DYSFUNCTION JUNCTION

A HISTORY OF NEW YORK CITY SCHOOLS BEFORE MAYORAL ACCOUNTABILITY

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INTRODUCTION

As the expiration of mayoral accountability approaches, the fate of New York City's public schools hangs in the balance. The decades following the relinquishment of mayoral control in 1969 were replete with corruption and diminished student outcomes. It's no coincidence. It was the direct result of the complete absence of accountability.

Under decentralization, New York City's school system was fragmented into 32 community school districts that operated as autonomous fiefdoms, devoid of any real oversight or cohesive governance. The Board of Education, ostensibly the governing body, was toothless, incapable of enforcing discipline or meaningful reform. The Mayor was left to watch as school districts evolved into increasingly powerful entities, bolstered by a culture of patronage and corruption that flourished in the absence of centralized accountability.

The unchecked autonomy of the districts led to stagnant test scores and graduation rates, as no one was empowered to enforce rigorous standards or reforms. The systemic dysfunction also enabled the sale of jobs, individuals to hold positions without attendance for years, theft of funds directly from schools, school board members candidly confessing they would never enroll their children in the schools they oversaw, and even the employment of drug dealers and gang members as school safety officers.

Now, after more than 20 years of progress, the importance of maintaining centralized accountability cannot be overstated. This report does not aim to provide a full accounting of the failures during decentralization, but to underscore the risks of dismantling the structures that enabled us to achieve once unimaginable progress in educational outcomes. It is a call to action to preserve the framework necessary for continued progress in New York City's public schools.

WHY NEW YORK CITY ABANDONED MAYORAL CONTROL

Like much of the rest of the country, the 1960s in New York City represented a turbulent time, marked by significant civil rights struggles and labor disputes, setting the stage for a pivotal battle over the control of public schools. In 1964, over 450,000 students boycotted New York City's public schools in protest against deplorable conditions and pervasive segregation. As conditions failed to dramatically improve in the years after, tensions grew between communities of color seeking to improve their schools, the teachers union, and City leadership. In 1968, this tension boiled over into a citywide crisis after leaders of the Ocean Hill-Brownsville school district, a pilot allowing local residents greater direct control, fired 19 teachers. The teachers union responded by launching a citywide strike. The crisis highlighted the deep divisions and dissatisfaction with the centralized control of schools, bringing new momentum to calls for decentralization.

Mayor John Lindsay helped resolve the strike after 36 days without open public schools, but it did little to heal the deep divide within the City. As calls for greater community control continued to rise, Lindsay elected to support State legislation decentralizing the school system. Under the new system, members of the Board of Education were appointed by the City's five Borough Presidents, with the Mayor retaining just two appointments. The 32 community school districts were governed by elected school board members.³ The governance of elementary and middle schools was entrusted to the community school districts, while high schools remained under the jurisdiction of the Board of Education. While the movement that brought about decentralization had laudable goals of increased community control, low participation rates and a lack of strong, central oversight led to dark outcomes in districts across the City.

^{1.} Yasmeen Khan, *Demand for School Integration Leads to Massive 1964 Boycott - In New York City*, WNYC, Feb. 3, 2016, https://www.wnyc.org/story/school-boycott-1964/.

^{2.} Shereen Marisol Meraji and Gene Demby, *Black Parents Take Control, Teachers Strike Back*, Feb. 12, 2020, https://www.npr.org/transcripts/803382499.

^{3.} Mayor of the City of New York, Executive Order No. 118, Dec. 1988, https://www.nyc.gov/assets/records/pdf/executive_orders/1988EO118.PDF.

CORRUPTION SO RAMPANT IT SPAWNED A NEW SYSTEM OF OVERSIGHT

By the 1980s, stories of patronage, wasted funds, and poor educational outcomes at schools grew. In 1988, Mayor Ed Koch created the Joint Commission on the Integrity of Public Schools, also known as the Gill Commission (after Chairman James F. Gill), in response to growing concerns over corruption and mismanagement in the school system.⁴ Corruption had become so sophisticated and deep rooted that the Commission employed techniques used to target the mob, like undercover assets and surveillance of suspects, to catch perpetrators.⁵

In the Commission's final report, Chairman Gill wrote that they "found serious corruption or impropriety almost wherever we looked." They detailed a litany of misconduct uncovered over more than 100 pages, likening the Board of Education to a "new Tammany Hall." Because corruption ran so deep - from millions of dollars spent on unnecessary patronage jobs to critical roles being filled by those unable to properly perform their duties to outright fraud in school board elections - the Commission recommended the creation of a new, independent monitor. This role, eventually dubbed the Special Commissioner of Investigation for the City School District (SCI), is a separate entity charged with responsibility to investigate criminal activity, unethical conduct, conflicts of interest, and other wrongdoing occurring within the school system. In the following years, Edward Stancik, the City's first SCI, would become a mainstay in the press for churning out a seemingly endless series of investigations into myriad forms of corruption.

^{4.} Mayor of the City of New York, Executive Order No. 118, Dec. 1988, https://www.nyc.gov/assets/records/pdf/executive orders/1988EO118.PDF.

^{5.} Ralph Blumenthal, *Inquiry on School Corruption Quickens*, N.Y. Times, Mar. 21, 1989, https://www.nytimes.com/1989/03/21/nyregion/inquiry-on-school-corruption-quickens.html.

^{6.} Joseph Berger, *School Panel Gets Accounts of Corruption*, N.Y. Times, Mar. 13, 1990, https://www.nytimes.com/1990/03/13/nyregion/school-panel-gets-accounts-of-corruption.html; Joint Commission on Integrity in the Public Schools, *Findings and Recommendations of the Joint Commission on Integrity in the Public Schools* (Apr. 1990).

By the mid-90s, the link between corruption and the design of the school system became so undeniable that Stancik used the power of his office to help amplify calls for change. According to the New York Times, then-Chancellor Rudy Crew's efforts to seek new powers from the State Legislature in 1996 were bolstered by Stancik's strategic release of investigative reports on district corruption. The reports kept the public focused on the debate, underscoring how the deep-rooted power of local school districts perpetuated a constant cycle of patronage, educational failure, and corruption.⁷

To help illustrate the breadth and depth of the problems under decentralization, the following sections highlight some of the most insidious forms of corruption that flourished before mayoral control was established in 2002.

^{7.} Matthew Purdy, *Rare Alliance Gave Crew More Control of Schools*, N.Y. Times, Dec. 23, 1996, https://www.nytimes.com/1996/12/23/nyregion/rare-alliance-gave-crew-more-control-of-schools.html.

DANGEROUS HIRING PRACTICES, BRINGING ADDICTS AND PREDATORS INTO SCHOOLS

Some of the most high-profile, shocking, and disturbing stories of corruption centered around lax hiring practices. Under the decentralized system, local schools had nearly limitless power over hiring. When personal benefits and connections were prioritized over education, at best, children failed to thrive. At worst, their safety was put at risk.

Notable examples:

- In 1988, it was revealed that Matthew Barnwell, a Bronx elementary school principal, was arrested for buying crack. The schools' Inspector General knew about Barnwell's drug use a year before the arrest, but bungled the investigation with aimless and sporadic efforts.⁸
- A 1990 investigation revealed that a Bronx school had hired Frank Carr, a man with a criminal record of sexually assaulting children, as a teacher. Despite Carr's criminal history, including eight arrests and convictions for public indecency and assault, he was licensed as a teacher. The Board of Examiners, responsible for conducting background checks, failed to uncover the full extent of Carr's criminal record due to limitations in their process and a lack of thorough investigation. After receiving his license, Carr was hired to teach at a Bronx junior high school by a principal he had known for more than 20 years. When two students at the school came forward to say they'd been assaulted by Carr, the principal violated board policy by not immediately reporting the allegations to the police and conducting his own internal investigation.9
- In 1997, SCI uncovered that a school security officer, Harry Roman, was a leader in the Latin Kings, a violent gang. Roman, a long-time member of the gang, also faced allegations of sexual harassment towards a female student at a school where he worked.¹⁰

^{8.} Joseph Berger, *Investigators For Schools Are Criticized*, N.Y. Times, Mar. 16, 1990, https://www.nytimes.com/1990/03/16/nyregion/investigators-for-schools-are-criticized.html. Pelicia R. Lee, Panel See Cover-Up of Teacher's Assault Record, N.Y. Times, Jan. 12, 1990, https://www.nytimes.com/1990/01/12/nyregion/panel-sees-cover-up-of-teacher-s-assault-record.html.

^{10.} James Barron, Investigator Urges Ouster Of Officer From School, N.Y. Times, Oct. 8, 1997, https://www.nytimes.com/1997/10/08/nyregion/investigator-urges-ouster-of-officer-from-school.html.

LAX OVERSIGHT OF CONTRACTING

With funding directly allocated to school districts and no centralized system for competitive bidding, school districts had considerable power over budgets, staffing, and contracting. In many districts, this led to rampant abuse of the contracting system, with countless stories of officials receiving kickbacks, mismanagement of funds, unqualified vendors, and outright fraud.

Notable examples:

- In 1994, the Division of School Facilities awarded a contract for masonry repairs and window replacement at P.S. 55 in Queens, despite the company lacking the capability for the task, leading to falsified documents and inadequate work. The supervisor failed to oversee the project, contributing to a two-year delay, improper installation by an unauthorized subcontractor, and windows that had to be nailed shut due to malfunction. The involved parties provided confusing and contradictory testimonies when questioned, highlighting a severe lack of accountability and competence in managing the contract.¹¹
- A school superintendent in southeast Queens took more than \$1 million in kickbacks for steering \$6 million in contracts for school computers. The scam, run from 1996 to 1998, centered around a close relationship between the official and a local developer, who helped steer the computer contracts to a business associate. In exchange, the superintendent purchased four homes from the developer, with almost no down payments and mortgages from one of his businesses. She also received jewels and European vacations from the developer and took campaign contributions for a failed Congressional bid from the winner of the rigged bid. The vendor provided outdated computers and exposed school children to asbestos when knocking down a wall to move in the equipment.¹²

^{11.} Special Commissioner of Investigation for the New York City School District, *Fraud and Incompetence: Why It Took Two Years To Replace Four Windows At P.S. 55* (May 1998), https://nycsci.org/wp-content/uploads/2018/Reports/5-98-Fraud-and-Incompetence.pdf.

12. Murray Weiss, *Ex-Qns. School Boss Targeted in Kickback Probe*, N.Y. Post, Sept. 28, 2000, https://nypost.com/2000/09/28/ex-qns-school-boss-targeted-in-kickback-probe/.

• Between 1996 and 2001, 18 school custodians took bribes to fix window washing contracts at more than a dozen schools in the Bronx, Brooklyn, Queens, and Staten Island. The custodians and the contractor they collaborated with were arrested and charged with violating New York's anti-bid rigging statute. Some participants took so much in kickbacks that they were able to purchase boats and second homes. The arrests followed a 2001 report by the State Attorney General and the Special Commissioner of Investigation noting that the current system, lacking a centralized procurement process, opened the door to widespread corruption among school custodians due to their "immense" latitude in contracting.¹³

^{13.} Carl Campanile, *Filthy Window \$cam in Schools*, N.Y. Post, Feb. 11, 2003, https://nypost.com/2003/02/11/filthy-window-cam-in-schools/; Press Release, New York Attorney General Elliot Spitzer, Nineteen Individuals Indicted for Receiving Bribes and Rigging Bids on School Contracts (Feb. 10, 2003), https://nycsci.org/wp-content/uploads/2018/Public/02-03-custodians-Pr.pdf.

MILLIONS WASTED IN FRAUDULENT LEASING DEALS

In New York City, the exorbitant cost of property is a standout item in any district budget, creating an immense challenge for those looking to secure suitable facilities for public schools. The intense competition and the premium placed on space not only exacerbates the struggle to find affordable premises for educational facilities, but in a system with proper oversight, this fast-moving, high-dollar marketplace was ripe for abuse.

Notable examples:

- In 1995, the Manhattan District Attorney's office and the School Construction Authority launched an investigation into multi-million dollar deals involving a leasing official with the Board of Education, Robert Shahid. Shadid left his job, then received massive fees for handling projects he previously managed while with the Board. Shahid arranged numerous contracts to convert properties into schools with wildly inflated values, including one site that secured a \$25 million deal that investigators found was worth as little as \$400,000. After leaving his position, Shahid earned more than \$750,000 over ten times his City salary for consulting with landlords. In response, the President of the Board of Education called for a review of the \$170 million leasing program. Mayor Giuliani said the leasing deals showed the Board was "absolutely out of control."
- Two years later, a report by the Inspector General for the School Construction Authority revealed that Shahid was involved in leasing a former dry-cleaning operation in Harlem to convert it into an elementary school. Despite warnings and the building's history of chemical use, the Board proceeded, spending \$5 million on renovations. Shortly after, 500 children were evacuated due to dangerous levels of chemical fumes. After leaving the Board, Shahid received a lucrative contract from the owner of the property to oversee the project, raising conflict-of-interest concerns.¹⁵

^{14.} School Leasing Scandal Growing, N.Y. Daily News, Dec. 8, 1995, https://www.nydailynews.com/1995/12/08/school-leasing-scandal-growing/.
15. Jacques Steinberg, TOXIC LEASE: A special report.; How a Laundry in Harlem Became a Tainted School, N.Y. Times, Oct. 11, 1997, https://www.nytimes.com/1997/10/11/nyregion/toxic-lease-a-special-report-how-a-laundry-in-harlem-became-a-tainted-school.html.

RAMPANT CORRUPTION WITHIN SCHOOL DISTRICTS AND SCHOOL BOARDS

The model of decentralization is perhaps most notable for featuring elected school boards. In theory, these bodies reflect their communities and consist of concerned parents, educators, and residents that are primarily focused on education. In reality, many bodies became patronage mills that were not representative of their communities. For example, a 1999 analysis of District 14 in Brooklyn revealed that while less than 10 percent of the 18,162 students were white, the nine-member school board had historically been composed of six white members. The same year, an analysis by the New York Times found that nearly half of school districts, 15, had drawn charges of corruption or incompetence.

Notable examples:

- In 1988, a school board was suspended after an investigation into a principal who was arrested on drug charges found corruption within the board, including heavy drug use by one of its members. The board was aware of numerous issues with the principal related to his drug use, such chronic lateness and failure to show up to work, but did not take any action.¹⁸
- In 1989, the school board for District 27 in Queens was suspended after revelations that the board hired over 45 friends and associates for unnecessary positions, costing taxpayers over \$80,000 a month.¹⁹
- In 1989, a commission on corruption found mismanaged funds in a number of districts, including one that spent nearly \$90,000 in unnecessary phone charges, including unauthorized long-distance calls and time on phone sex lines.²⁰

16. Joseph Berger, In School District, Corruption Fed by Ethnic Division, N.Y. Times, May 17, 1999, https://www.nytimes.com/1999/05/17/nyregion/in-school-district-corruption-fed-by-ethnic-division.html.

17. Id.

18. Karen Tumulty, Bronx's P.S. 53 – a School for Scandal, L.A. Times, Dec. 1, 1988, https://www.latimes.com/archives/la-xpm-1988-12-01-mn-825-story.html.

19. William Snider, *Third New York School Board Is Suspended As Hearings in Corruption Scandal Continue*, EducationWeek, Nov. 1, 1989, https://www.edweek.org/education/third-new-york-school-board-is-suspended-as-hearings-in-corruption-scandal-continue/1989/11.

- In 1991, a grand jury found that District 32 in Brooklyn only processed job applications from para-professionals if they had a "political sponsor" on the school board.²¹
- In 1999, a Brooklyn rabbi pleaded guilty to helping funnel at least \$6 million in government money over 20 years to a girls' yeshiva in Williamsburg by creating 59 no-show jobs. After cashing the paychecks, teaching assistants who performed no extra work would hand over their cashed paychecks to the school's administrators. Investigators found that the former superintendent and his successor fostered the scheme to get the support of the school board's three Hasidic members.²²

^{21.} Matthew Purdy and Maria Newman, Students Lag in Districts Where Patronage Thrives, N.Y. Times, May 13, 1996, https://www.nytimes.com/1996/05/13/nyregion/students-lag-in-districts-where-patronage-thrives.html.

^{22.} Berger, supra note 16.

SCHOOL BOARD ELECTION FRAUD

Finally, the mechanisms for filling the governance structure of schools during decentralization proved to be flawed. With voter turn-out in community school board elections typically well below 10% of registered voters and little interest from the general public,²³ school board elections were often mismanaged. Since mayoral control was restored in 2002, the rate of registered voters showing up to the polls for general elections has plummeted to historic lows,²⁴ making it even less likely that most communities would see robust participation if decentralization were restored.

Notable examples:

- In 1989, an undercover investigator was able to vote 33 times in a school board election, voting each time they visited a different polling place in a district. According to the investigator, who went to sites on the Upper West Side and Lower East Side, "[a]t most of the polling places, I was the only voter." While only those who were certified as a parent by the Board of Education were allowed to vote in these elections, the investigator was given ballots without their status being confirmed by staff. Further, the investigation found that the Board failed to compare records of enrolled children with forms filled out by those purporting to be parents.²⁵
- A review of the 1993 school board elections found serious and widespread fraud and corruption, including:²⁶
 - Voter fraud: individuals could vote multiple times under fictitious names, administrative errors that resulted in valid voter registration cards for fictitious parents.
- 23. Kate Taylor, *Does It Matter Who Runs New York City's Schools?*, N.Y. Times, Jun. 23, 2017, https://www.nytimes.com/2017/06/23/nyregion/new-york-school-control.html.
- 24. Emily Ngo and Spectrum News Staff, Only 21% of registered voters cast ballots in NYC general election, BOE numbers show, NY1, Nov. 30, 2021, https://nyt.com/nyc/all-boroughs/politics/2021/12/01/nyc-election-results-nyc-elections-2021-nyc-very-low-turnout; Office of the New York City Comptroller Scott M. Stringer, Barrier to the Ballot: Voting Reform in New York City (April 2016), https://comptroller.nyc.gov/wp-

content/uploads/documents/reform the vote report.pdf.

- 25. Neil A. Lewis, *School Inquiry Reports Election Fraud Potential*, N.Y. Times, Jun. 21, 1989, https://www.nytimes.com/1989/06/21/nyregion/school-inquiry-reports-election-fraud-potential.html.
- 26. 26. Special Commissioner of Investigation for the New York City School District, From Chaos to Corruption: An Investigation Into The 1993 Community School Board Election (Dec. 1993), https://nycsci.org/wp-content/uploads/2018/Reports/12-93-CSB-ELECTS-RPT.pdf.

- Administrative mismanagement: Poor planning and coordination between the Board of Elections and the Board of Education led to disastrous voter registration processes and election day chaos, including lost votes, voters being turned away or given incorrect ballots, and inadequate voting privacy and security measures.
- Vote count and cost concerns: Despite known irregularities in previous counts, the Board of Elections showed little interest in improving the integrity of the vote count. The election's cost, both financially and in terms of police manpower, was excessively high.
- Deliberate Fraud and Misconduct: Specific instances of fraud included manipulating absentee ballots and exerting undue political influence on educators to participate in political campaigns, highlighting a systemic abuse of power within the election process.

POOR EDUCATIONAL OUTCOMES AND CHAOS IN CLASSROOMS

The lack of oversight and accountability under decentralization cost taxpayers untold millions, but the true price was paid by the students stuck in dysfunctional, failing schools. It is not a coincidence that the era of decentralization was marked by poor performance and corruption. In 1999, the New York Times conducted an analysis of test scores and found that in the past decade, student performance was lower where improperities had been found, even when controlling for outside variables:²⁷

Much of the variation in scores on standardized reading and math tests can be explained by differences in family income, the mobility of students, students' proficiency in English and the experience of their teachers. But even after accounting for these differences, elementary school students in districts where investigators have identified problems -- about a third of the 32 local districts -- still scored nearly four points lower on reading and math tests than students in other districts. The differences on average were slightly greater in middle schools.

The Times' research followed the release of a report from State probing a school in Brooklyn that descended into chaos following the appointment of a divisive principal more focused on playing politics than education. Investigators found that, for a number of years running, students unperformed for their grade level; did not have an adequate number of textbooks; had no art, music, or gym teachers; and often had to tolerate fighting in the classroom.²⁸ In speaking with local leaders about the state of schools, the Times largely found a palpable sense of hopelessness:

"You despair," said Roger Adler, who was a special prosecutor for the Brooklyn District Attorney's office investigating patronage in a school district. "What does it take to get the public to focus on the fact that the money should be spent on the children in the classroom rather than on a place where middle-class people can sip at the trough."

"It's like living in an area where there's gunfire and drugs," said a teacher in a Bronx school who spoke on condition of anonymity. "You go past it every day but you don't see it anymore."It wears you out," she said. "It has nothing to do with education. It's about folks getting jobs."

"There's more patronage in the school board than I can ever dream of," said Vito Lopez, an Assemblyman from Brooklyn, who fields candidates for the local school board. "The local school boards have more patronage than any political club in New York City."

CONCLUSION

The end of decentralization allowed New York City to take decisive action to correct problems that were long plaguing districts around the City, including overcrowded schools, unqualified principals, flawed contracting processes, and a lack of rigor in educational practices.

Major advancements under Mayoral accountability include:

- The graduation rate rose from 46.5% to over 81%.²⁹
- The percentage of graduates earning Advanced Regents degrees rose more than 20%.³⁰
- SAT participation nearly doubled.³¹
- The percentage of students in schools that exceed capacity and the number of schools that exceed capacity fell at the elementary, middle, and high school levels.³²
- Pre-kindergarten enrollment skyrocketed from under 14,000 to over 64,000.³³
- 29. Using 4 Year June Cohort, from 2005, the first year the City adopted the New York State Department of Education calculation method, to 2023. New York City Department of Education, City Graduation results for Cohorts 2012 to 2019 (Classes of 2016 to 2023) and City Graduation results for Cohorts 2001 to 2011 (Classes of 2005 to 2015), available at https://infohub.nyced.org/reports/academics/graduation-results.
- 30. *Id.* Using Percentage Advanced Regents of Graduates, 4 Year June Cohort, from 2005, the first year the City adopted the New York State Department of Education calculation method, to 2023.
- 31. Carl Campanile, *New York's SAT Disgrace Students' Average Is 20 Below U.S. Mark*, N.Y. Post, Aug. 28, 2002, https://nypost.com/2002/08/28/new-yorks-sat-disgrace-students-average-is-20-below-u-s-mark/. New York City Public Schools, NYC SAT Results 2023 (Dec. 2023), https://infohub.nyced.org/docs/default-source/default-document-library/2023-sat-results---to-web-12-01-23.pdf.
- 32. City of New York, Mayor's Management Report Fiscal 2002,

https://www.nyc.gov/assets/operations/downloads/pdf/mmr/0902 mmr.pdf; City of New York, Mayor's Management Report - Fiscal 2023,

https://www.nyc.gov/assets/operations/downloads/pdf/mmr2023/2023 mmr.pdf.

33. Pre-K enrollment data is from 1999, the closest date to the end of decentralization available. New York City Independent Budget Office, Implementing Universal Prekindergarten in New York City (Nov. 1999), https://ibo.nyc.ny.us/iboreports/PreKind.pdf; New York State Department of Education, Prekindergarten Students Served (2022-2023), available at https://www.nysed.gov/early-learning/prekindergarten-data.

Decentralization of New York City's public schools promised parents a greater voice in their child's education and local schools that were attuned to their communities. Instead it delivered a system where no single person could be held accountable for failures, instead leaving the watchdogs to play whack-a-mole taking out a seemingly endless line of those who put personal gain over the education of our children.

Now is not the time to romanticize the past. Decentralization was a failed experiment by nearly every metric. Mayoral accountability may not be a perfect system, none is, but it has greatly improved the education outcomes for millions of students. Now is not the moment to change course, especially as work to recover from those losses incurred during the COVID years.