exceeded state standards in reading. 8th grade students made the most gains in reading (24% to 62%) from 2002 to 2009.

In math, 52.2% of students met or exceeded the proficient level in 2009. This is a gain of 32.7 points from 2002. 59% of 3rd graders and 61% of 4th graders met or exceeded state standards in math, and almost half of the students in grades 5 through 8 met at these levels. In contrast, only 32.6% of 11th grade met or exceeded state standards in math. 5th and 8th grades students made the most gains in math (33%) from 2002 to 2009.
In both math and reading for 2009, the percentages of Hispanic students scoring Advanced or Proficient were substantially below that of white students (24.6% point gap in reading and 23.1% point gap in math). The percentage of black students scoring Advanced or Proficient also remained substantially below that of white students (22.7% point gap in reading and 24.8% point gap in math).

Source: http://www.phila.k12.pa.us/announcements/src_aug09.pdf

Washington, D.C. Public Schools

According to the District of Columbia Comprehensive Assessment System (DC CAS), DCPS students' proficient/advanced level made steady gains at the elementary and secondary levels in both reading and math.

48.8% of elementary students are proficient in reading, up from 37.49% 2007. 48% of elementary students are proficient in math, up from 29.29% 2007. 40.08% of secondary students are proficient in reading, up from 29.82% 2007. 39.60% of secondary students are proficient in math, up from 27.07% 2007. The graduation rate increased from 67.9% to 72.3% from 2007 to 2009.

NAEP Grade 4, Math: In 2009, the average score of fourth grade students was 220. This was lower than the average score of 231 for public school students in large cities. The average score for students in 2009 (220) was higher than their average score in 2007 (214) and was higher than their average score in 2003 (205). In 2009, the score gap between students at the 75th percentile and students at the 25th percentile was 44 points. This performance gap was wider than that of 2003 (38 points). The percentage of students in DCPS who performed at or above the NAEP Proficient level was 19 percent in 2009. This percentage was greater than in 2007 (14 %) and in 2003 (7%). The percentage of students in DCPS who performed at or above the NAEP Basic level was 57 percent in 2009. This percentage was greater than in 2007 (49 %) and in 2003 (36%).

NAEP Grade 8, Math: In 2009, the average score of eighth grade students was 251. The average score for students in 2009 (251) was not significantly different from their average score in 2007 (248) and was higher than their average score in 2003 (243). The overall score in 2009 (251) was higher than in 2007 when the 2007 average score is recomputed to exclude charter schools (244) to account for the change in population definition for 2009. In 2009, the score gap between students in DCPS at the 75th percentile and students at the 25th percentile was 54 points. This performance gap was

not significantly different from that of 2003 (48 points). The percentage of students in DCPS who performed at or above the NAEP Proficient level was 12 percent in 2009. This percentage was greater than in 2007 (8%) and than in 2003 (6%). The percentage of students in DCPS who performed at or above the NAEP Basic level was 38 percent in 2009. This percentage was greater than in 2007 (34%) and than in 2003 (29%).

Sources: data district sent directly to us; http://dcps.dc.gov/portal/site/DCPS/; http://www.nclb.osse.dc.gov/

ABOUT THE AUTHORS

RUTH MOSCOVITCH is an independent fact-finder, arbitrator and mediator. She serves as a research associate with the Rutgers Institute of Education Law and Policy. She has taught education law to New Jersey principals and supervisors as part of the joint Rutgers-NJPSA program with the Foundation for Educational Administration, and has also taught education law to aspiring school principals at Baruch College in New York City. She currently serves as a hearing officer for the State of New York Department of Education, deciding §3020-a discipline cases involving tenured teachers employed by the New York City Department of Education. She also serves on a number of arbitration panels including the New Jersey Public Employment Relations Commission, New Jersey Board of Mediation, New York State Employment Relations Board, American Arbitration Association, and the Federal Mediation and Conciliation Service. She is Vice President of the New Jersey chapter of the Labor and Employment Relations Association. Ms. Moscovitch recently relocated with her husband to Hillside, New Jersey from Chicago where she served as General Counsel to the Chicago Public Schools. She is a member of the Bar in Illinois and New York. She received her law degree *cum laude* from Northwestern University and her bachelor's degree *cum laude* from Radcliffe College, Harvard University.

ALAN R. SADOVNIK is Professor of Education, Sociology and Public Administration and Affairs at Rutgers University, Newark, New Jersey, where he is the Coordinator of the Educational Policy track of the Ph.D. Program in Urban Systems Co-Director of the Institute on Educational Law and Policy and the Newark Schools Research Collaborative. He received his B.A. in sociology from Queens College of the City University of New York and M.A. and Ph.D. in sociology from New York University. He is the author of *Equity and Excellence in Higher Education* (1995); coauthor of *Exploring Education: An Introduction to the Foundations of Education* (1994, 2001, 2006); editor of *Knowledge and Pedagogy: The Sociology of Basil Bernstein* (1995) and *Sociology of Education: A Critical Reader* (2007, 2010); and coeditor of *Exploring Society* (1987), *International Handbook of Educational Reform* (1992), *Implementing Educational Reform: Sociological Perspectives on Educational Reform* (1995), *"Schools of Tomorrow," Schools of Today: What Happened to Progressive Education* (1999), *Sociology and Education: An Encyclopedia* (2002), *Founding Mothers and Others: Women Educational Leaders During the Progressive Era* (2002) and *No Child Left Behind and the Reduction of the Achievement Gap: Sociological Perspectives on Federal Educational Policy* (2008). He received the Willard Waller Award in 1993 from the American Sociological Association's Sociology of Education Section for the outstanding article published in the field, and American Educational Studies Association Critics Choice Awards in 1995 for *Knowledge and Pedagogy*, in 2000 for *"Schools of Tomorrow,"* and in 2002 for *Founding Mothers and Others*. He is coeditor, with Susan F. Semel, of the History of Schools and Schooling series at Peter Lang Publishing, the Palgrave Series in Urban Education at Palgrave-MacMillan and the Schooling Around the World Series at Greenwood Press. He is currently the Chair of the AERA Sociology of Education SIG and has served as the Program Chair for the Sociology of Education SIG and the

Sociology of Education Section of ASA. He is currently on the editorial boards of *Teachers College Record*, *History of Educational Quarterly* and *The Urban Review* and was on the boards of *Sociology of Education* and *Educational Foundations*.

JASON M. BARR is an Associate Professor of economics at Rutgers University, Newark, and an affiliated faculty member with the Institute on Education Law and Policy. He is currently the Director of Graduate Studies for the Economics Department. He received his Bachelor's Degree from Cornell University and his Ph.D. in economics from Columbia University. His research interests include urban economics, the economics of education, and computational economics. He has written several papers in the area of education, investigating charter school performance in New Jersey and the labor market for teachers in New York City.

TARA DAVIDSON is a Ph.D. Candidate at Rutgers University-Newark in Urban Education Policy and has worked as a researcher with the Institute on Education Law and Policy since 2006. As a former New York City public school teacher, Ms. Davidson continues to work as an education consultant, as an adjunct professor, and as a university supervisor for student teachers in the Newark Public Schools. Her current research focuses on school district organization and governance, urban school district reform, and educator perceptions of school governance and policy implementation.

TERESA L. MOORE joined the Institute on Education Law and Policy in 2006 as a consultant, after practicing law with the law firm of McCarter & English, LLP for eighteen years. She collaborated in developing a school law curriculum for public school district leaders known as LEGAL ONE. She has taught school law to school administrators in LEGAL ONE and in the Rutgers-PSA Law Institute. She has researched and written Institute publications such as the reports *Shared Services in School Districts: Policies, Practices and Recommendations*, and *Guide to the New Jersey Quality Single Accountability Continuum (QSAC)*. In private legal practice Ms. Moore represented public school districts and independent schools, providing counseling and representation in litigated matters in areas such as special education, civil rights, discrimination, employment disputes, contract matters, and pupil discipline. She has argued numerous cases before the state and federal courts of New Jersey, including the New Jersey Supreme Court, and in the New Jersey Office of Administrative Law. Her private practice also included representing public and private clients in employment matters. Ms. Moore holds a J.D. from Rutgers Law School-Newark, was a member of the *Rutgers Law Review*, and is a graduate of Wellesley College. She served as a law clerk to the Honorable John E. Keefe in the Superior Court of New Jersey, Chancery Division before beginning private law practice.

ROSLYN POWELL serves as a consultant with the Institute on Education Law and Policy, and is currently a teacher and program manager at the Academies @ Englewood, a magnet public high school serving a diverse student body from thirty different towns in Bergen County, New Jersey. Ms. Powell is a co-founder and board member of A Better Balance: The Work and Family Legal Center, a legal advocacy organization dedicated to empowering people to meet the conflicting demands of work and family without sacrificing their economic security. A 1993 graduate of Stanford Law School, Ms.

Powell has a wide range of experience in law and public policy. She has worked at the Brennan Center for Justice at NYU School of Law where she served as an associate counsel with the Center's Poverty Program, and as a staff attorney at NOW Legal Defense and Education Fund where she focused on litigation and policy initiatives on child care and reproductive rights issues. Ms. Powell also worked as a litigation associate at Cleary, Gottlieb, Steen and Hamilton and served as a law clerk to the Honorable Robert L. Carter of the United States District Court for the Southern District of New York. Ms. Powell received her A.B. from Brown University and M.P.A. from Columbia University.

PAUL L. TRACTENBERG is a Board of Governors Distinguished Service Professor and Alfred C. Clapp Distinguished Public Service Professor of Law at Rutgers School of Law-Newark. In September 2000, Professor Tractenberg established and continues to serve as founding director of the Institute on Education Law and Policy, an interdisciplinary research project at Rutgers-Newark. Professor Tractenberg earned his B.A. from Wesleyan and his J.D. from the University of Michigan, where he was associate editor of the *Law Review*. He joined the Rutgers faculty in 1970, after being associated with two major New York City law firms, the Peace Corps, and the Governor's Committee to Study New York Human Rights Laws. He is the author of numerous books, articles, and papers on education law; a frequent lecturer; and consultant and adviser to many national, regional, and state organizations and agencies. In 1973, Professor Tractenberg established the Education Law Center, a public interest law project, and served as its director for three years. He is involved in a number of landmark constitutional cases about public education, especially *Abbott v. Burke*, which New Jersey judges and lawyers voted overwhelmingly the most important state court decision of the 20th century. During the 1980s and 1990s, Professor Tractenberg built upon long-standing interests in the lawyering process and in dispute resolution by teaching three seminars, by serving as faculty adviser to the law school's regional and national championship negotiations and client counseling teams, and by writing and consulting in the field. He is the author of a lawyer's desk book on alternate and complementary dispute resolution.

ERIC WAGMAN is a 2009 graduate of Rutgers-Newark School of Law, where he was Notes Editor for the *Rutgers Law Record* and a member of the Labor and Employment Law Society and the Intellectual Property Law Society. He served as a research consultant with the Institute on Education Law and Policy from 2008 to 2009.

PEIJIA ZHA received her Ph.D. in Urban Educational Policy at Rutgers University-Newark in 2009 and is currently a post-doctoral research associate at its Newark Schools Research Collaborative and Institute on Education Law and Policy.