

New York's Parents Are Exercising Their School Options: We Need to Rethink the Meaning of Public Education

Ray Domanico

SENIOR FELLOW; DIRECTOR, EDUCATION POLICY
Manhattan Institute

Executive Summary

New York City has the largest public school district in the U.S., but the city's diverse educational landscape also includes charter, private, and religious schools, all of which have undergone a major transformation in the two years since the Covid-19 pandemic. Over the last two school years, overall school enrollment in the city was down by 80,000 students—especially among district schools run by the city's education department.

Covid was not the beginning of the city's education system ignoring the needs of these families, however. This report looks at the history of the purpose of education in both New York City and the state and evaluates how it has changed over time, especially in its emphasis on college readiness, a goal that does not align with the needs of about half of young New Yorkers and one that the city's education system has so far proved unable to achieve.

Much of the conflict over the city's school system, especially the role of charter schools and religious schools, is rooted in disagreements over the purpose of an education in the eyes of parents and public officials. Every parent wants the very best for their children, but they chafe at policy proposals that give parents the impression that their particular child is required to sacrifice his or her well-being for the greater good. The prevailing view among social justice advocates, however, is that the role of the schools is to give children choices above and beyond what their own parents might make available to them.

When education leaders lean too far into this view of social justice, they risk alienating parents. The city's educators cannot force their view of education on families, because families are “voting with their feet” and leaving the system altogether.

ABOUT US

The Manhattan Institute is a think tank whose mission is to develop and disseminate new ideas that foster greater economic choice and individual responsibility.

This report concludes with a specific set of recommendations for policy makers to fashion a more pluralistic and responsive school sector by improving noncollege pathways for high school students, maintaining and growing access to accelerated learning opportunities for high-achieving students, adopting a cooperative and accommodating approach to private and religious schools (particularly fast-growing Orthodox Jewish schools), and strengthening the voices of parents in the governance of district-run schools. To make the city's schools more attractive to families, the state legislature, the State Board of Regents, and the city's mayor and school chancellor all must act.

Introduction

New York City's educational landscape has changed dramatically during the two years since the Covid-19 pandemic disrupted both schooling and family life in general. Today, considering schools of all types—district run, charter, private, and religious—there are 80,707 fewer students overall enrolled in grades kindergarten through 12 in the city than there were in the 2019–20 academic year. This drop in enrollment has been greatest in the schools operated by the New York City Department of Education (DOE), where enrollment is down by 83,656 students.¹ Those losses, and a smaller decline of 8,100 students in the city's private and religious schools, were offset by enrollment growth of 11,049 in charter schools. Some of the decline is related to Covid, but enrollment declines in both the district and private and religious schools had been occurring before the pandemic. Today, there are 133,944 fewer K–12 students in the city's DOE schools than there were in 2015–16: a 14% drop over six years. The decline in private and religious schools in those years was less severe: 18,270, or 7.7%. Charter school enrollment grew by 45,666, or 48.4%.

Schools chancellor David C. Banks understands the significance of this decline, describing it as families “voting with their feet.”² He understands that some of the decline is due to parental dissatisfaction with either the quality of the DOE's schools or the quality of life for working families in the five boroughs, or both.

While Mayor Eric Adams looks to make the city safer and encourages workers to return to their offices to spur the city's economy, Banks is mapping out a plan to make the DOE's schools more attractive to the city's families.³ He will find opposition among his workers, city council members, and state legislators, but this is no time for burying heads in the sand and pretending that things will soon return to the pre-Covid normal. For the economic and social well-being of the city, it must be able to maintain its young families. Its schools need to be more “customer” focused and dedicated to a high standard of responsiveness and service.

Many of the larger issues facing the school system in the post-Covid years are controlled in the state capital, Albany. The state legislature has the power to extend, amend, or end mayoral control of the city's school system. Legislators first enacted mayoral control in 2002, and the current measure is set to expire on June 30, 2022.⁴ Similarly, the legislature controls the cap on the number of charter schools that can open in the city.⁵ Educational policy is the purview of the state Board of Regents, which is currently reviewing the rules governing the issuance of a high school diploma and defining the requirements that students must meet to earn a diploma.⁶ The Regents also govern the state's annual testing program in English Language Arts and Mathematics. With the advice of the Department of Education, they approve the selection of a particular testing program and approve the cut-off, or “passing,” scores on these exams.

CONTACTS

To request an information packet about MI, or if you have questions about how to support us, contact SUPPORT@MANHATTAN-INSTITUTE.ORG.

52 Vanderbilt Ave.
New York, NY 10017
(212) 599-7000
INFO@MANHATTAN-INSTITUTE.ORG

The Public-ness of Schools and the Purpose of Education

All those concerned with the future of the city, inside or outside of the Adams administration, need to adjust their thinking about the nature of public and private education. Many *public-school advocates* tend to think that only schools run by the DOE are truly public. It is this belief that underlies the state legislature imposing and maintaining a limit on the number of charter schools that may be opened in the city. Somehow, those schools are deemed less than public. Critics describe the students whose families choose to use charter schools, and the public dollars that follow these children, as being “diverted” from public schools. Hurtful, too, is the general political hostility to the city’s vibrant private- and religious-school sectors, which enroll over 220,000 students in the city, or 18.6% of the city’s schoolchildren.⁷

While it is true that \$2.7 billion in the current year budget is passed through to charter schools for them to educate 135,000 students, the DOE passes through an even greater amount to providers who run private schools serving students with special needs and a host of prekindergarten and early childhood programs.⁸ Yet, those schools and programs are spared the vitriol directed at charter schools. In truth, the city’s DOE is heavily intertwined with private providers in the city, and the lines between public and private are quite blurry. The city needs more families to remain as residents and raise their children here. Whether those parents prefer the DOE’s district schools, charters, or private and religious schools is of no importance to the fiscal and social health of the city.

For the good of the city and its residents, therefore, it is time to start thinking about the value of all schools and acknowledging that all schools provide both public benefits to the city as a whole and private benefits to individual children and their families. Moving beyond the notion that these are competing systems and that one option alone has public validity would help align the discussion about the future of the city with the lived reality of families, in which the primary desire is to find what is best for their own children.

There is a simple but incomplete notion of the dual public and private nature of all schooling. Schools pursue collective, or public, goals—we all benefit in tangible ways from having high-quality education available to the young. That public function can be well served by schools under the control of a variety of public and private institutions operating within broad state guidelines on curriculum requirements. Still, parents’ first concern is with the well-being of their own children. That is the private nature of education. Success in education leads to tangible financial, social, and health benefits for those who attain it. Parents understand this, and it informs their decisions on where to reside and what type of school to enroll their children in. While parents are concerned for the good of all students, they recoil when they sense that the good of their own children is being sacrificed for the greater good. In many ways, this creates a natural barrier to overly redistributive education policy.

We saw this dynamic play out in the last four years of the de Blasio administration, when the system sought a series of changes to admission policies for middle schools in a few local school districts and embraced changes to the admissions policies of the DOE’s selective high schools.⁹ The changes, presented as being in service of a public good of greater integration and equity in school admissions, ran right into the private needs of those families whose children would be displaced by the change. Given the tight residential real estate market in the city, parents also felt that the rules were being changed after they had chosen where to live with an eye toward the existing policies. These parents had options in the charter- and private-school sectors as

well as in the many fine public-school districts found in the suburbs adjacent to New York. In response to Covid-related school closures, other families went further away to states they deemed more kid friendly.¹⁰

The tension between the public and private aspects of education is also evident in the current battles across the country over educational content, Critical Race Theory, antiracism, and social and emotional learning. Several states have taken steps to remove certain books from school libraries and classrooms or to inform parents beforehand what is being taught or assigned to their children. These efforts are grounded in the belief that the private wishes of parents regarding educational content should always take precedence over the attempt to address political, or public, goals through the curriculum. The zeal of social-justice advocates pursuing an agenda that is contrary to the wishes of some parents has intellectual roots that precede the current debate about parental involvement. In *The Demands of Liberal Education*, Harvard Graduate School of Education professor Meira Levinson offers the argument in favor of schools substituting their own paternalistic view to that of the child's parents:¹¹

Children have no opportunity for choice when young. Their lives and their values are inevitably (and rightfully) shaped by others. But the most legitimate basis for this coercion, on a liberal reading, would seem to be that which gives children the capacity for choice—the capacity to overcome the bounds of coerciveness—later in life. . . . The state is justified, therefore, in helping children to develop the capacity for autonomy, even against parents' and children's expressed wishes.

Levinson adds a note to this, citing the former president of the University of Pennsylvania, Amy Guttmann: "We can justify limitations upon parents' rights to limit a child's future ability to exercise meaningful choice because our valuation of liberal freedom to pursue differing conceptions of the good is dependent upon that freedom being exercised by beings who have been raised under conditions conducive to choice."¹²

In the eyes of social justice advocates, in other words, the role of the school is to ensure that children's future choices, and indeed their future values, are not constrained by their parents' limited world views. At some level, this notion of enhancing a child's future autonomy might seem appealing to some parents, if it were offered to them as a choice. Coercing parents into accepting this vision of education, however, is likely to draw pushback; concealing that this is the view of the school or district is likely to undermine trust. It is this conflict that lies at the heart of many debates in public education policy.

In a recent *City Journal* article, education scholar Samantha Hedges describes four competing notions of the purpose of education—education for the sake of social mobility, social efficiency, civic instruction, or social justice—and the conflict among them. She argues that civic education lies at the center "because it subsumes the other three purposes, thus satisfying both the private and public function of schools and the various stakeholders of public education." She would have schools adopt civic education as their telos, or ultimate purpose, because it satisfies both the private and public function of schools.¹³

Competing Visions of Schooling's Purpose: Standards vs. Reality

In thinking about how the city needs to be more responsive to the wants and needs of parents to once again make the city a viable place for families to raise their children, it is useful to consider multiple policy issues that predate Covid and remain at the core of our collective beliefs about the purpose and nature of schooling. These issues are specific to New York City and state and do not include some issues of educational content that are at the core of the debate in other parts of the country, but which have not emerged in New York.

In New York State, all public districts and charter schools must follow the graduation and proficiency standards set by the New York State Board of Regents. Currently, those standards align the proficiency ratings on the state's annual tests in English Language Arts and Mathematics with the level required by a student who is on the path to college readiness upon graduation. Similarly, the requirement that a student must earn a high school diploma in the state is meant to ensure that all graduates are college-ready. In the history of the state's education goals, that is a recent occurrence, dating to only the early 2010s. The Board of Regents is currently considering changing the graduation requirements.¹⁴ This is a necessary review, and the tensions that are inherent in it are a good example of the occasional conflict between the public and private purposes of education.

Beginning with the 2011–12 school year, a student in any of New York's district or charter schools was required to take and pass five of the state's subject-area Regents examinations (English, Global History, U.S. History, any Math subject, and any Science subject) to graduate.¹⁵ In the past, most students received a "local diploma" according to the policies and standards of their local district, but this new requirement eliminated that option for most students.

Regents exams had been a part of New York State's high school system since 1865, but their purpose and use evolved over time.¹⁶ For much of the 20th century, the Regents exams had been administered only to students enrolled in a college preparatory track, and a Regents diploma signified the completion of a full range of Regent-level courses, which were capped with exams aligned to those subjects.

A movement to raise the bar on high school graduation requirements took place across the country in the years of the Bush and Obama administrations, however, and New York's move to require five Regents exams for graduation for all students, including those with no intention of attending college, was part of that trend. It was accompanied by a decision by the Board of Regents in 2010 to align the definition of proficiency on the English Language Arts and Math tests in grades 3 through 8 with college-ready performance. Today, students who complete that entire sequence are awarded an Advanced Regents diploma.

Thus, since 2010, all students in New York State's district and charter schools are being assessed against a standard of college readiness. The discontent of some parents with this policy emerged around 2015 as part of a national pushback against what had come to be called the Common Core education reforms.¹⁷ In many suburban and rural parts of the state, parents in substantial numbers rebelled against the state's designation of their children as "not-proficient" and exercised their right to withhold their students from participation in the state's annual testing program in grades 3 through 8.¹⁸ In 2019, the last year that the state testing program was administered and required of all students (prior to the Covid pandemic), 16% of the state's students

were withheld from testing by their parents, a slight decline from 2015's level of almost 20%.¹⁹ New York City's parents have been less likely than others in the state to withhold their children from testing, but in 2019, 53 districts in the rest of the state had test refusal rates above 50%.

Parents' reasons for withholding their children from annual testing were myriad, but their actions should not have come as a surprise. The state is holding students to a standard—college readiness—that its schools have never universally attained. On the 2019 tests, only 45% of tested students were deemed to have met the standard in English Language Arts, and less than 47% met it in Math.²⁰ This is not a problem unique to New York State. By 2020, only 39% of the U.S. population ages 25–29 had earned a bachelor's degree or higher, and another 11% had earned an associate degree. Meanwhile, 95% had earned a high school diploma. College success, the standard to which all students are being held, seems to be the reality for about just half of the students.²¹

Without a doubt, college success is the only educational outcome that is acceptable in some families. Those families face no conflict between their own goals and those of the policy makers who craft these standards, but many other families have expectations and goals other than college completion for their children. They want their children to succeed in high school and to leave school prepared for a trade or other nonacademic pursuit. Because their own aspirations differ from the public goals set by the policy makers, all of whom likely succeeded in college themselves, their children are labelled as nonproficient in their school careers. If these students and their families were a small minority, one might consider that “higher standards” may be an appropriate incentive, but they are not: they represent the norm of what American and New York State's public education system have been able to produce to date.

For other parents, whose children are not enrolled in public schools, the goals of education are something completely different from academic achievement. Their numbers are growing in New York City and state, and the clash between their vision and that of the state's policy makers has also risen to great prominence.

Orthodox Jewish Schools and Calls for Greater Curriculum Oversight

Today, 113,590 students attend Jewish schools in the five boroughs. They comprise 47% of all private and religious school students and one out of 11 students in any sector in the city.²² Their numbers have grown by 46% over the last 20 years, a time when all other religious schools in the city lost 53% of their enrollment. These schools and their students and families are a critical part of New York City's future. Most of the growth in Jewish schools has occurred in the schools serving the haredi, or orthodox Jewish communities.

Discussion of these schools in the media is largely limited to a critique of the curriculum offerings in some of the high schools serving boys and young men.²³ It has been alleged that these schools emphasize Judaic studies at the expense of secular subjects and that they fall short of the state requirement that all private schools, including religious ones, offer a curriculum that is *substantially equivalent* to that offered in the public schools.

While evidence of this problem has been uncovered in some high schools, and 15 yeshivas refused access to New York City DOE staff assigned to review their programs, it is unclear how extensive it is among the 344 Jewish schools operating in the city.²⁴ A 2020 review in *City Journal* suggests that some of the complaints about these schools have been overstated.²⁵ Nonetheless, the state Education Department has twice proposed new regulations to address the alleged problem. The

first, released in 2018, would have given rather broad oversight to local public-school superintendents to review compliance with the state's substantial-equivalence mandate for all private and religious schools within their district.²⁶ This drew sharp criticism from private and religious schools in the city, including the elite prep schools, due to its incursion into private-school autonomy based on somewhat of a presumption of guilt. That proposal was withdrawn, and further action was delayed due to the two years of Covid-related school disruptions.

The Board of Regents released in March a new draft statement on the issue and has entered a period of public comment with the intention of considering new regulations in the fall.²⁷ The new statement proposes that private and religious schools demonstrate substantial equivalence of instruction by one of six approved pathways. In general, these include evidence of the school being accredited by some recognized authority. One pathway simply requires the school to regularly use the assessments designed by the state Education Department to measure student progress.

The department's latest proposal is silent on something that the yeshivas have sought—recognition of the intellectual and academic value of the religious instruction they offer. As Moshe Krakowski observed in *City Journal*, haredi religious studies are exceptionally complex and stimulating:

“Religious studies” may conjure visions of catechism memorization, ritual practice, or pulpit training. But in the Haredi context, yeshiva religious education focuses on the kinds of close textual study typical of advanced college-humanities courses and fosters many of the skills that current education research recognizes as most valuable: reasoning from evidence, resolving multiple perspectives, contextualizing information, and studying independently. Talmudic material is intricate, difficult, and highly complex, yet by my estimation, 80 percent to 90 percent of kids in the schools I have observed ... are able to study Talmud semi-independently by the time they leave eighth grade.²⁸

This issue, and its resolution, gets at the heart of the tension that sometimes occurs between the private needs and desires of parents and the public interest in a common curriculum for all. This tension has existed since the appearance of mass public education and compulsory education laws in the 19th century. The right of parents to enroll their children in religious schools in fulfillment of state compulsory education laws was recognized in 1925 by the Supreme Court in *Pierce vs. Society of Sisters*.²⁹

Two aspects of the ruling are of note. First, “The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”³⁰

At the same time, the court recognized the prerogative of the state to exercise broad oversight of religious schools: “No question is raised concerning the power of the state reasonably to regulate all schools, to inspect, supervise and examine them, their teachers and pupils; to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing be taught which is manifestly inimical to the public welfare.”³¹

Those two observations set the bounds of the debate in this area to this day. Parents have a right to direct the education of their children by enrolling them in public, private, or religious schools (or by home-schooling them.) The state has an interest and role in ensuring that all schools meet certain broad standards and do not teach things “inimical to the public welfare.” The modern dilemma with this is wound up in the 1925 language of the court. Certainly, “good

moral character,” “patriotic disposition,” and “good citizenship” are not terms that are universally admired today as they were 97 years ago. Our culture war suggests that they are exactly the things that many use to differentiate themselves from those they oppose.

Perhaps a way forward lies therein. The state Board of Regents sees the preference that many parents have for these religious schools. They also see that some of these schools may well have academic programs that appear to be something other than “substantially equivalent” to that which is offered in the public schools. There is a legitimate role here for the state to incentivize, cajole, or otherwise help those schools improve in the areas in which they are lacking. The New York City chancellor’s review of these schools found that several of them were already making curricular improvements.³² Encouraging more of that type of reaction might be easier if the state engendered some trust by acknowledging the intellectual value of what they deem “religious instruction,” because it is that instruction that seems to be at the heart of why some parents embrace these schools.

It might be appropriate for the state to recognize that schools that produce graduates with “good moral character” and “patriotic disposition,” and who demonstrate “good citizenship,” might be afforded some flexibility in some aspects of academic studies if they are also producing graduates capable of “reasoning from evidence, resolving multiple perspectives, contextualizing information, and studying independently.”³³ To demand that these schools mirror the public schools is likely to drive families out of the city and state with the message that they cannot raise their children here in the way that they believe their faith requires of them.

Parental Role in Governance of District-Run Schools

The hot topic in education policy across the country this year is the relationship between parents and school policy. Several states are considering laws either requiring schools to disclose their curriculum, in varying levels of detail, or constraining schools from teaching topics, usually related to sexuality and gender, in certain grades.³⁴ To date, this has not occurred in New York State, but discontent with several educational policies by former mayor Bill de Blasio fueled a new era of parental activism and discussion of the proper role of parents in governance of the public schools. Three issues were at the forefront of the controversy: antiracist staff training, similar curriculum offerings or lessons for students, and the city’s attempts to engineer the racial profile of the city’s selective high schools, screened middle schools, and gifted and talented elementary schools.³⁵

In December 2021, the city’s Panel for Educational Policy (the city’s school board) enacted new regulations for members of the city’s 32 Community Education Councils (CECs), all-volunteer advisory bodies that help provide oversight over the city’s DOE.³⁶ The regulations have been criticized as an attempt to stifle dissent from parents by curtailing debate among council members.³⁷ The CECs replaced an earlier system of locally elected Community School Boards that had existed since the early 1970s. Today, two members of each of these councils are appointed by the borough president, and nine members are appointed by the Parent Teacher Association leadership of the schools in the district.³⁸ The councils have very limited powers, but they do have to approve any changes to the zoning or admissions policies of any schools within their district. They played an important role in the efforts of the de Blasio administration to end or amend the use of academic screening criteria for some middle schools in the city.³⁹

Couched in terms of personal safety, the new regulations prohibit “frequent verbal abuse and unnecessary aggressive speech that serves to intimidate and causes others to have concern for their personal safety.”⁴⁰ It also applies to private or personal speech of (volunteer) CEC members if that speech “would foreseeably create a risk of disruption within the district or school community.” The department itself would be the sole arbiter of these violations and penalties, including removal from office.

Since 2002, governance of the city’s school system has been under the direct control of the mayor, who appoints the school chancellor as well as a majority of the members of the city’s Panel for Educational Policy (PEP).⁴¹ In June 2022, the New York State Legislature renewed mayoral control of the school system for two years. The renewal made some changes to the composition and independence of the PEP.

Under the terms of this renewal, the city’s five borough presidents retain the right to appoint one PEP member each. The Community Education Council leaders were granted four more appointments in addition to the one they had previously. The mayor was granted three additional appointments, giving him a 12-vote majority on the now-23-member PEP. In addition, the legislation also appoints the city’s comptroller as a nonvoting member of the PEP. All members of the PEP will have one-year terms, which means they can not be removed mid-year by their appointing officials or committees. Previously, PEP members had nontermed appointments and could be removed immediately if they intended to vote against the wishes of the official who had appointed them.

The legislature’s actions muddy the clear lines of accountability that had been built into the original mayoral control law—a mayor with strong powers could control the direction of the school system while being answerable to the public in quadrennial elections. In between those elections, they could implement their vision of public education. The first two mayors to have this power differed greatly in their educational philosophies, yet both were rewarded by the voters with a second term; in Michael Bloomberg’s case, a third term after a temporary suspension of the two-term limit for New York City’s mayor. Both mayors alienated some parents and some other constituents in their governance of the schools, leading some to question the value of mayoral control. But parents and community members are not monolithic in their educational preferences. The expansion of the PEP and the terms granted to its members are as likely to breed paralysis as to increase general parental satisfaction with the schools.

For as long as I have been involved in public education policy, there has been a robust (though never resolved) debate about the appropriate role of parents in school policy and governance. The position that people and organizations take on this debate also seems to vary with their satisfaction with the schools. Parents primarily want what is best for their children. If they are getting that, they have little incentive to get energized as activists, run for the school board, or advocate for greater parental control. When the system is trying to take away something that parents feel is valuable to them, however, they either rise up or leave the system.

It is also undeniably true that parents are not the only community members who can lay claim to influence over school policy and governance. Public schools are supported by taxpayers. In some affluent suburbs, parents form a good portion of the taxpayer base, but this is not true in New York City. The latest American Community Survey of the U.S. Census indicates that only 28% of the households in New York City include a child under the age of 18.⁴² Further, the city’s revenue base used to support the schools is very diversified. The city’s local income tax is borne by higher-income individuals, who are less likely to use the city’s public schools.⁴³ Its property tax is heavily supported by taxes on commercial properties in the central business district.⁴⁴ Thus, residents and taxpayers in the city have valid interests in the school system along with the parents of children enrolled in the schools.

The city's school system is more than a collection of schools and classrooms. It employs more than 150,000 people and has an annual budget of more than \$30 billion; it requires professional and creative leadership.⁴⁵ Much of the educational policy is set by the New York State Board of Regents, but there is local leeway in several areas of importance to parents. School admissions policies are the purview of the education department and its CECs. (State law requires that admission to four high schools in the city be based solely on a single admissions test, or auditions in the case of the arts school; even if the state legislature rescinded this requirement, the city could choose to keep it in place, unless the new legislation forbade that.) The DOE also has discretion over curriculum and materials within the broadly stated educational standards set by the Regents.

Tight control of the schools from above, a command-and-control approach, did not work in the decades prior to the onset of mayoral control. Neither did the extensive decentralization of control over elementary and middle schools from the 1970s through the late 1980s. Mayor de Blasio's term in office (2014–2021) saw a return to a more centralized approach, with mixed results and escalation of tensions with parents in some communities.⁴⁶

The Bloomberg administration (2002–2013) tried and succeeded with a variety of hybrid models of internal governance. After first reorganizing the 32 geographic districts in the city into 10 large regions, it began to experiment with local school autonomy, allowing successful schools to be part of the “autonomy zone” where they were largely free from district oversight.⁴⁷ At the same time, the administration ramped up its data-based school accountability system, called the school performance review, in which all schools were graded using a complex analysis of data on student characteristics and outcome measures. Schools were compared to “peer” schools, which served students with similar characteristics as their own.⁴⁸ Eventually, the regions were disbanded, and local school district offices were reduced to a handful of staff members each; all schools were allowed to choose the “affinity group” (a network of schools that shared their sense of mission or approach to education) that they wished to be supported by and whom they would pay to join.⁴⁹

Although each school had a school leadership team, which included parents, these committees had power or influence only to the extent that the principal embraced them. However, the rapid growth in the number of charter schools in the city, as well as the creation of new district schools of choice, gave parents much more choice than they ever had in the city.⁵⁰

A return to this type of system of school autonomy, with adjustments drawn from the lessons of the Bloomberg years, is likely the best way to balance the public and private needs here. That will be more difficult for Mayor Adams to achieve, given the new composition of the PEP. For example, the city's comptroller, Brad Lander, who will sit on the PEP, has voiced opposition to Adams's intent to expand the city's gifted and talented programs. Though he lacks a vote on the PEP, he commands a large professional staff in the comptroller's office and will have the resources needed to organize opposition to the mayor's actions if he wishes to do so.

Local Community Education Councils should continue to be representative of the parents in each district and should be the go-between between the DOE and local parents on policy issues, but that must be a reciprocal relationship, with the department honestly listening to parents as opposed to simply acting as advocates for the administration's decisions.

Maintaining and expanding parental choice is also key, particularly after the watering down of mayoral control. Whenever decisions are made in some type of democratic process, there will be families that do not wish to, or cannot abide by, the resulting policy. They should have options. Though the current political make-up of the state makes it unlikely, parental choice should include some form of public support made available for tuition at private and religious schools.

Recommendations: Parents Are “Voting with Their Feet”; Policy Makers Must Respond

The State Legislature Must:

- Reaffirm that the role of the city’s public schools is to serve students, not the various political and interest groups that seek jobs, patronage, or contracts. Those interest groups predominated in the decades prior to mayoral control, and they must not be allowed to regain control. The legislature should not wait two years to put children and families first by undoing the June 2022 legislation and extending the original vision of mayoral control of the system, preferably without an expiration date. This may be possible after the November 2022 elections, in which all seats in the legislature will be on the ballot.
- The ultimate power that parents have is that of choice. New Yorkers have always exercised that power, as evidenced by the presence of three large systems of schools in the city—a public district, public charters, and private and religious schools. Good schools in all sectors should be recognized for the valuable benefits they provide to the social and economic life of the city. Charter schools have demonstrated that they are a critical component of the city’s educational landscape. The state legislature should abolish the misguided cap on the number of charter schools in the city.
- In the coming years, pending the resolution of ongoing U.S. Supreme Court cases, the state should tangibly recognize the value of private and religious schools. Too many of these schools have closed for financial reasons in the last 20 years, denying parents a full range of school choice.⁵¹ As the Supreme Court makes clear its view toward public support of religious schools, the state should respond to new opportunities that may emerge.⁵² Our city and state must find ways to embrace parents and families from all communities, including those for whom religious education is the only acceptable option. If we don’t, other states will welcome these families, and that would be a great loss to the social, economic, and cultural strength of our city and state.

The State Board of Regents Must:

- Embrace “opportunity pluralism,” the notion that there are multiple valid outcomes of elementary and secondary schooling, including but not limited to preparation for college. The city’s school leadership should also demonstrate a commitment to opportunity pluralism by growing—not reducing—the number of schools with advanced programs for the highest-achieving students while also expanding the availability of career and workforce preparation programs.
 - ◆ This would involve the creation of a two-tiered high school diploma system, with an advanced diploma indicating the graduate’s readiness for college and a general diploma recognizing that the student has successfully completed high school.

It would also mean accelerating the approval of alternative pathways for students to earn their diplomas. Many would signal completion of a course of study aligned with industry standards for entry to certain trades or other vocations. Other pathways would acknowledge the success of schools in the New York State Performance Standards Consortium, which measure academic achievement using rigorous methods other than the Regents exams now required of all high school graduates.⁵³ The Board of Regents should resist the urge to

implement public oversight of private and religious schools, which are a critical asset for many families. It should continue to enforce the substantial equivalence rule by responding to specific instances of noncompliance. In doing so, it should recognize the valid academic merit of rigorous religious studies.

The Mayor and Chancellor Must:

- Signal that they are committed to focusing on the academic outcomes of our schools. This must be reinforced constantly, and misguided calls to undermine the value of student achievement must be denied.
- Continue to support opportunity pluralism by expanding access to accelerated learning and programs for the gifted and talented in every local district in the city.
- Expand the number of workforce preparation programs in the city's schools, while working within the Regents' guidelines.
- Make sure that the system's locally deliberative bodies—the Community Education Councils—should retain roles for members who are currently parents of school-age children. Those bodies should be public forums through which parents and community members are allowed to voice their opinions about proposed changes in policy. Their voices should be heard and taken seriously. The city's leadership should deliberate with parents and community members, not lecture them.
- Support the growth of charter schools in the city by offering them space in underutilized district school buildings.
- Recognize that all schools must be held accountable for results. Those schools that are consistently low-performing and are losing enrollment should be closed and their space made available for the creation of new and different approaches.

Families are essential to the social, economic, and cultural strength of New York City and the state. If education leaders fail to implement these recommendations, parents will continue to “vote with their feet” and leave for cities and states that value their input as education consumers. Yes, a high-quality education for children and young people is a public good. Parents who have been driven to exercise more choice over their education options as a result of the Covid-19 pandemic, however, will not forget that it is a private good as well.

About the Author



Ray Domanico

Senior Fellow
Director, Education Policy

Ray Domanico is a senior fellow and director of education policy at the Manhattan Institute. His career has spanned the public and nonprofit sectors in research and advocacy roles. Most recently, Domanico was director of education research at New York City's Independent Budget Office, where he led a team tasked with studying and reporting on the policies and progress of America's largest public school system. Previously, he served as senior education advisor to IAF Metro NY, where he worked with local leaders and educators to design and support a small group of new district high schools and charter elementary schools. Domanico began his career in research positions in the New York City school system, and he has taught graduate-level courses in educational research and policy analysis at Brooklyn College and Baruch College.

Domanico holds a Master of Public Policy degree from the University of California, Berkeley.

Endnotes

- ¹ NYSED.gov, Information and Reporting Services, “Public School Enrollment,” April 1, 2022; NYSED.gov, Information and Reporting Services, “Nonpublic School Enrollment,” April 13, 2022.
- ² David C. Banks, NYC Department of Education, “Chancellor Banks Outlines Vision for Transforming and Building Trust in NYC Public Schools,” March 2022.
- ³ Bernadette Hogan and Nolan Hicks, “Mayor Adams: Slow Return to Offices Will Complicate NYC’s Economic Recovery,” *New York Post*, April 28, 2022.
- ⁴ Juan Manuel Benitez, “Adams’ Control of the Public School System Still Up in the Air,” *Spectrum News NY1*, May 9, 2022.
- ⁵ Bernadette Hogan, “Pro-Charter Forces Make Last-Ditch Albany Plea to Lift Cap on Schools,” *New York Post*, June 5, 2019.
- ⁶ New York State Education Department, “Education Department Announces Additional Virtual Regional Information Meetings to Discuss Review of Graduation Measures in New York State,” Nov. 15, 2021.
- ⁷ Information and Reporting Services, “Nonpublic School Enrollment.”
- ⁸ NYC Department of Education, “School Budgets SY 2022–2023,” February–April 2022; NYC Department of Education Division of Finance, “Other Special Education Funds: Fiscal Year 2022,” 2021.
- ⁹ Ray Domanico, “Saving Gotham’s Students,” *City Journal*, New York City: Reborn 2021.
- ¹⁰ Amelia Nierenberg and Adam Pasick, “Parents Erupt in Frustration as New York City Schools Close,” *New York Times*, Nov. 20, 2020.
- ¹¹ Meira Levinson, *The Demands of Liberal Education* (Oxford: Oxford University Press, 2002), p. 48.
- ¹² *Ibid.*, 182.
- ¹³ Samantha Hedges, “The Telos of Education,” *City Journal*, April 8, 2022.
- ¹⁴ Adam Tyner, “The Risks of Eliminating New York’s Regents Diplomas: Graduation Standards Hang in the Balance,” *New York Daily News*, Jan. 16, 2020.
- ¹⁵ Ray Domanico, “The Transformation of Public High Schools in New York City,” Manhattan Institute for Policy Research, Jan. 11, 2022.
- ¹⁶ New York State Education Department, “Timeline of New York State Assessments.”
- ¹⁷ Brittany Horn, “Parents Protest Against Common Core,” *Times Union*, March 25, 2015.

- ¹⁸ Staff, “New York City Students Improve Common Core Test Scores, But Most Still Not Proficient,” *ABC7*, Aug. 12, 2015.
- ¹⁹ New York State Education Department, “State Education Department Releases Spring 2019 Grades 3-8 ELA & Math Assessment Results,” Aug. 22, 2019; Elizabeth A. Harris, “20% of New York State Students Opted Out of Standardized Tests This Year,” *New York Times*, Aug. 12, 2015.
- ²⁰ NYSED.gov, “Measuring Student Proficiency in Grades 3-8 English Language Arts and Mathematics,” slide 9, Aug. 22, 2019.
- ²¹ National Center for Education Statistics, “Educational Attainment,” 2021.
- ²² NYSED.gov, Information and Reporting Services, “Nonpublic School Enrollment,” April 13, 2022.
- ²³ For example, members of the organization Yaffed are prominent critics of these schools and advocate for more oversight.
- ²⁴ See Chancellor Richard A. Carranza’s letter on this subject to the New York State Education Department, Aug. 15, 2018; Leslie Brody, “NYC Schools Chancellor Says 15 Yeshivas Didn’t Give Investigators Access,” *Wall Street Journal*, Aug. 16, 2018; Information and Reporting Services, “Nonpublic School Enrollment.”
- ²⁵ Moshe Krakowski, “The War Against the Haredim,” *City Journal*, Autumn 2020.
- ²⁶ Reema Amin, “As Yeshiva Probe Heats Up, State Issues Guidance For Reviewing Nonpublic Schools,” *Chalkbeat New York*, Nov. 20, 2018.
- ²⁷ New York State Education Department, “Department Proposes Regulations for the Substantial Equivalency of Instruction in Nonpublic Schools,” March 10, 2022.
- ²⁸ Krakowski, “The War Against the Haredim.”
- ²⁹ *Pierce v. Society of the Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925).
- ³⁰ *Ibid.*
- ³¹ *Ibid.*
- ³² Chancellor Carranza’s letter to the state DOE.
- ³³ Krakowski, “The War Against the Haredim.”
- ³⁴ The Educational Liberty Alliance has a running list of states with curriculum transparency laws on the books: <https://www.edlibertyall.org/curriculum-transparency>; Nate Hochman, “Republicans Can Learn from the Victory of Florida’s Parental-Rights Bill,” *National Review*, March 16, 2022.
- ³⁵ Susan Edelman, Selim Algar, and Aaron Feis, “Richard Carranza Held ‘White-Supremacy Culture’ Training for School Admins,” *New York Post*, May 20, 2019; Pooja Salhotra, “Critical Race Theory Debate Hits New York City Public Schools,” *Chalkbeat New York*, July 13, 2021; Wai Wah Chin, “New York’s Parent Revolt,” *City Journal*, Nov. 26, 2021.

- ³⁶ NYC Department of Education, “Community Education Councils (CEC).”
- ³⁷ Ethan Blevins, “Silencing Parent Advocates,” *City Journal*, March 3, 2022.
- ³⁸ NYC Department of Education, “Community Education Councils (CEC).”
- ³⁹ Domanico, “Saving Gotham’s Students.”
- ⁴⁰ Blevins, “Silencing Parent Advocates.”
- ⁴¹ NYC Department of Education, “Panel for Educational Policy.”
- ⁴² U.S. Census Bureau, American Community Survey, “Households and Families,” filtered for New York City 2020.
- ⁴³ Brian Schwartz, “New York’s Wealthiest Look for Exits as State Readies Hefty Tax Increase,” *CNBC.com*, April 8, 2021.
- ⁴⁴ Howard Chernick, David Copeland, and David Merriman, “The Impact of Work From Home on Commercial Property Values and the Property Tax in U.S. Cities,” Institute on Taxation and Economic Policy, November 2021.
- ⁴⁵ Alex Zimmerman et al., “As Vaccine Mandate Kicks In, 95% of NYC Schools Staff Have Received Covid Shots,” *Chalkbeat New York*, Oct. 4, 2021; Selim Algar, “NYC Teachers Union Boss Blasts DOE School Program Cuts Amid Coronavirus Crisis,” *New York Post*, April 16, 2020.
- ⁴⁶ Ray Domanico, “Time’s Running Out for Albany to Correct Its Obscene Failure to Renew Mayoral Control of NYC Schools,” *New York Post*, April 8, 2022.
- ⁴⁷ David M. Herszenhorn, “New York Rethinks Its Remaking of the Schools,” *New York Times*, April 9, 2006.
- ⁴⁸ Philissa Cramer, “80 Percent of Schools Land Top Grades on DOE’s Progress Reports,” *Chalkbeat New York*, Sept. 16, 2008.
- ⁴⁹ Patrick Wall, “Exclusive: Farina to let Some High Schools Opt Out of Her Reorganization,” *Chalkbeat New York*, May 8, 2015.
- ⁵⁰ Domanico, “The Transformation of Public High Schools in New York City.”
- ⁵¹ Peter Murphy, “Under Assault: New York’s Private and Parochial Schools,” *City Journal*, Sept. 5, 2019.
- ⁵² Nicole Stelle Garnett, “Correcting Maine’s Error,” *City Journal*, Dec. 7, 2021.
- ⁵³ To view the New York Performance Standards Consortium’s rubrics, see <https://www.performanceassessment.org/rubrics>.