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A POLICY PLAYBOOK FOR
**NEW YORK'S
NEXT MAYOR**

GROWTH, OPPORTUNITY, AND SAFETY

**AN EDUCATIONAL PLAN FOR
THE NEXT MAYOR**

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Contents

Introduction 3

The Seeds of Failure 3

Recommendations 4

Other Paths Forward 6

Endnotes 7



Introduction

New York City’s public school system unraveled last year in the face of the Covid-19 crisis. Before the pandemic, criticisms of the public schools typically centered on performance measures: Were enough students meeting state benchmarks? Was success evident across all racial, socioeconomic, and ability groupings? Those were simpler times.

Today, foundational concepts—such as the importance of compulsory school attendance and the collection and dissemination of basic measures of average daily attendance, class grades, and test scores—have been abandoned. A national study¹ found that the city’s hybrid approach to schooling (which the system began to move away from in late November) is delivering less than half the instructional time required by the state in normal years. Within even that limited offering, attendance was abysmal, and the quality of remote instruction was low.

The city has been reluctant to release data on the actual attendance (in-school) and participation (via remote learning) of students. Thanks to a subpoena from the city council, the Department of Education (DOE) did release numbers showing that in the first two days of the school year, overall participation was 77%—but according to its data, a single e-mail from a student was counted as participation for that day.² Regarding the quality of instruction being provided, a survey commissioned by Education Trust–NY found that just “just half (51%) of parents of remote learners rate it as successful.”³

The available data show that attendance numbers for black and Hispanic youngsters are poorer than those for white and Asian students. As a result, there seems to be no doubt that the city’s handling of its schools during the pandemic will widen the achievement gap between white and Asian students, on the one hand, and black and Hispanic students, on the other—a sad coda to the eight-year term of Mayor Bill de Blasio, whose educational program promised “Equity and Excellence for All.”⁴

The Seeds of Failure

The manifold problems of New York City’s schools began well before Covid-19. The de Blasio administration entered office defining the core problem facing the schools as one of inequity rather than overall performance, and it introduced a set of centrally planned program initiatives meant to address that inequity. Uniformity was emphasized over both responsiveness to local communities and nimble program design and operation. As many of these centrally mandated programs failed to produce the desired equitable results, the administration turned to a more redistributionist approach, in the belief that the success of some students was coming at the expense of others.

Thus, instead of seeking to increase the number of seats in high-quality schools, de Blasio’s administration seeks to allocate the short supply of such seats randomly to promote equity. The city’s selective high schools—designed around a meritocratic admissions process based solely on the results of a single entrance exam—became the first target, alienating the parents of the many immigrant, first-generation immigrant, and low-income students attending them. Middle schools that had been using academic screening in their student admissions policy in several local school districts became the second target, further alienating parents who want advanced opportunities for their children. In both cases, the main complaint has been that these schools enroll too few black and Hispanic students. But changing admissions policies in these schools will benefit small numbers of these students. The city’s real need is to increase the number of high-quality schools in these districts.

By attacking merit-based admissions, the administration not only alienated immigrant parents but also higher-income parents with the ability to choose options outside the district school system. And it ignored some clear facts of life: half the white children in New York City are enrolled in private and religious schools, and 30% of black children are enrolled in either public charter private or religious schools. In addition, the city’s current approach to “antiracism” has struck some as a return to the soft bigotry of low expectations in other cities where it has been followed.⁵

Charter schools have demonstrated the ability to provide black students with the advanced curriculum and high achievement levels desired by their parents. By the end of the Bloomberg administration in the 2013–14 school year, 183 charter schools⁶ were operating in the city, enrolling more than 72,000 students.⁷ Most had not yet reached their full complement of grades,

so continued enrollment growth was built in to their design. However, the size and success of the charter sector drew opposition from the United Federation of Teachers (UFT), which endorsed de Blasio in his first mayoral run. There was also a long-running disagreement between de Blasio and Eva Moskowitz, the head of the city's largest charter network, dating back to the time when they both served on the city council.

Early in his first term, de Blasio largely ended the practice of co-locating charter schools in DOE buildings, which Moskowitz had relied upon to grow her network. According to New York City Budget documents, this move is now costing the city \$68 million annually after the state legislature required the city to pay for leases for charter schools that the city refused to site in DOE buildings.⁸ The mayor's action, which disrupted parents' choice of schools, laid the groundwork for the mistrust that characterizes the broad response to de Blasio's efforts to reopen schools this past fall. Meanwhile, many charter networks have implemented remote-learning approaches that closely approximate the normal day-to-day interactions of students and teachers. Many religious and independent private schools have successfully reopened their school buildings with the necessary health and safety procedures for fully in-person instruction or a mix of in-person and remote learning.

The public school system, like the city and state governments, faces deep financial challenges. In the case of the schools, these challenges predate Covid-19 but proved disastrous with the onset of the pandemic. As a result of the union contracts of 2014 and 2018, DOE spending increased by 4.5% per year over seven years, compared with 2.6% under the last seven years of the Bloomberg administration. The 2014 contract, in particular, included huge retroactive payments to cover the years during which UFT refused to settle with the Bloomberg administration. Payment of that retroactive money was pushed to the final years of the de Blasio administration and resulted in the city having to pay out \$1.5 billion—between the spring of 2020 and the summer of 2021—for work performed between 2009 and 2011. The payments began while the schools were closed and the city's finances were reeling from the impact of the economic shutdown.

When the new mayoral administration takes office in January 2022, it will inherit a school system facing large-scale financial challenges and the glaring mistrust of many parents. The new mayor will also face large numbers of parents considering whether they can continue to raise their families within the city. On the positive side, New York City still has many fine-to-excellent district, charter, religious, and independent private schools; it just needs more.

Ultimately, New York's new mayor will need to respect and honor the educational choices made by parents who continue to see the city as a place to raise their children. He or she must also commit to addressing the very real problems of low-performing schools, not by redistributing the seats in good schools but by growing the number of good schools. Educational pluralism and growth should be the order of the day.

Recommendations

1. Educational Pluralism. The city's future depends upon its ability to convince families with school-age children that they can be assured of high-quality, safe schools. One lesson of the pandemic is that city schools must have backup plans in place for any necessary closures. This means a functional system of remote learning that replicates the school day as much as possible—a far cry from what DOE has been offering over the past year. The new administration must also recognize that families want schools that represent *their* priorities and values, and these vary across families and communities. The city should support good schools in all sectors—public, charter, and private/religious—that provide quality education.

The ability of charters, independent private, and religious schools to thrive and grow is largely in the hands of the state legislature; the new mayor should make support of them a legislative priority. Specifically, the next mayor should press the state legislature to lift the existing cap on the creation of charters in the city. Given the current political climate in Albany, this might require an incremental approach. At a minimum, the next mayor should press the legislature to allow the city to use the almost 100 charter school slots reserved under existing law for counties outside the city but unused by those counties.

The new mayor should also lift any restriction on siting charter schools in underutilized DOE buildings. Finally, the new administration should reinstate Bloomberg's "Small Schools Initiative," which allowed public school teachers, administrators,

and community members to design and propose new public schools, responsive to the specific educational needs of the children they will serve. De Blasio dismantled the program in his first year of office.

In opening up the city to new public schools, the administration needs to satisfy parental demands for different learning styles. Some parents seek middle and high schools designed to serve students who demonstrate their abilities on standardized exams. Other students can demonstrate their strengths by focusing on art, music, science, technology, and other areas; they need schools that allow them to do so. The city needs schools that allow for all types of talents and strengths to flourish. Students are not cut from the same mold; schools should not be, either.

2. Focus on Performance. New York City's next mayoral administration should commit to a fair and easily understood method of grading school performance; it should make school quality the core function of DOE. This means once again identifying schools requiring in-person, top-to-bottom review by teams of professionals to determine if they should be closed to make room for schools with new approaches and new staff. The new administration should review the specific design of performance-review methodology, but an analysis by the city's Independent Budget Office found that the Bloomberg-era methodology, while not perfect, largely attained its goal of identifying a school's effect on measurable achievement levels.⁹ A Manhattan Institute study found that de Blasio's removal of simple letter grades for schools removed an effective tool for identifying and improving failing schools.¹⁰ The focus on school quality and performance must come from the top of the school system; that means a schools chancellor who understands that increasing the supply of high-quality schools is DOE's single most important task.

3. Demand Flexibility from Unions. The new administration needs to stand up for students and strike a new tone with UFT. Given the city's dire financial situation, the teachers' union will need to participate in cost-cutting measures and greater economic efficiency within the school system, or its members will experience layoffs in large numbers. For the leadership of the union to work with the city on reasonable concessions, city hall must take a hard line in negotiations. Any future labor contracts have to allow administrators greater flexibility, particularly in a time of crisis such as the current one. This means, for example, that administrators must be able to require the live streaming of instruction. The absent teachers' reserve pool must be eliminated, and those teachers left in the pool must not be forced onto school staff over the objection of principals. The administration will also have to hold the line on any future wage increases until the city's finances recover from the economic shutdown related to the pandemic. In line with a general citywide review and rearrangement of pension and other postretirement benefits across the city, those agreements related to DOE require review and reform.

4. Contracts and Transparency. One important task for the new administration is a top-to-bottom review of all contracts within DOE's budget related to the failed Renewal Schools program, the Community Schools program, ThriveNYC, Pupil Transportation, and other costly agreements established by the de Blasio administration. Renewal Schools was a costly effort to avoid the hard work of closing failing schools and replacing them with better ones. It put the interests of the adults in the failing schools ahead of the needs of the students. Though the program nominally ended after having little impact on student achievement, expensive contracts between community-based and mental-health organizations continue under a new banner.¹¹ As for Pupil Transportation, the de Blasio administration has worked mightily to undo Bloomberg's attempt to introduce competition into the bidding process for school bus contracts—going so far as to create a nonprofit organization, to be funded by \$900 million, to buy out a failing bus company.¹² The new mayor should shut this organization down and put its routes out to competitive bidding. The new administration should also undertake a deep review of the school system's core labor agreements to determine where personnel costs can be reined in after their tremendous growth under the de Blasio administration.

5. Real Improvement, Not Virtue Signaling. The next administration should end the divisive practices of employee training segregated by race; cease undermining the importance of academic achievement in the service of antiracism; and stop the current efforts to rearrange school zoning in pursuit of a centrally designed racial mix in each school. Instructional practice and classroom materials should never be used to drive students apart or to pit communities against one another. Instead, New York should pursue real and lasting improvement in the quality of schools in the city's many underserved communities. Expanding the supply of charter schools in the face of demand from minority families is one of the needed improvement strategies. Creating a pipeline of selective middle schools in minority communities, along with intensive preparation

programs for the Selective High Schools Admissions Test, is another. Closing low-performing schools, attended almost exclusively by black and Hispanic youngsters, is yet another way to directly increase educational opportunity in the city.

Other Paths Forward

Many of the city's private and religious schools have benefited from the generous philanthropy of individuals and foundations. This support remains necessary, but recent rulings by the U.S. Supreme Court have opened new avenues for pursuing public support of religious schools on constitutional grounds. Those concerned about the future of private and religious education in the city should consider pursuing those legal avenues, no matter who is elected mayor.

A recent report from Nicole Stelle Garnett, a professor at the University of Notre Dame Law School and an adjunct fellow at the Manhattan Institute, lays out the possibilities for the establishment of religious charter schools made possible by the 2020 Supreme Court decision in *Espinoza v. Montana*.¹³ In this case, Chief Justice Roberts concluded: "A State need not subsidize private education. But once a State decides to do so, it cannot disqualify some private schools solely because they are religious." As Garnett's paper points out, it would take a well-thought-out strategy to get a state such as New York to follow the Court's lead. The political landscape for charter schools in the state capital is dire. For that matter, the legislature remains strongly opposed to any form of public support for private and religious schools in the form of tuition tax credits or vouchers. Meanwhile, the state Education Department continues to seek ways to regulate curriculum content in all private and religious schools. Still, supporters of school choice may well consider an effort to get public support for religious charter schools.

Endnotes

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- ⁵ Ian Rowe, “The Soft Bigotry of Anti-Racist Expectations Is Damaging to Black and White Kids Alike,” *USA Today*, Dec. 6, 2020. Rowe’s op-ed was about San Diego’s public schools.
- ⁶ New York City Independent Budget Office (IBO), “Schools and Buildings in NYC.”
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- ⁸ NYC Office of Management and Budget, “Departmental Estimates for the Fiscal Year 2022,” January 2021, 422.
- ⁹ IBO, “Assessing School Progress Reports’ Measurement of Annual Academic Achievement,” April 2012.
- ¹⁰ Marcus A. Winters, “Grading Schools Promotes Accountability and Improvement: Evidence from NYC, 2013–15,” Manhattan Institute, May 2016.
- ¹¹ Alex Zimmerman, “New York City Ends Controversial Renewal Turnaround Program—but the Approach Is Here to Stay,” Chalkbeat, Feb. 26, 2019.
- ¹² Nolan Hicks, Susan Edelman, and Selim Algar, “DOE Set to Quietly Ink \$900M Bus Contract,” *New York Post*, Nov. 12, 2020.
- ¹³ Nicole Stelle Garnett, “Religious Charter Schools: Legally Permissible? Constitutionally Required?” Manhattan Institute, December 2020.

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