ALBANY, NEW YORK

December 17, 1996

12:25 p.m.

EXTRAORDINARY SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. Would everyone please rise for the Pledge of Allegiance.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

The invocation today will be given by Reverend Peter Young from the Blessed Sacrament Church of Bolton Landing.

REVEREND PETER YOUNG: Let us pray.

We pray for all our New York State people that their wealth and power might become a force for peace rather than conflict, a source of hope rather than discontent, as an agent of change of friendship rather than enmity. May the actions of this Senate then be that example. We ask You this in Your Name forever and ever. Amen.

Thank you, Governor.

THE PRESIDENT: The reading of the Journal. Oh, excuse me. The Chair hands down a communication from the Governor.

SENATOR BRUNO: Madam President, I move that we waive the reading of the proclamation.

THE PRESIDENT: Without objection, the reading of the proclamation is waived.

The Secretary will call the roll to ascertain a quorum.

THE SECRETARY: Senator Abate.

(There was no audible response.)

Senator Alesi.

(There was no audible response.)

Senator Babbush.

(There was no audible response.)

Senator Bruno, here.

Senator Connor, here.

Senator Cook.

(There was no audible response.)

Senator DeFrancisco, here.

Senator DiCarlo.

SENATOR DiCARLO: Here.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Here.
THE SECRETARY: Senator Espada.
(There was no audible response.)
Senator Farley. He's here.
Senator Gold, yes.
Senator Gonzalez.
(There was no audible response.)
Senator Goodman, here.
Senator Hannon.
SENATOR HANNON: Here.
THE SECRETARY: Senator Hoblock.
(There was no audible response.)
Senator Hoffmann.
SENATOR HOFFMANN: Here.
THE SECRETARY: Senator Holland.
(There was no audible response.)
Senator Johnson.
(There was no audible response.)
Senator Kruger, here.
Senator Kuhl, here.
Senator Lachman, here.
Senator Lack.
SENATOR LACK: Present.

THE SECRETARY: Senator Larkin.
SENATOR LARKIN: Present.
THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: Present.
THE SECRETARY: Senator Leibell, here.
Senator Leichter.
SENATOR LEICHTER: Here.
THE SECRETARY: Senator Levy, here.
Senator Libous, here.
Senator Maltese, here.
Senator Marcellino, here.
SENATOR MARCELLINO: Present.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: Here.
THE SECRETARY: Senator Markowitz, here.
Senator Maziarz.
SENATOR MAZIARZ: Here.
THE SECRETARY: Senator Montgomery.
(There was no audible response.)

Senator Mendez, here.

Senator Nanula.

SENATOR NANULA: Here.

THE PRESIDENT: Senator Bruno, a quorum is present. Senator Bruno.

SENATOR BRUNO: Madam President, at this time I would hand up the following resolution and ask that its title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 1, appointing a committee to inform the Governor that the Senate is convened in extraordinary session.

THE PRESIDENT: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted. The Chair appoints Senators Velella and Abate to

wait upon the Governor that the Senate is ready to proceed.

Senator Bruno.

SENATOR BRUNO: Madam President, we're handing up another resolution, ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 2, appointing a committee to inform the Assembly that the Senate is convened in extraordinary session.

THE PRESIDENT: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted. The Chair appoints Senators Kuhl and Seabrook to wait upon the Assembly that the Senate is ready to proceed.

Senator Bruno.

SENATOR BRUNO: Madam President, we are handing up another resolution, ask you to read the title and we ask that it be immediately adopted.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution, empowering the Temporary President to appoint officers and employees necessary for the extraordinary session.

THE PRESIDENT: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, there is another resolution that we are handing up and we are asking that the title be read and move its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 4, providing for the introduction of bills in the Senate during the extraordinary session.

THE PRESIDENT: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, I'm going to ask that we recess this special session and that we ask the Majority to join me at an immediate conference in our conference room, and I would suggest that we reconvene here at 1:30? Can we be back here at 1:30 ready to do our business?

THE PRESIDENT: There is an immediate -- at 1:30 you said?

SENATOR BRUNO: Yeah, and I would reconvene at 1:15.

THE PRESIDENT: There is an immediate conference of the Majority in Room 332. The Senate will be in recess and reconvene at 1:15.

SENATOR BRUNO: Would you recognize Senator Mendez.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Thank you, Madam President.

THE PRESIDENT: I can't hear you. Just a minute.

SENATOR MENDEZ: There will be an immediate conference of the Minority of this chamber at Room 314.

THE PRESIDENT: There will be an immediate conference of the Minority in Room 314. The Senate is recessed.

(Whereupon the Senate recessed at 12:35 p.m. until 2:05 p.m.)

ACTING PRESIDENT KUHL: Senate will come to order.

Chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President, on behalf of Senator Bruno, may I ask that the recess -- we'll continue to be in recess, and at this time if you could commence the regular legislative session.

(The Extraordinary Session continued in recess.)

...At 8:03 p.m....

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: The regular Senate session will continue to stand in recess and at this time on behalf of Senator Bruno, I would like to reconvene the extraordinary session, and there will be an immediate meeting of the Rules Committee in Room 332 of the Capitol, and the extraordinary session of the Senate will stand at ease awaiting the report of the Rules Committee.

THE PRESIDENT: There will be an immediate meeting of the Rules Committee in Room 332, and the extraordinary session will stand at ease. Thank you.

(Whereupon the Extraordinary Session recessed from 8:05 p.m. to 8:11 p.m.)

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT MAZIARZ: Reports of standing committees. Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills direct to third reading:

Extraordinary Session Print Number 1, by Senator Padavan, an act to amend the Education Law, in relation to the reform of the system of school governance;

Extraordinary Bill Number 2, by the Senate Committee on Rules, an act to amend Chapter 166 of the Laws of 1991, amending the Tax Law.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, I move we accept the report of the Rules Committee.

THE PRESIDENT: All in favor of accepting the report of the Rules Committee, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Rules report is accepted. Senator Skelos.

SENATOR SKELOS: Madam President, at this time would you call up Calendar Number 1816, Extraordinary Senate Bill Number 1.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1, by Senator Padavan, Extraordinary Session Print Number 1, an act to amend the Education Law, in relation to the reform of the system of school governance.

SENATOR GOLD: Explanation.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message of necessity at the desk?

THE PRESIDENT: Yes.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: All those in favor of accepting, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Senator Padavan.

SENATOR PADAVAN: Thank you, Madam President.

The bill before us, in my recent memory, has been subjected to and is the product of more diverse input from such wide -- widely placed entities and individuals that it's almost a surprise that we're about to do it; but the fact does remain that we have, virtually this entire year, involved ourselves in discourse with every one. Obviously both houses of the Legislature and their staffs have labored

extensively in developing what is now before us. The chancellor of the city of New York and his representatives have extended themselves in terms of providing input, guidance and resources. The city of New York, the counsel to the Governor's office, the Majority and Minorities of both houses, the list of those who have been involved in working on this bill would fill a page.

In this house, however, I would like to just point out two individuals who have spent an inordinate amount of time over the last several months in particular, and that's Jeff Lovell and John Googas, who have worked mightily to bring us to the point we are now at.

What I'd like to do is briefly review for you the key salient provisions of this bill. Before I do that, I'd like to point out that much of what we now have before us was recommended several years ago by the Marchi Commission which worked for a year, made up of professionals in the field of education, worked for a year in developing recommendations to us

to act upon and many of those recommendations were in the Marchi bill that we passed in 1993, and many of those recommendations are now before us in the bill we now have, and so in stating that or reminding you of that, obviously we give credit to those who have worked before us in bringing this to fruition.

But here are some of the things that this bill provides. It transfers oversight of the election of community school boards to the New York City Board of Elections. The system that we now have has not worked efficiently and certainly has been cumbersome to say the least.

In the process of doing that, we are mandating that we use the same machines, in fact, that we use in all other elections rather than these paper ballots, and we create a task force to recommend to us by January of 1998 specific changes in the Election Law as it relates to community school boards. There's general agreement that this proportional system, this cascading system of voting that takes days

to determine who the victors are is not only ineffective but certainly in many instances unfair. However, we are in the position of having to consider what the capacity of the Board of Elections is in any new system and certainly what the Voting Rights Act would require, and so this task force will be charged with that responsibility. We have a luxury of time because the next community school board election will not be until 1999, so obviously their doing this and getting back to us with their recommendations will be in a timely fashion.

We provide that anyone who is guilty of any malfeasance associated with community school board service would be precluded and ineligible to serve on any community school board. We will make public any decisions of the Board of Elections in terms of actions taken with respect to community school board candidates.

We will require regular meetings, at least quarterly minimally, between the

superintendents, the principals, the P-TAs and, of course, the elected members of the school boards and, as you see, as we go through this, one of the things that become -- becomes quite evident is our desire to open up this entire system in every way imaginable and in as productive a fashion as we could possibly do that.

We will take away, and we will be giving prerogatives to community school boards. One of the things we will be taking away is their ability to hire. We will require that the chancellor establish screening and recruiting procedures for those seeking to be candidates for superintendent positions with required input from parents, teachers, professionals within the system.

We will require a code of ethics similar to those found in and applicable to other public officials and in the Election - Public Officers Law.

One of the problems that we see from time to time is that individuals seeking

elective positions on community school boards are not properly versed in the educational process and require training. We mandate in this bill -- we mandate within six months after an individual's election to a community school board that he or she be trained in a fashion that will make that person's contribution to the community school board on which he or she serves far more meaningful, far more productive.

The chancellor will be given enhanced intervention and supervisory powers in regard to failing schools and failing districts, the ability for the chancellor to step in and to remove individuals and to supersede school districts where and when that is appropriate; but I think at this juncture it's important at least for me to say that we have 32 school districts in the city of New York, community school districts. By and large, those board members, in my view and my experience and my observation, do a good job. They're mostly dedicated people, most of them parents who are genuinely interested in a quality education for

their children and all the children of the city of New York. But unfortunately, as we have seen, there are a small number who do not measure to that standard and have caused embarrassment, and we read statements in the media about scandalous school boards. Aside from the fact that they are few in number, we can not ignore them because they, in effect, jeopardize, I believe, public confidence in the entire system; and so what this bill will do is provide an authority by the chancellor to step in and to take appropriate action when it is required.

We mandate the development of a "parental bill of rights" and we prescribe certain components of that bill of rights to be in the bill: The right for a parent to know what's going on in their schools; the right to have access to all records; the right to have input into the process; the right to know what decisions are being made and why.

We will provide in each school what someone referred to as school-based

councils and what are, in reality, school-based management and shared decision-making entities of parents and school professionals whose re sponsibility it will be to develop recommen dations on everything including curriculum from the ground up to the principal, to the superintendent, to the school board, to involve them in a meaningful and productive manner.

We mandate the establishment of fiscal monitors in each school district, which I believe is an important ingredient in terms of ensuring that the monies that are there are spent wisely and effectively, prudently and to the maximum value to the students who are served by those funds.

We mandate audits by each district, by the city comptroller again providing further oversight to the financial aspects of community school districts within the city of New York.

One of the things that we felt was essential, essential in terms of expanding upon those positive aspects of decentralization,

is the establishment in each borough, a deputy chancellor, accessible to the parents, the superintendents, the principals, whose mandate will be everything from curriculum to transportation to the allocation of resources, to the development of budgets and to be the county's voice and, in talking with the chancellor, he's delighted with that opportunity of having in each borough a deputy with whom he can work closely on behalf of the system and in terms of the quality education that we're trying to achieve.

Now, within this school governance package, there is a lengthy section dealing with the budgeting process, school-based budget. Some call it transparent budgeting. We are exposing to the sunlight and to everyone, by mandate, not only where the money is coming from, city, state and federal, but where it's going, right down to the individual school.

Now, you may have read and seen in the media recently the chancellor's initiative in that regard in anticipation of

what we have here in this bill and by his own initiative. It's called the school-based reporting system. There is no excuse for anyone not knowing what the relative amounts of state, city and federal money are and how they change from year to year, who's giving more, who's giving less.

I know all of you share with me the concern about criticisms that often come to us, about inadequate state funding when year after year we increase state aid to education. Well, this will make it crystal clear as to where that money is coming from and how much and, even more importantly, where it's going.

We are doing something within this legislation that is critically important and it's strung throughout -- you find it on every page, in every section -- and that we are demanding accountability along with responsibility by all levels of the system - the principal, the superintendent, the school board and the chancellor; but along with the responsibility and accountability that we are

mandating in this reform bill, we are also providing authority and that's a management axiom that I think most people are familiar with. You can't give or require accountability and responsibility without the authority to make it work, and so the additional powers that we have provided the chancellor and the new responsibilities we are giving the superintendent in the monitoring of quality and oversight on principals and others in the system and school custodians, something we dealt with a number of years ago that's reestablished in this bill, are all geared in that direction.

Will this be a panacea? Well, I don't think there's anything that's a panacea; but will it provide the framework, the mechanisms, the structure for an improved educational system, a system that has over one million students, a thousand buildings, the largest school system in the world, almost a $9 billion budget, will it improve the performance of that system? I think yes, and so we are here with a bill that's agreed upon by both houses,

advanced by the Governor, supported by every one, the mayor, the chancellor, the unions. We're here today to do that. Long overdue, but we're doing it.

Thank you, Madam President.

SENATOR SKELOS: Madam President, if I could just interrupt for a moment to ask, with the consent of the Minority, if we could have the last section read for the purposes of Senator DiCarlo voting.

THE PRESIDENT: Read the last section, please, for Senator DiCarlo.

THE SECRETARY: Section 16. This act shall take effect in 90 days.

THE PRESIDENT: Call the roll for Senator DiCarlo.

(The Secretary called the roll.)

THE PRESIDENT: Senator DiCarlo, how do you vote?

SENATOR DiCARLO: I vote aye.

THE PRESIDENT: Thank you.

Senator Marchi.

SENATOR MARCHI: Madam President,

I am -

SENATOR SKELOS: Could we withdraw the roll call and continue the debate, please.

SENATOR MARCHI: Madam President, I am unable to support this bill at this time, notwithstanding the deep respect I have for the scholarship of its introducer, and I -- and I am perfectly aware that he has a -- he has elicited a feeling that it meets the needs of many of the members of this house, and of the city of New York.

However, I will be presenting a bill in January providing for an independent district and details of which I would not go into now since you are considering a bill that treats specifically a subject matter, certainly in many ways a very commendable way.

So Madam President, I will not be supporting this bill, but I will be presenting one in January and with that, I believe those who were associated should feel proud of their work.

THE PRESIDENT: Thank you, Senator Marchi.

Senator Goodman. Oh, Senator Skelos, excuse me.

SENATOR SKELOS: Yes, again, Madam President, if we could have the last section read. I had forgotten that Senator Goodman wanted to vote also.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 16. This act shall take effect in 90 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Goodman, how do you vote?

SENATOR GOODMAN: I vote in the affirmative, Madam President.

SENATOR SKELOS: Please withdraw the roll call.

THE PRESIDENT: Withdraw the roll.

Senator Waldon.

SENATOR WALDON: Thank you very much, Madam President.

Would the gentleman from Queens County yield to a question or two?

THE PRESIDENT: Senator, would you -

SENATOR WALDON: Would the Senator yield to a question or two?

SENATOR PADAVAN: Yes.

SENATOR WALDON: Thank you very much, Madam President.

Senator Padavan, I rise not only on behalf of myself but on behalf of the school boards which I represent which have called me many times over the last few days to speak to this issue, so you will hear some of my concerns interspersed with some of their concerns, and I appreciate your kindness in agreeing to respond to the questions.

Is there any place in this bill where the needs of the local educators are addressed in terms of involvement and having an impact on the process?

SENATOR PADAVAN: Yes. Either you were not in the chamber or I was not speaking loud enough, but I did -

SENATOR WALDON: Could you just tell me?

SENATOR PADAVAN: I did talk at some length about several aspects of this bill that address this issue. By the way, you and I share a school district, 29 specifically.

SENATOR WALDON: Yes.

SENATOR PADAVAN: And obviously I received those same communications, and I've read them all and I would say, by and large, we've addressed all of their concerns, but with regard to your specific question, we create within this legislation what some people have called school-based councils, mandatory, made up of parents and professionals within the school, individual school, with the -- not only the responsibility but the authority to provide input on every aspect of that school in terms of budget, curriculum, in all decisions that might be made with the principal and with the

superintendent. That's number one.

Number two, we provide for a "parental bill of rights" which specifically in the legislation outlines a number of areas that would enhance the ability of parents in that school district or any school district to become involved and knowledgeable about what's going on in their school.

In addition, the bill requires resources be provided for the training -- I mentioned earlier the training of community school board members, but it also provides resources for training of parents and allowing them to become involved to the extent of the level of their knowledge which sometimes can be quite extensive with regard to the school system.

So we have a number of areas where parents and teachers within a given school district will have more opportunity than they ever had before to become involved in a meaningful way.

SENATOR WALDON: Will the

gentleman continue to yield, Madam President?

THE PRESIDENT: Senator?

SENATOR PADAVAN: Yes.

SENATOR WALDON: Thank you very much, Madam President.

Senator Padavan, can you help me because my understanding of this is that the chancellor has ominous power?

SENATOR PADAVAN: Has what?

SENATOR WALDON: Ominous.

SENATOR PADAVAN: Ominous?

SENATOR WALDON: Ominous power. He can supersede the decisions of the superin tendent. He can supersede, or she can supersede if it happens to be a female chancellor, the de cisions of the local principals. The chancellor will, in fact, control all appointments. The local school boards will become merely advisory with no true power and authority to do anything, and ultimately if the chancellor is, in fact, the appointee of the mayor, it is my understanding subliminally that the true chancellor of the school system, ergo, becomes

the mayor.

Can you edify me regarding those concerns that I have?

THE PRESIDENT: Senator.

SENATOR PADAVAN: Well, obviously you've not had an opportunity -- I'm not being critical when I say that -- to read the bill or any of the memos, for instance, the one I have here, but all had input from the chancellor; but that categorization that you just presented is difficult to answer because none of it is applicable, in a sense.

Now, as I said before, we have increased the authority of the chancellor to intercede in those areas where there is malfeasance and lack of performance and a lack of doing the right thing for the children. I also pointed out, however, that that's been only historically applicable in a very limited number of areas. In my view, your School Board 29 - and I think that's the one you're referring to, one that I also represent in part -- would have no problem with anything in this bill because

the areas of curriculum, teaching, subject areas, et cetera, et cetera, which is the most important aspect of the community school board's function as it relates to policy, is in this bill.

Now, what we do take away from them is the ability to hire anybody and, frankly, I don't know who they've hired anyhow. I've made some inquiries within my area and I have parts of three school districts, 25, 26 and 29, and they tell me very directly that they've never been involved in hiring anyone, nevertheless in any inappropriate unethical way. So we provide that, yes, we take away that authority, but where it's been used, it's invariably been misused so we're not really taking away anything; but when it comes to the issues of education and educational policy, that certainly remains with the school boards.

Moreover, by training them more -- well, they're not really being trained now. There's nothing that says a member of the school board must be trained. By mandating it and

providing the resources to do it with, we're making them even more effective, which I think is what we're all wanting to achieve.

Now, regard to the chancellor, certainly he has to have authority. We can't have it both ways. If we want to take away his authority, then let's have -- eliminate him entirely, him or her, and have independent school districts or borough boards, but if you're going to have a chancellor, as we have a state Commissioner of Education who has the same authority that we're giving the chancellor, by the way in law, then we have to give him the tools to do the job. We can't say, You are accountable for the performance of every school district, the level of achievement in terms of educational standards, if we don't give him the authority to put the right people in the right job doing it.

There is a channel or chain of communications here, a chain of authority and responsibility. The chancellor, the superintendents, the principals and the school

boards are there to provide policy and direction at those levels, as the central board is there -- and that's in the bill as well -- to deal with issues of policy on a citywide basis and, by the way, in the bill you will read specifically the legal hiring authority is the central board, not the chancellor.

Now, where he can step in and remove someone, we provide some safeguards. For instance, there is a right of appeal. As an example, if he would wish to remove a superintendent, that superintendent, under this legislation, would have the right of appeal to the central board, and we outline specifically -- well, certainly specifically in terms of that it cannot be done willy-nilly. It has to be done for certainly a reason that is defensible, so that's in there.

Does that answer your question?

SENATOR WALDON: Madam President, may I continue?

THE PRESIDENT: Senator Waldon.

SENATOR WALDON: I appreciate

your attempt to answer the question, Senator Padavan, and in part you did, in my opinion; in part you did not. So let me clarify where I think you did not answer the question.

I asked specifically was there a nexus, a connection with the mayor of the city of New York having really the authority and control?

SENATOR PADAVAN: I understand, Senator. First off, Senator, there's nothing in this bill, nothing that gives the mayor any authority over this system. The central board exists as it has always existed. You know how that works, I'm sure. They hire the chancellor and there's no change here. Obviously, the mayor and the City Council have a great deal to do with the system when it comes to budget. That's why there is a significant section in this bill that bares open that process so that we will know exactly how much the city is providing and where it's going, as opposed to state aid and federal aid. So to answer your question directly, there is nothing in this

legislation that changes the mayor's relationship that currently exists with the board of education.

SENATOR WALDON: Madam President, if I may continue in responding to the Senator's response to my inquiry.

THE PRESIDENT: Senator Waldon.

SENATOR WALDON: One, in regard to the reading of the bill, last week I called here to Albany to ask for a copy of the bill so that I would not be ignorant when I arrived and would have had a chance to read it.

SENATOR PADAVAN: I understand.

SENATOR WALDON: I was told it was not printed; I could not receive it. I got up at 5:30 this morning and left for Albany. I did not receive a copy of the bill until I was in conference.

SENATOR PADAVAN: Let me interrupt you. I understand what you're saying. This bill was not printed until this afternoon so none of us saw a printed bill. I don't ascribe blame to that. As you know, we

were in negotiations with the Assembly, the Governor, all the people that I mentioned at the outset of my remarks here this evening.

However, there certainly has been a great deal of public discussion in the media, to say the least, on what we were about to do today, but that's notwithstanding. I certainly am happy to answer any questions you have.

SENATOR WALDON: Thank you very much. Just while I'm clarifying and cleansing my soul, I did read some of the memos and did read all of the newspaper articles and did have extensive conversation with some people in unions in this city related to school situations who are not happy with the bill, and I must tell you, Senator Padavan -

SENATOR PADAVAN: May I inquire what union that is, Senator?

SENATOR WALDON: Beg pardon?

SENATOR PADAVAN: May I inquire what union that is?

SENATOR WALDON: One is Charles Hughes, 372.

SENATOR SEABROOK: 372.

SENATOR WALDON: 372.

SENATOR PADAVAN: 372?

SENATOR WALDON: I must say that UFT is really on board and have supported me, and I hope this will not cause them to abandon me on so much of the flotsam and jetsam of the political seas of this city.

But to get back to the point I wanted to make in all of this, I wanted to see something in this bill that would address the fact that our children are not being educated, and let me explain to you what I mean by that, because obviously you feel it has and, to some extent, I must agree it does.

When I look at the statistics in the city of New York, it is one of every four children who enter high school who does not graduate on time. It is my understanding that the high school system is not covered here. Two, when you said resources for training -

SENATOR PADAVAN: The high schools are not covered?

SENATOR WALDON: Yes.

SENATOR PADAVAN: They are covered. They're in the bill specifically in terms of where responsibility lies even with regard to the specialty high schools. That's covered in this legislation.

SENATOR WALDON: O.K. So you're telling me that there are resources to correct the ills of the one child in school.

SENATOR PADAVAN: Senator, when you say "resources" I think you mean budgetary resources, is that correct?

SENATOR WALDON: Correct.

SENATOR PADAVAN: Obviously this is not a budget bill. I said at one part of my earlier remarks that resources are critical to certainly the quality of our educational system. We are not dealing with that issue today. What we are providing for, however, is the framework for knowing where those resources are coming from, with how they are being spent and to assure through structural rearrangements of the system that we are getting the maximum

productivity from those resources.

SENATOR WALDON: Madam -- may I continue, Madam President?

Senator, the point I was trying to get to, and I apologize for going around Robin Hood's barn and perhaps not being as focused as I should be, is that there are statements in this bill that I've had just an opportunity to look at very quickly which say that there will be training of the school board members, there will be training of the teachers, et cetera, et cetera.

Obviously the bill speaks to resources.

SENATOR PADAVAN: Yes.

SENATOR WALDON: But obviously the bill fails to speak to resources that will correct the ills facing the city. The understanding I have of the educational system is that if we don't catch the children by the third grade, we've lost them. I don't see anything in here which would shore up the system in that regard, and I'm going to quit in a

moment, but is there anything in this proviso which says that we will address the needs of the children who four -- the three out of four who enter high school in the city of New York who do not finish on time?

SENATOR PADAVAN: I think the entire bill addresses that question, Senator. If we improve the vessel by which we are carrying our children forward in their educational experience, then obviously we are enhancing the net result. The net result is for quality education. There's no other goal here but to enhance the level and the quality of the educational system in our city.

To repeat myself, we have a city of over a million students, 1.1 million, over a thousand buildings, the largest system in the world. We've increased the population in the last five years by about 150,000, over a quarter million in the last ten years, largely due to immigration. Our resources are strained, but when we include issues and requirements of fiscal monitors, of oversight by the

comptroller, of education -- training, rather, of our people who are responsible to the system, to our children, our goal in all of this, in all of the 24 pages of this bill, is to improve the performance of that system, and by improving the performance of the system, then more of those children that you speak of, I think, will bring their education to a better conclusion rather than dropping out, as you properly pointed out.

There are no dollar signs in this bill. This is not a budget bill. This is a governance bill. This is a restructuring of the board of education, the first major reform that's taken place since 1970, '72 -- '69? I'm corrected, '69. And that's what we're about here today, and that's the only way I could answer your question.

SENATOR WALDON: Thank you. If I may continue, Madam President. May I continue?

THE PRESIDENT: Yes, please.

SENATOR WALDON: Does the gentleman continue to yield? We're coming to a close, Senator Padavan.

SENATOR PADAVAN: It's all right. I'm not going anywhere, Senator.

SENATOR WALDON: I don't think I am either, though I may have wishful thoughts. Senator, it's my understanding from the information from the very capable Minority staff, that come the year 2000, you will have 190,000 students who do not have a seat, not who won't finish high school on time but just won't have a seat to sit down, be educated in this school system.

Does this bill in any way address that?

SENATOR PADAVAN: Senator, again, I repeat, at the expense of being redundant, this is not a capital budget bill nor expense budget bill. It is not a state aid to education bill. Now, there are other things which I and I'm sure you and others are working on to enhance the ability of the city of New York and the board of education to expand its resources in terms of capital investment.

There is something, hopefully,

before us not too long in the distant future, not too far in the future that will relate to the ability -- the City's ability to provide more capital funds for schools and expand its capacity. But you know where the basic problem lies, and the basic problem is not here, and it's not in the city of New York. It's in Washington, which has failed to provide resources that we need for the over quarter million new students and if you read a report that was announced just today in the media, one third of the children in our school system are foreign born and Washington's not giving us a penny to either provide the buildings, the resources, to deal with that population.

But ascribing blame is not going to solve anything. We must do what we can for ourselves. One way is to maximize the resources we do have, to put the city in the position of being able to raise additional capital funds which is what I was referring to before, and I believe there's certainly a will and a desire at all levels to accomplish that.

SENATOR WALDON: Madam President, if I may continue for just a short period of time.

THE PRESIDENT: Yes, Senator.

SENATOR WALDON: Senator, you mentioned the quarter of a million students which have increased our school population to its current level of a million one hundred thousand, and I would anticipate that over the course of the next few years before the turn of the century that number will become even larger.

Is there anything in this governance proposal which addresses bilingualism in terms of education or English as a second language education aspect?

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: There is nothing in this bill that relates specifically to bilingual education. However, there is certainly enough in this bill that mandates that the chancellor, the superintendents, the principals, the entire system address the

educational needs, is a phrase often used in here, of all the children in the system, all the children.

In order to do that, obviously we must deal with children who have at last count 184 different languages spoken, 184 different languages, in our system in the city of New York, to address the awesome needs that those children have in terms of mainstreaming them into English and in the process trying to educate them. It's addressed in that fashion.

We are not dealing with curriculum in this bill, but we do require and mandate that those who have the responsibility and the accountability address curriculum and that relates certainly to children where English is not their primary language.

THE PRESIDENT: Thank you. Senator Waldon.

SENATOR WALDON: Madam President, on the bill.

Let me thank Senator Padavan for his patience and for his thoroughness in

explaining to me his interpretation of this proposal that he submitted for our consideration.

My colleagues, I must share with you that the opinions of the people on the school boards in my district who have taken the time from their busy schedules to contact me, is for the most part diametrically opposed to what I've heard here late this evening. They feel that there's too great an absence of participation by the parents of the children, that the children in these districts are being sold short shrift because they will not have enough control at the local school level.

They are concerned that this will create a tremendous center of power in the chancellor and that the chancellor will become so powerful that the opinions not only of the parents but the teachers, the principals and even the superintendents, may have meaningless effect in the final analysis in the equation of how did we and what do we teach the children in our city?

Those of you who are very intimately involved in the city of New York understand full well that our children are not being educated, and we've had money to educate them, but the system hasn't worked and the parents who have called me, the school board members who have called me and those professionals in these districts who have called me, feel that this is not going to do it; and so I must respectfully disagree that this is the end all and be all for us.

I respect the Governor's proposal. I think that change is necessary. I don't think it has to be so centered in the chancellor, and I believe in the mayor. I think of this as a subliminal message of control and power and a power surge by the mayor.

When I looked at the bill, I saw in one section that my learned colleague, the Senator from the great borough of the Bronx, Larry Seabrook, pointed out. It says in -- on page 3, line 44, A temporary task force is hereby created to study and make recommendations

to the Governor and the Legislature concerning the effectiveness of the existing community school board election process in maximizing public participation in the electoral process and in meeting the educational needs of the children of the city of New York. The task force shall consist of four members to be appointed as follows: One shall be the Executive Director of the Board of Elections of the city of New York. One shall be appointed by the mayor of the city of New York. One shall be appointed by the Speaker of the New York City Council. One shall be appointed by the chancellor.

I don't see anybody representing the children. I don't see anybody even representing UFT. I don't see anybody representing the principals. I don't see anybody representing the superintendents. I don't see anybody representing the state legislators who come up here and must make decisions and determine the amounts of money which will go towards these children's

education.

The people in my district say no, no, a thousand times no, and therefore, I encourage my colleagues to do the right thing, to do the right thing. Reject this proposal. Let's send it back, let it be retrofitted until it fits the needs of not yourselves and myself but the children of our respective school districts in the city of New York.

Thank you very much, Madam President.

THE PRESIDENT: Thank you, Senator Waldon.

Senator Stavisky.

Senator Padavan, why do you rise?

SENATOR PADAVAN: I simply wanted to address one of the comments made by the Senator which I think is just completely in error, if you don't mind Senator Stavisky.

THE PRESIDENT: Senator Stavisky, will you yield to Senator Padavan?

SENATOR STAVISKY: I have no problem yielding.

SENATOR PADAVAN: Thank you, Senator.

THE PRESIDENT: Thank you.

SENATOR PADAVAN: Senator, the task force that you've read about is created to determine how best to ensure that we have an election take place for community school boards that is as efficient and as effective as possible. Therefore, we have the Executive Director of the Board of Elections on the task force. Who knows more about the elect -- how - what we physically can do and how you must do it in the election that takes place in the city of New York and the funding necessary? Obviously it must involve City entities and City agencies.

But more importantly, Senator, their recommendations will be to us. Did you read that part?

SENATOR WALDON: I read it now.

SENATOR PADAVAN: All right. They will recommend to us by January of 1988 - '98, excuse me, their suggestions as to how we

can deal with the voting process in a very technical, precise way and then we will make the judgment, Senator. So your categorization that we're not going to be involved leaves me somewhat beside myself. I don't understand it.

We will make the decision, not them, but they have the resources to look into this issue, to examine it and to come to us with their suggestions.

THE PRESIDENT: Thank you.

Senator Stavisky.

SENATOR STAVISKY: Madam President, I rose for the purpose of expressing my reservations about certain provisions of this bill, not to question the motivation of the sponsor or sponsors, but to explain the difficulties that I see.

Nowhere in the state of New York outside of New York City would anyone suggest taking the power to name a superintendent away from the local board of education. If we did, I am certain we would be hearing howls of protest from all parts of the state, and if it's such a

good system for New York City, why don't we apply this same principle to the rest of the state?

Would you favor giving to a superintendent, which is a fancy name for the chancellor of the New York City school system, would you give to the power of the superintend ent in your district the authority to control the actions of the local board of education? I think not; and this does not mean that there are no problems in other school districts throughout the state, but nothing in this bill addresses that issue.

Make it a statewide bill. Allow the local superintendent to assume the powers that are given to this chancellor, the power not to be accountable to the local school board but the power to make the decisions that the local school board traditionally makes, and that is not dealt with here.

We have in this legislation some rather disturbing issues, including in one part the right of the removal of the community school

board members and others where, in the judgment of the chancellor, the conduct is contrary to the best interests of the city school district.

What does that mean? Where, in the opinion of the chancellor, the conduct is contrary to the best interests of the city school district. That is a power without definition. That is a power that you would not entrust to a superintendent to remove a local school board member, including members who are elected by the public, which is what these school board members are. They're elected by the public.

You speak of the possibility that there will be consultation, and I notice that the chancellor is authorized to appoint a deputy for each borough of the City responsible for coordinating and periodically meeting with the borough president, the chancellor and the community superintendents in the borough, on borough-specific issues and issues of boroughwide significance.

There is no reference to

consultation by this deputy of the chancellor, consultation with community school board members. They are left out of the -- out of the spectrum, and I say that this is a failing that permeates the entire bill.

There's one other problem. Are there no issues where the central board of edu cation and the chancellor have been deficient? Where is the greatest drop-out rate? Where is the highest incidence of failure? At the high school level, and I see nothing in this legislation to address that responsibility of the chancellor and the central board of education, with their failure to perform, with their conflicts of interest, with their inability to deal decisively with failures in their system, in the system that is under the direct jurisdiction of the central board.

Are we to assume, therefore, that there are no problems with regard to the high schools, that there are no problems with regard to purchases and supplies, with regard to any aspect that is solely in the jurisdiction of the

central board of education and the chancellor? What if we get a dud for a chancellor? What if we get a chancellor who is not doing the job? And I'm not characterizing the present chancellor. I'm saying what if the chancellor is a crook? What if the chancellor is an incompetent boob? What do you do with regard to the failure of the high school division to function appropriately?

And so I say to you, consider carefully what you do here. Do not allow the desire to get this off the table -- this is not a school governance bill for New York City. It is a Governor's bill that is characterized by a mean-spirited attempt to assign blame to community school board members for the mistakes that are not always of their doing but which are perhaps mistakes of the central system.

So in conclusion, may I say do not do to New York City what you would not do to your own school district. If you're willing to have this formula in your school district, let us make it a statewide bill. Let us be

determined to correct the inequities in the - in the administration of any school district by giving to the superintendent the power that you are giving to this chancellor. I think you would be very loathe to do that, and I think that these are just some of the problems.

I am not proposing that you deal with all of the issues, but there is no school governance unless it applies to the entire spectrum of the city school system of New York City or the city school district in any other part of the state or the school district of the non-city districts.

So I urge you, if you're ready to embrace this formula, then do it in your district and I'll be happy to work with you also. I bitterly resent the idea that until this afternoon, no one in the Minority in this house had a copy of this bill. No one had a copy of this bill and, when one copy was finally delivered to a staff member, that was insuf ficient notice, that was a "take it or leave it", no desire to compromise, no desire to take

into account some of the problems that some of us have cited. Take it or leave it. This is the way it's going to be. You either want to vote for the bill or against the bill, but no time for discussion and consultation.

I must tell you, the vibrations I've been getting from school districts in areas of Queens which Senator Padavan and I have traditionally represented are not necessarily reflected in unanimous support for this bill and I think that that is something that will come back to haunt us if we decide to take this route.

Thank you, Madam Speaker.

THE PRESIDENT: Thank you, Senator.

Senator Seabrook.

SENATOR SEABROOK: Will -

THE PRESIDENT: Senator Mendez. Oh, oh, I'm sorry, Senator.

SENATOR SEABROOK: Senator, would the sponsor yield for a couple questions, please?

Senator, could you define for me what is "persistent educational failure" on the basis that's defined by this bill and state law? What is "persistent educational failure"?

SENATOR PADAVAN: Well, Senator, that's obviously a subjective phrase. You know.

SENATOR SEABROOK: It's in the bill.

SENATOR PADAVAN: To answer your question and also to reflect on something that was said previously, we have a Board of Regents and a Commissioner of Education, and if you look at state law they have the authority to step in and we saw that happen out on Long Island in the Roosevelt School District.

SENATOR SEABROOK: Right.

SENATOR PADAVAN: Because of the lack of adequate performance by that district, so it's not just unique to the city of New York. Where we are unique is, of course, the decentralization law of 1969 that created 32 school districts, but they are -- they are not

school districts similar to school districts outside the city of New York.

The most glaring difference is they don't have the ability to raise money.

SENATOR SEABROOK: Right.

SENATOR PADAVAN: No school tax. Maybe we ought to do that one day, give each of them authority to raise school taxes. That would be interesting; but nevertheless, Senator, your question cannot be answered in specific language. Obviously we rely upon the chancellor and all of the levels beneath him to make determinations about performance and obviously those levels of performance can relate to test scores, drop-out rates, various educational failures that are easily identified by educators.

SENATOR SEABROOK: Yeah, I -- the reason I ask is because it was labeled in the bill, but there was no definition of what is considered, so it's an objective view by the chancellor you're saying.

SENATOR PADAVAN: The chancellor,

the superintendent, principals and certainly the community school boards themselves. I mean if they are aware of a principal who is not per forming properly, you might take note of certain portions of the bill which allow mandated training of principals, if they're not -

SENATOR SEABROOK: I understand.

SENATOR PADAVAN: That they can be directed to take additional training so that their ability to perform will be enhanced. That's in here too.

THE PRESIDENT: Senator Seabrook.

SENATOR SEABROOK: Will the sponsor yield again?

SENATOR PADAVAN: Sure.

SENATOR SEABROOK: Senator, you just indicated a point when you talked to Senator Waldon and you just stated about this, these mandates in reference to training, mandates in reference to training of teachers and principals and part of a cry that's constantly used in the Legislature is no unfund

ed mandates.

SENATOR PADAVAN: Yes.

SENATOR SEABROOK: This is a bill that requires funding but these are mandates that have no funding.

SENATOR PADAVAN: O.K. I think that's a fair question, Senator. I'd like to respond to it.

SENATOR SEABROOK: O.K. Just one part of it, because the original bill that created decentralization also had a mandate for training but no funding in it, same bill.

SENATOR PADAVAN: M-m h-m-m.

SENATOR SEABROOK: How are we going to deal with that? We didn't deal with it from 1969 until the present and now we're doing the same thing putting no dollars, mandating training teachers and principals, board members and we haven't attached a dollar to any training.

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: There are mandates obviously within our state Education

Law that come about not only by our actions, but actions of the Regents, the state Commissioner and it becomes our responsibility during the budgetary process to provide the funds to meet those mandates.

But here is a significant part of the bill that I think you should take note of. Riddled throughout the legislation is an effort to maximize the nine -- almost $9 billion that we're spending now. We spend per capita in the city of New York more than any school district in any city in the nation, of comparable size. Go to Chicago, Ill... anywhere, Los Angeles, Detroit, we're spending more per child. If you take those million children and you use nine billion as a figure, we're talking about overall $9,000 per year per child, but we're not getting our money's worth. When I say "we", I really should say our children are not getting our money's worth.

Within this legislation, with the imposition of fiscal monitors on every school district, involvement of the comptroller,

improvements in purchasing, something mentioned earlier that I didn't cover but now I will, we allow school districts and superintendents to buy things that they could buy cheaper than the central board, supplies. We authorize them to make repairs up to a certain amount, if they can get it done faster and as cheaply so that children don't have to sit in classrooms with leaks coming through the ceiling, if it can be repaired. That authority is in here.

So we're trying through the structure that's in this bill, to maximize the resources that are there, but it will be your task and mine as we deal with future budgets to attempt to enhance that, those resources, but I think we can all agree when we look at the dollars, we're not getting our money's worth.

SENATOR SEABROOK: Just one other question, Senator, in reference to the -- you talked about the dollars that we're spending and basically three of the Bronx districts it's less than $7,000 per child that's spent on that individual child. It's not at 10,000 based on

the report that the chancellor submitted to us a couple of weeks ago.

SENATOR PADAVAN: You talking about in the individual school, right?

SENATOR SEABROOK: Yes.

SENATOR PADAVAN: But when I use that figure, I'm talking about the entire system, the overhead, all the administrative costs, all of those things that I think can and should be streamlined so that more money gets down into the school, into the classroom, is of critical importance, but you can only do that if you have a system that allows it to be done.

When we get the comptroller involving himself in their audits -- you've seen comptroller audits; you've read them, I'm sure -- they're performance audits, fiscal monitors. It specifically says in the bill fiscal monitors will be there to ensure that the money is spent wisely and productively. That's how we'll get more money in the classroom.

SENATOR SEABROOK: One other question if the Senator will yield. How much or

what is the percentage of the budget for those school districts or any school district that the actual school board members have the responsibility of controlling, maintaining and spending? What percentage do the school board members have?

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: I really don't know the answer to that question, Senator, because I imagine it varies from district to district. As you know, some have the benefit of certain title federal funds, others do not. The size of the district and the nature of the student population, which is not homogeneous, it's very difficult for me to tell you what percentage of the overall budget is discretionary in terms of community school boards. It's probably very little, because when you consider that basic costs of running the building, paying for the teachers, tens of thousands of employees, that's where the bulk of the money goes and the community school boards don't have today any authority to expend those

funds. They don't negotiate contracts or anything of the sort.

THE PRESIDENT: Senator Seabrook.

SENATOR SEABROOK: One other question, Senator, as it relates to Senator Stavisky raised a question in reference to the high schools.

SENATOR PADAVAN: Yes.

SENATOR SEABROOK: Who has the responsibility for control of that budget and that spending? Who is responsible for the spending of the high schools?

SENATOR PADAVAN: As you know, within the structure now, the chancellor has within each borough, coordinators for the high schools, and the budget is generated at the central board, administered by the chancellor and that's a citywide governance issue.

One of the changes in this bill, contrary to what Senator Stavisky said, the deputy borough -- the deputy chancellor in each borough specifically, and it's in the bill, will

be involved with it. It says board policy, city board policy with respect to high schools, so we have not only what we had before but now the chancellor will have a deputy in each borough who will have responsibility also with regard to high schools and their performance.

SENATOR SEABROOK: One other question, Senator. In the bill, this is the first time I've seen it, on page 11 it indicates that the chancellor will have control to operate and also to -- all of the academic and vocational schools, and it says here, and I'm not clear on it, that he can -- he will have the ability to transfer high schools to certain community boards and jurisdictions. What's - what does -- explain that. I don't follow that. That's -

SENATOR PADAVAN: Well -

SENATOR SEABROOK: Page 11.

SENATOR PADAVAN: Well, currently the chancellor has authority now. There's no change there. Now, if he feels that in a particular case, you know, they're setting up

some of these magnet high schools.

SENATOR SEABROOK: Right.

SENATOR PADAVAN: We are just giving him this latitude. It's new ground which may be beneficial, can only be beneficial if it's implemented to bring the governance of those high schools, whatever they may be, closer to the community in terms of what goes on there.

SENATOR SEABROOK: On the bill. Thank you, Senator.

There's a real concern in reference to this bill as it relates to school governance and in the bill when we talk about school governance. If we're going to, just says -- Senator Stavisky raised the issue about high schools and now Senator Waldon raised the issue about the board of elections. We drew school district lines in 1969. School district lines have never been redrawn, has never been reapportionment since the first original bill.

If we're talking about true governance, why aren't we redrawing school

district lines with -- no, we didn't. No, we didn't. You'll have your chance. In the original lines that were drawn, they were not redrawn. There has not been redistricting since 1969. When we're talking about changing and everybody else we have to redraw lines every ten years. Districts change, communities change but we have not had the audacity to change school district lines.

The voting that actually takes place, and we're talking about that which we want to change, TIME magazine six months ago said that New York City public school system is the most segregated school system in America, TIME magazine. Headline cover. As a part of true governance, why not change school district lines? Some of them don't meet the standards right now to even be a board. They are basically -- the numbers that are there are not enough people to even have a community district.

We're now talking about changing and governance and the allocation of dollars and

we have yet to define this term that we use in this bill that talks about persistent educational failure and nobody has been more persistent than the high school division in the city of New York in producing the highest drop out rate. Bronx high schools rang one, two and three. Three Bronx high schools, and the high school, the only high school in the city of New York that's under a board is in the Bronx, one, Truman High School is not on the list, but every other high school that was in the districts in which there were problems about local school districts which are the lowest income level, highest infant mortality rate, highest form of cancer, highest in TB, unemployment the highest, so that's persistent failure by the governmental entity that, for some reason, we didn't provide those children the opportunities and, therefore, we're asking them to be like other kids that we've given everything to.

If we're seriously talking about governance, how can we not talk about funding for New York City schools as it relates to other

schools throughout the state? That's a part of governance.

SENATOR PADAVAN: May I answer?

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: Senator, are you aware of the fact that three or four years ago, with authority from this body, a commission was set up to draw, redraw district lines, and they held hearings all over the city of New York?

SENATOR SEABROOK: Right.

SENATOR PADAVAN: And then they decided not to. Are you aware of the fact also that we did authorize the creation of three more school districts if they chose to? Are you aware of that?

SENATOR SEABROOK: Very much.

SENATOR PADAVAN: O.K.

SENATOR SEABROOK: But I'm also aware -

SENATOR PADAVAN: One more question, and then I'll sit down.

SENATOR SEABROOK: Yes.

SENATOR PADAVAN: Are you also aware that on page 15, line 39 through 41 that we provide an opportunity for a child to attend a school in any district? They're not limited to the district in which they live? I could simply ask you those things rhetorically, Senator.

SENATOR SEABROOK: It's in the bill, but I'll read it and I'll respond to you.

THE PRESIDENT: Senator Seabrook, are you -

SENATOR SEABROOK: I'm wrapping up in a second, but the point you refer to that they didn't want to redraw the lines, it was the chancellor and the Legislature, after the report in terms of doing it, they said, We have a new chancellor in the city of New York, and it's too much of a burden, when Richard Green became the chancellor, to put that on him. That was the response of the Legislature. Let's wait. Richard Green died a year later.

Then it was put before certain groups, and the pressures and the political

pressure was that, if we redrew lines, some parts of this city wouldn't have districts and the question would be how would we redraw them on the basis of those children who are in school, or basically we're talking about attendance. So that was an issue there, and no one wanted to deal with it. That's our responsibility to mandate that as we're doing here.

That's a part of governance, not they didn't want to do it. They don't want to change things now. We're trying to do a bill to do that. If we mandate it, it could be done, if we make it law, so I'm saying that here we're talking about deciding on the appropria tions and the training for teachers, under standing the training for administrators, no dollars attached to this bill, mandates all over the place and there's a constant cliche in both houses that there should be no unfunded mandates and we got more mandates here in this bill and we haven't put one dollar in this bill.

We should be talking about the

children in New York City who do not receive the same amount of dollars that the children receive in other parts of the state. That's a good governance bill. That's the issue. When we talk about -- and governance is a part of not having buildings for children but having people who rip off -- who rip off in a leasing program, millions of dollars and that wasn't no school board sanction in that at all. It was something called the central board. Wasn't elected to anything; appointed, appointed.

So here we're talking about scandals. That one was swept under everybody's rug, and no one talks about that at all. We talk about the custodians, we put them in the bill but nobody talks about the leasing problem here. Who's going to be responsible for that, the chancellor? No one's talking, put that in the bill. That's good governance. Then more money that was missing out of those leases than all the school boards could rip off combined in the total existence. How come that's not in this bill? Who's running that show? Who's going

to be responsible there?

So I say if we really want to do governance and then we talk about elections and what Waldon was raising, the issue was where are the parents going to be when we talk about this school-based management or something here.

SENATOR PADAVAN: Management based councils. If I could just answer.

THE PRESIDENT: Yes, Senator Padavan.

SENATOR PADAVAN: Under this provision, parents -- parents on behalf of their children will be involved very directly not only in the budgetary process within the school and the district, but in interviewing and screening candidates for principals, and the community superintendent, in every aspect, both personnel and budgetwise within their school. That's something we don't have today involved. We should be very supportive of that.

SENATOR SEABROOK: Senator, they have similar reasons of having the opportunity to be elected, just as the people who you and I

represent, they have that when they elect us to go and represent them; so that's a part of that parent participation, so they have that already.

What I'm saying is that where has it been shown, can you name me any -

SENATOR PADAVAN: They don't have that, Senator; they didn't have it at all.

SENATOR SEABROOK: They have it.

SENATOR PADAVAN: You and I are not involved in the selection of principals and superintendents.

SENATOR SEABROOK: No, but we elect.

SENATOR PADAVAN: If I have a child at a given school, I'm very involved in who that principal is.

SENATOR SEABROOK: So am I.

SENATOR PADAVAN: And I want to be involved, and I should be involved, and now I can be involved.

THE PRESIDENT: Let's have order. Go ahead, Senator Seabrook.

SENATOR SEABROOK: Yes, that exists because the parent, through all the circle of 30, there's a whole process in which parents, teachers, superintendents, everybody is involved, it's there, but what I'm saying is who do the parents go to to redress their concerns when they have a problem with the superintendent? They can't go to the community board in this bill. Who do they go to?

The community board does not supervise the superintendent.

SENATOR PADAVAN: Senator -

THE PRESIDENT: Senator, would you like to have Senator Padavan respond?

SENATOR PADAVAN: Senator, the community board in this legislation establishes all matters involving education, policy and procedures, including issues that relate to discipline, a variety of areas within the school district. They have control over that. Now, it's true they do not hire the superintendent, that is true. They will submit under this provision something similar to what they do

now. They'll submit four names after they screen from qualified lists. They will submit up to four names to the chancellor and he will select one.

The fact remains when it comes to the issue that you've addressed, quality of education issue, the parents have certainly the opportunity to go to the community school board members. But, you know, I had two children and I went to the public schools and if I had a problem in the school, I didn't go to the community school board. I went to the principal and I'm sure every parent here did the same thing, and I said to him on one occasion, You better take care of this problem, and if you don't, well, then I'll have to go above you; and he took care of the problem. That's where we go.

Now, in this bill, we are mandating that parents have a structure to do that, even more than they now have an opportunity to do it, and that's what's important. How often does the average parent in

your district even go to a community school board meeting? By the way, in this bill one of the many things we're mandating is that all of those meetings be open under the Open Meetings Law that apply to many other of the governmental entities; but how often do they go to the community school board meeting? Rarely. Rarely. But they do go to their school every day when they're delivering their young child, or periodically, and that's where they want the problem addressed.

That's why school-based budgeting, school-based management, that's why that's so important where you have the principal, the teachers, the parents involved.

SENATOR SEABROOK: Where has that worked?

SENATOR PADAVAN: What?

SENATOR SEABROOK: Where has that worked?

THE PRESIDENT: I'm sorry. Please direct your comments -

SENATOR SEABROOK: I'm sorry,

Senator. In what city and state has that worked?

SENATOR PADAVAN: Well, Senator, you know, I will tell you that there are certain schools in my district and in certain of the districts that Senator Waldon and Stavisky referred to -- I have 25, 26 and 29 -- where we have that and it's worked well, but it's not uniform. It's not everywhere and it ought to be in your school districts as well as mine, and that's why it's in this bill and not only should it be there by mandate, but the people to do it have to be trained, given that opportunity so they know what's going on, so they can pick up a piece of paper and see how the budget is being allocated, the things that you and I look at when we review budgets, and to see what the process is providing for their child.

SENATOR SEABROOK: Now, Senator, could -

SENATOR PADAVAN: That's the most important thing.

THE PRESIDENT: Senator

Seabrook.

SENATOR SEABROOK: Yes. Could you just explain to me this process of how, now, any child can go to any school in any district that they want to? Please explain that.

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: If you have, let's say, two neighboring districts, one for one reason or the other, you have -- you want your child to be in a school in a district other than the one you live in, you go to that school and on a first come first served basis, meaning if there's space your child must be admitted. Let's say you want your child to go to the first grade and P.S. 29, which happens to be in a district other than in which that child lives, they -- that child must be accepted if there is, of course, space.

SENATOR SEABROOK: Oh, O.K. I want -- that's good.

THE PRESIDENT: Senator Seabrook.

SENATOR SEABROOK: O.K. So in

other words if we want to ship all those kids that are failing in the other districts to another district, we have no problem if we get there first.

SENATOR PADAVAN: Senator, as you know, to answer your question fully, here's the specific language, right, parents shall access the information regarding the programs that allow students to apply for admission to schools outside a student's own attendance zone. O.K. That's in the bill. That's on page 14 and it's stated again on page 12, establish new programs under which students may choose to attend a public school in another community district. It's in two different places in the bill.

Now, if you go to seat your child even in your own district, Senator, and there's no space, they're going to have to bus them to another school, right? That's a problem we have in many parts of the city regrettably, but if there is space that child will be in there.

SENATOR SEABROOK: Well, just on the bill, in closing, I think we will certainly

have a redistricting bill immediately after a number of school districts understand that, so they will be coming back here and we will be amending this bill immediately with redistricting that will take place and restrictions as well, but that's a good sign. I'm glad that's in the bill, and we're going to make sure that we have all the buses we can to bus those kids from the poor districts into the affluent districts where the schools are operating with only rotary phones in some of the districts, Senator, rotary phones and still the most technological advance they have in the schools is a metal detector, and no computers and they can't even put the computers in because they don't have the electrical circuits to allow that to happen.

I'm so glad we're going to do something. We're going to eliminate this problem of all of these persistent educational failures and that we're going to make sure that we aggressively move to do that. That's important. Busing is important. I always felt

that way, so I think that it is important and crucial that we understand that this bill right now does a lot in terms of mandates but does nothing in terms of budget. It does a lot of talk, but it won't happen. It goes back to what Stavisky said, we've allowed non-elected people to make decisions over people who are elected, and even move them out of office at any given point. Any mayor who can count to five, he gets a new chancellor. All he has to do is count to five, any mayor, as long as he can count to five, he gets a new chancellor and sometimes if they don't like what a chancellor may say about a budget, he goes and it has nothing to do with performance. It's what are you going to do about the budget, and I want to dictate it.

So we need to have some safeguards on that because I'm still in the clear as to why we're taking the powers and the selection process from people who are elected, providing it to people who are selected. And who do they answer to? People who are selected. So I think, when we do these reforms, it is

interesting that we have not talked about reforming the board that has caused us the most problem that sits at 110 Livingston Street. They caused us the most problem and we've yet to talk about conforming them.

They have complete control over the chancellor. We have complete control over the high school division and is an abysmal failure, and we haven't talked about that board yet in this bill.

We have not said one thing about those people and they, once they get on the board, they're unaccountable to anybody. Ask the borough president from the Bronx. He can tell you. He couldn't even recall one. So it is interesting here that the greatest culprits for all of those kids who have had this persistent educational failure, the greatest purveyors of it have gotten away again, Leonard. They have just snuck away, and no one has put any provision in this bill about them.

This ain't governance when we can't talk about the real culprits. This will

run away with the store. They're the ones who talked about signing leases that the kids don't have schools to go to now. They're the ones that signed up with all the scabs and scams and not one provision in here talks about those guys. Not one editorial talks about that board, and the justice department need to talk about the diminution of power from people, especially those minority districts, especially. That issue needs to be dealt with.

It's not dealt with in this bill at all, as if they don't even exist. Nothing about the Voters Right Act here at all. So when we talk about true governance, I'll be ready to deal with this bill when we talk about the central board. Put them in the same category because what's good for the goose is good for the gander, and when they can swim in this soup, it's a good bill, but since they don't want to swim, I can't vote for it.

THE PRESIDENT: Thank you, Senator Seabrook.

Senator Mendez, if you've thawed

out.

SENATOR MENDEZ: Thank you, Madam President.

I wonder, Madam President, if Senator Padavan would yield for a couple of questions.

THE PRESIDENT: Senator Padavan?

SENATOR PADAVAN: Yes, Madam President, be glad to yield.

SENATOR MENDEZ: It appears that in the great desire to give the chancellor all the powers that we ask for and more, what this bill does then is that ends up micro-managing the system. There are some contradictions here, for example -

SENATOR PADAVAN: I would not accept that, Senator, as a category.

SENATOR MENDEZ: I want to ask you a question again, and the point was very well expressed here by Senator Seabrook. This governance, it is a governance bill, you were defining it as a governance bill and how come - the first question, how come, why was the

statute that directed you and the drafters of the bill not to even mention the central board of education? We know the task force, Senator Padavan, the chancellor appointed a member, and that the mayor appoints two. For how long are these appointees -

THE PRESIDENT: Excuse me. The stenographer is unable to catch your comments when you're not speaking in the microphone.

SENATOR MENDEZ: I just like to look at him.

THE PRESIDENT: I mean I know you have to face one way.

SENATOR MENDEZ: My question is that we know that the five borough presidents of the city of New York did appoint each a board member, central board, and that the mayor appoints two. My first question is how long are these appointees supposed to serve?

SENATOR PADAVAN: I don't know.

SENATOR MENDEZ: How long do the members of the central board of education -- are they supposed to serve?

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: Well, you yourself are one in the process by which they are selected, and that remains. I might add parenthetically that there is a section in this bill that does relate to the city board and in terms of their responsibilities.

SENATOR MENDEZ: The responsibilities, yes. Senator Padavan, answer my question. You did?

SENATOR PADAVAN: I said it is the same.

SENATOR MENDEZ: So if I understand your answer correctly, probably they will serve forever and ever and ever as long as the appointing officer, in this instance the borough president, take for example the borough president of Brooklyn, that has been in office for many, many years. His appointee then will serve forever and ever. We know that the way in which the members of the central board of education are selected, appointed, is a -- is like a -- is in the same fashion in which the

so-called Board of Estimate was also appointed, and that -- that way of appointing people to that board might very well be as unconstitu tional as -- as the court finds, just that the Board of Estimate was -- because the population in the five boroughs, differing population, difference in population, so therefore, the mandate of each board member, don't you think, is that it's not equally representative of all the children in the boroughs in the schools?

SENATOR PADAVAN: Yes.

THE PRESIDENT: Senator Padavan. Are you asking Senator Padavan to respond?

SENATOR MENDEZ: Yes.

SENATOR PADAVAN: Yes.

SENATOR MENDEZ: So if we're talking about governance in the structure of the public school system in New York, I think that we, in fact, should have taken that anacronism out of the picture and dealt with it because after all we want to change everything as the chancellor would have everything changed, and for him to be appointing and firing and

selecting and doing everything, we should have stopped it in that fashion, with that -- with the membership of the board.

Secondly -

SENATOR PADAVAN: Senator yields.

SENATOR MENDEZ: The question - secondly, the -- second, the newspaper sections of some of the major newspapers in the city of New York did publish in detail the horrible - I'm going to be generous, I'm going to define it as fierce difficulty with the leasing program with the city schools, $100 million, Madam President, that were thrown out in the most idiotic fashion in buildings that presented dangers to those school children that we wanted to educate.

So my question is, how come, Senator Padavan, that your bill does not deal with accountability of the -- of the actions of the board or of central board of education?

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: Thank you.

Senator, you remember the Marchi bill? You may have even voted for it.

SENATOR MENDEZ: Well, I don't know.

SENATOR PADAVAN: Well, it was co-sponsored by a great member here, Joe Galiber.

SENATOR MENDEZ: May he rest in peace.

SENATOR PADAVAN: May he rest in peace.

We eliminated in the Marchi bill, you remember the boards were articulated. The central board -- let me finish, if I may. So part of the answer to your question is we're doing the best we can, what we can agree upon, so if you read the bottom of page 10, going onto page 11, where it says "powers and duties".

SENATOR MENDEZ: Where is this?

SENATOR PADAVAN: Bottom of page 10, section 2590 (g) line 46.

SENATOR MENDEZ: Where?

SENATOR PADAVAN: Bottom, line

46, if you go down to line 46. You see? It begins there, "powers and duties of the board". So we do outline in those next several paragraphs up through line 18 on the following page, what the responsibilities of the central board are.

SENATOR MENDEZ: Senator Padavan.

SENATOR PADAVAN: So what we have done to the best of our ability is to attempt to articulate the law, how we feel those boards should operate. Now, I'm trying to answer your question, Senator. You said that they serve forever, but they don't, Senator, because in my -- in my span of time in the Legislature, I've seen that central board change many times for a variety of reasons, so they don't serve forever, and a borough president who may be unhappy with his or her designee has the authority to not reappoint that person at the end of their term.

SENATOR MENDEZ: Senator Padavan, you did not answer my question.

SENATOR PADAVAN: O.K.

SENATOR MENDEZ: You tried, but you did not succeed. You deviated from it. My question originally pertained to -- to why this bill does not deal with accountability from the central board of education. Yes, there are powers here and, yes, but it doesn't say anything to the -- to the -- to -- in the event that some of the horrible mistakes or abuse of power are -- are -- in fact, it doesn't say anything. O.K. Let's -

SENATOR PADAVAN: I haven't answered your question yet.

SENATOR MENDEZ: You didn't answer the question yet.

SENATOR PADAVAN: May I?

THE PRESIDENT: Senator Mendez, Senator Padavan.

SENATOR PADAVAN: I'm happy to try, do my best. Certainly the central board of education are a policy-making body. They are under the state Department of Education and state Board of Regents, you're aware of that. That's state law, so their accountability is not

only to the local officials who made the appointment, your borough president, mine, the mayor and whoever they may be, but also the policies that they generate must -- must conform to those policies and requirements that the state Board of Regents, whom we elect, lay down and the state Commissioner of Education who is appointed by the Board of Regents, so there are external -- there are external oversight responsibilities that we can not and should not ignore as it relates to the central board of education.

SENATOR MENDEZ: The -

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Yes, Madam President. Maybe in this instance, pertaining to the horrible scandal of how those hundred million dollars of taxpayers' monies were so irresponsibly used, so maybe in this instance the state and these other external organizations that you mention did not -- did not come through in demanding accountability, and, in fact, then why didn't this bill include something along

those lines?

Secondly, another question, Senator Padavan, is it is mentioned here in this bill that the chancellor will appoint five deputy chancellors whose function will be to meet with the borough presidents, and who else? Let me see, where is it here in the bill? It will meet with the five, each one with the five borough presidents and the chancellor.

What will they be doing in those meetings, politicking? I mean this kind of deputy chancellors in each borough, could they be meeting with the borough presidents and to be meeting with the superintendents is another layer of bureaucracy imposed upon the system and will make more jobs for other people, yes, and we want to reduce the unemployment rate in the city of New York, but it doesn't do anything in my view, nothing, to improve the educational - education of the kids.

Don't you think that they are, in fact, a bureaucracy?

SENATOR PADAVAN: No, I don't.

One of the changes we hear all the time, you've heard it and I've heard it, is the inaccessibility by parents and school board members and principals with 110 Livingston Street. Why should we go to Brooklyn to talk to the chancellor? They're not listening to us. And so we're bringing the chancellor to them in the form of a deputy.

That's why we're doing it, so your characterization, Senator, is skewed as far -- far as your view of the goals of what we're trying to achieve here. What we did say that we'd appoint a deputy for each borough to meet as a consultant with borough presidents, stop right there, the borough presidents elected by everybody in that county.

He or she has a responsibility. I think we would have to accept and think, generally speaking, they're responsible. Secondly, to meet with the superintendent who is responsible, he or she, to the folks of that district, to meet with everybody, to be accessible and available.

I see nothing wrong with that. To me that's only a positive. This system is used. It's too big. The only way you can manage it more effectively is to decentralize it in a productive way. The deputy chancellor will do that if he or she is doing the job we have outlined for them to do.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Madam President, what we're doing with this bill is so far centralizing the entire educational endeavor. We're so far centralizing it and on top of that, we have the nerve to impose another layer of bureaucracy with a deputy chancellor in each borough, and also -- and to me to think about the governance of the school system and creating a structure that makes sense, how could it possibly be that we demand accountability from the bottom, but in the top no, no. The -- the reasoning must have been that those on top of it all are perfect in everything that they do, no accountability whatsoever.

Then going at the -- the -- at

the performance of that central board, that central board, since 1979, or '69, as it was mentioned earlier by Senator Larry Seabrook, since 1969, Madam President, there, the schools in the city of New York were under the control of the central board of education. What happened to the chancellor? Have we seen anything educationally that would merit for all of us to live with those same people that have been managing the system? They didn't give it to the local school districts, right, they would never have been able to manage it. They thought and they have done such a very nasty, nasty job that they should be ashamed of themselves.

They have squandered the money. They have destroyed the educational future of many young people because they have not been representing them. They have not been developing the kinds of kids that those people need to be able to hold a job and do work, and even though they have such a poor record, Madam President, such a poor record, this Governor's bill ignores it completely and leaves them to

keep on doing the same rotten thing that they've been doing for such a long time.

Why, Senator Padavan, was not the -- the deputy -- there hasn't been any account ability here in this bill in governance. If past behavior is the best predictor of future behavior, my God, those people cannot be trusted with changing the educational ambience for the school system.

So, yes, perfection only in heaven. Yes, a lot of energy was placed on this bill, but it -- this bill will pass. The votes are here. The chancellor will have all this power, but this is the wrong way to go. Governance of creating a structure must still work with reforming the top as well as reforming the bottom, very clearly stated, and in this bill, everything on the bottom is no good. We have to throw the baby out with the -- with the water.

When -- out of the 32 local community school boards, there are many, many of those, the majority of those school boards have

not been stealing money. This is going to be such a patronage machine, this is going to be - this bill will produce such a patronage machine that we'll be there and we'll see we'll be unable to do it. Why? Because of the editorials in the press. Because let's examine the record of the -- the one-year record of the chancellor. It's very good to be able to start throwing blame to that school district and the other and the other and the other. You give me more power to do this, give me more power to do that, but in this first year what's his report card? Pleasing the press? Ignoring the mis management of some of the actions of the central board? I am appalled. I think that the kids in New York City deserve much better than this, Madam President. I really believe so.

We are together, we are centralizing the system in the same way that it was horribly centralized nine years ago before we had the centralization bill, and we're centralizing it and doing -- we'll be doing exactly the same mistake but yes, Senator

Padavan knows that I know he's very interested in educational opportunity for everybody. He tries very hard for the energies and directive of this, but they have been misdirected because there are too many like unions that have not been dealt with.

So I really cannot support this bill. It's -- this is -- this bill is a betrayal to the kids in the New York City public school system and the sad things is especially minority, with especialy minority kids in the educational system doesn't provide the avenue for upward mobility that they're going to be condemned to a life of ignorance, a life of economic dependency when all of us -- when all the citizens of the state of New York are spending our monies in trying to stop that, and this bill will make certain that that will occur in the future.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Mendez.

Senator Leichter.

SENATOR LEICHTER: Yes, Madam President.

I believe there are seven members in the Legislature -- and they're all in this house -- who voted on the last time we did school governance in the city of New York. It was Senator Marchi, Senator Goodman, Senator Present and Senator Stafford who are in this house at the present time. Then there were three of us who were in the Assembly, Senator Stavisky, Senator Sears and myself.

Of those seven, I was the only one who voted against the decentralization bill in 1969. I thought it was a flawed system. I'm not going to stand here and say that I predicted the problems that have evolved over the years, but it seemed to me that what we were trying to do in 1969 is to graft onto the city of New York a school governance that may work in the suburbs and rural areas, and I think it does work there, but which really in the city of New York was doomed.

Now, I think it was a well

intentioned effort. I think the purpose and the aim really was to try to get parents more involved in the schools, to get communities more involved and in this way maybe to bring greater flexibility and direction to the city school system. I don't think anybody can stand up here and say, well, decentralization has worked pretty well. It hasn't. It's perfectly true that there are a number of school boards that have worked well. It's certainly true that hundreds and hundreds of school board members have labored hard under often difficult situations, and tried to deal with the educational needs within their districts.

It's also true that this Legislature, since 1969, has been asked to deal with school decentralization, and we have been utterly paralyzed because the very same forces that in 1969 made it so difficult to come to a conclusion and probably led us to put together a hybrid system made it so difficult in the years afterwards to come to take any action to correct education problems and difficulties within the

school decentralization system, particularly to deal with some of the abuses that occurred in the local boards.

We couldn't deal with the fact that -- Senator Seabrook is perfectly correct, that the districts no longer made sense after a while because of shift in populations. We couldn't deal with the relationship between the mayor and the central board and I must say that I know no issue since I've been in the Legislature that draws as much heat and conflict where there are as many forces. I don't want to say special interest, they're not special interests, they're teachers; they're parents; they're staff; they're custodians; they're administrators, all of whom have a particular view as to governance.

But let's be very clear what we're doing today is this is clearly and evidently the end of decentralization. It was a noble experiment. It failed, and we're writing finis to it today.

I think that the pendulum is

swinging really all the way not only to centralization but to a very strong centrali zation, and we're really giving more powers to the chancellor now than he had before 1969 because before 1969, principals were chosen from lists of people who had taken exams. I believe even superintendents at that time were chosen in a manner which didn't give the chancellor almost unfettered discretion, which he's going to have under this system.

I think that, for reasons I've stated, and I guess as expressed in my vote in 1969, I think it's -- it is certainly -- we certainly have a need to go to a stronger centralized system. I wouldn't go as far as this system goes, but I think the changes - changes need to be made.

I want to say that I think with all the focus on governance, and governance is important but it's really maybe a smaller part of the equation of what makes good schools and what's really going to help and educate our children, and I don't know whether we should be

that fixated on governance itself.

The real need that we have in the city school system is to provide more resources, more funding. We have to deal with the problems of our school facilities. The city schools, to a large extent, are in a deplorable state in many districts. We need additional schools, we're short of seats. We have to modernize our schools. We have to see that the schools have books, that they have computers. These, really much more than governance, are the things that we have to address, and I just wanted to say to Senator Padavan and all my colleagues, and I think people have worked very hard here and have sought to reach a resolution, but I don't think that any of us can rest and say we've done the job. We clearly haven't. We've put an end to a system that hasn't worked. We've gone back to a system and, as I said, strengthened the system that had its problems before, but we're not dealing with the problem -- with the need of bringing resources into the city school system.

I guess like everybody else,

after having said don't be fixated on governance, I, too have spent a lot of time thinking what would be the ideal governance system for the city of New York and in a way it's a certain fantasy maybe to try to work this out, particularly in this chamber and while some of us have a great deal of background in education and public policy relating to education, most of us do not.

My belief is as I've expressed before and I just wanted to put it out again, that we really ought to have governance done by a commission, and we ought to admit and concede that this Legislature cannot come up with a good governance system for the city of New York. The pressures are just too great. Our knowledge is too limited, that what we should do is the same thing that Congress did in regard to school based closings and to turn this over to a commission of educators that will be chosen by the Governor, by the mayor, by legislative leaders, but above all, by educational leaders such as the Commissioner of Education, the head

of educational teaching schools and have that commission come up with a plan and the power of the Legislature is limited solely to either vote that plan up or down.

If it doesn't -- if it's not vot ed down rather, just have the Legislature vote it down. If it's not voted down, that automatic ally becomes the governance system for the city of New York. It's one of the things that we have to realize that we have not at all dealt with, the relationship between the chancellor and the mayor, the central board. I don't know why any of us are particularly comfortable with the central board as it exists at this time.

So even as far as governance is concerned, we've only really dealt with half a loaf, but we are certainly ending some of the abuses that have existed under a system that hasn't worked well and, for that reason, I'm going to support this bill, but I hope that all of us can pledge that we have a serious educational problem in the city of New York, maybe in other parts of the state too. I won't

say maybe, I think in other parts of the state also, but coming from New York I'm more familiar with that, and I think that we really have an obligation to continue to address the educational needs of the children of the city of New York. We have take some steps today. I won't say it's a Band-Aid. It's more than that, but it's not by any means the whole measure that we need to take.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

The Chair would just remind that debate on this particular piece of legislation started at 8:14. That's not intended to curtail anyone's debate, but just a reminder.

Next speaker is Senator Abate.

SENATOR ABATE: Would Senator Padavan yield to a number of questions?

SENATOR PADAVAN: Yes.

SENATOR ABATE: And, Senator, before I ask you these questions, I just want to share that I have similar concerns. I also am

confronted with a situation where I have one of the best school boards in my district, some extraordinary school board members, who happen to also be parents who are committed. Some of them work full time on that school board and truly have the best interests of the children in the district at hand, and I think are doing an extraordinary job.

But there's some times in the life of a legislator we have to go beyond, as you said, the boundaries of our district and look at the system as a whole.

I believe this bill is not a cure-all. It is flawed, but I don't believe it's fatally flawed. I am hoping, though, and I want to ask a number of questions. There are a number of issues I'm concerned with and I believe that we will be coming back to this Legislature to amend and rectify and clarify some of these issues.

One of the issues, one that I'm concerned with and maybe you can confirm is the C-30 and C-37 processes now being codified in

this bill. Do you -- you know what the Circular 30 and Circular 37 process is? That is a process where administrators and staff and parents screen, collect resumes in the -- in the selection of a superintendent and the principal. Am I correct that this is being codified -

SENATOR PADAVAN: Let me answer your question.

SENATOR ABATE: -- codified in the existing structure or there are changes being made?

SENATOR PADAVAN: Let me answer the question to respond to your other rhetorical questions.

First, it is not a panacea. Early on in this evening, I made that point. I said this is not a solution to all the problems within our system. Senator Leichter, and unfortunately he left, I wanted to say that he was absolutely correct. Many of the problems relate to resources -- space, capital resources. So we understand that and we're

committed to do everything we can in that regard.

Direct question, answer to your question is yes, it does continue, and it's in statute.

SENATOR ABATE: In existing form, or does that legislation change the current process?

SENATOR PADAVAN: It changes it only in a positive way, in a sense that, by virtue of mandating, you recall my earlier -- I think you were here -- earlier explanation of the issue of creation of school-based councils and their training. I think because of that, we will have a more effective screening because you'll have people who are more knowledgeable, more involved, and by the way I have a school district like yours. I have three of them who I think are outstanding and all the citywide measures indicate it, and they are made up of parents in the main, I said that earlier, who really do a great job, but unfortunately we deal with a total system in this law, and we have to

address the least among that system.

SENATOR ABATE: Would you continue to yield?

SENATOR PADAVAN: Sure.

SENATOR ABATE: Since we are diminishing the role of a community board in selecting, in particular a principal, was there consideration for the community board representative in the C-37 process?

SENATOR PADAVAN: That never came up, but I will say to you that I see no reason and nothing in this legislation that precludes a community school board member -- as you know, the way they work is they get assigned to different schools, you know they do that, and so they become a little bit more knowledgeable about a certain number of schools within that district. There's nothing to preclude them from becoming involved in that process, nothing whatsoever.

SENATOR ABATE: I'm glad to hear that. Also one of my other concerns and maybe you can address, there was a flipping of the

process. It used to be that the superintendent was selected -

SENATOR PADAVAN: Correct.

SENATOR ABATE: -- by the community board with the chancellor submitting a number of resumes -

SENATOR PADAVAN: Correct.

SENATOR ABATE: -- to the board. Now it's a flipping of that process.

SENATOR PADAVAN: That's correct.

SENATOR ABATE: But it does retain the community board in terms of they now have the opportunity of reviewing resumes that are submitted to them by the C-30 process or is it C-37, I guess for the superintendent?

SENATOR PADAVAN: One of the other things -- one of the few things I would take issue with Senator Leichter on is there are still and continue to be lists for principals and superintendents from which -- from which these names, four names -- up to four names must be selected so they all must meet certain minimum requirements of education, training, and

so on. So principals, superintendents come from lists that are there. They don't just get picked out of the air.

SENATOR ABATE: But I think there was great wisdom on the architects of this great legislation to retain the community board in that superintendent's selection.

SENATOR PADAVAN: Yes.

SENATOR ABATE: Why wasn't that same process where you retain the community board's review replicated for the selection of the principal? There's nowhere in the bill - and that's another one of my concerns that I really believe we're going to come back to revisit. It doesn't give power to the community board to select a principal. All I would suggest is it should retain the power of the community board to at least review resumes and submit them to the superintendent.

SENATOR PADAVAN: Well, to the extent that within each school you have that opportunity by the school-based councils that are established here in law and the parental

bill of rights and everything else that's in here in one section or the other and the school board member assigned to that school certainly is not precluded from becoming involved, but as a group, you're right, as a group.

SENATOR ABATE: Why would you retain it for the superintendent and not for the principal selection?

SENATOR PADAVAN: Well, obviously this was a negotiated bill, you understand that, and we were trying to deal with certain abuses. Principal selections -- Senator, I hate to say this, but it has to be said. Principal selections in certain parts of the city of New York were done, if not in an illegal, certainly in an unethical way. It may not have been your district or mine, but it was going on, going on. So in an effort to address that unfortunate circumstance, as rarely as it might occur, this was put in there in this fashion. That's the honest answer to your question.

SENATOR ABATE: And, Senator, how do you envision -- once these school-based

councils are developed, how will they co-exist with the community school boards? Will the school -- community school boards still retain full prerogative on school policy?

SENATOR PADAVAN: Yes.

SENATOR ABATE: Will they share that with the school councils?

SENATOR PADAVAN: The ultimate authority -- and it's specified in here in the section on community school boards with regard to school policy, curriculum, things of that sort -- remain with the community school board. What we have, however, is an opportunity for parents and teachers within a given school to be more proactive in influencing that policy, which I think is a desirable thing.

SENATOR ABATE: Thank you. Just very briefly on the bill.

This is yet -

ACTING PRESIDENT MARCELLINO: Senator Abate, on the bill.

SENATOR ABATE: Yes. On balance I will be supporting this bill, but this is

another example of how flawed our process is. There's some great minds in the state Senate on both sides of the aisle. I have been so impressed by Senator Waldon and Senator Seabrook, Stavisky, Senator Mendez. All the people have raised issues of why this bill is inadequate and deficiency -- has some deficiencies.

If we had a process where not three or four wise men made all the decisions but we, in fact, had the ability where this bill could go back into committee, we could mark it up and do it on the merits of the issue, getting input over time, reviewing it, not just ten minutes before we do a debate, we would have a better bill, not a bill that says it's near perfect or less perfect or it's a bill of compromise but one that really, in fact, protects the children of this city, and until we in the Legislature stop the way we do business, do it differently, we will continue just producing bills that only satisfy half our needs.

So, again -- and you'll probably hear me say I continue to be appalled at our process of producing legislation, but I do believe and I guess I come from a background that if we're going to hold our managers accountable, they have to be given the power to fire and hire. They have to be given the tools, the management and clear authority and then once they ask for it -- and that's what we have been hearing for years. We have been hearing from the chancellor and superintendents they need the power to improve the system to be held accountable. We're going to give them this power and now it is our job to work and make sure they're accountable for the system.

I believe we will have to come back and tinker with this because in order - when we give more power to these individuals, we must ensure that parents, particularly parents and communities are empowered to monitor the activities of these chance... this chancellor and superintendents. We have to ensure that they have information at hand so they can speak

out.

To the extent we create these checks and balances, to the extent we keep them in place, we will have a better system and we will ensure an improvement of education in this city.

My concern is, yes, we need to create these reforms but have we in the process destroyed some of these balances? It is now our job because I believe this bill will pass to really monitor what happens as a result of this bill, not be reluctant if this bill does turn out to be flawed and we have to amend it. It's to be aggressive in monitoring this situation and come back here and take the necessary steps because in the long run, we have a tremendous obligation to the million children in this city, the parents and families that are concerned about these children to make sure we do the right thing.

The process stinks. The bill's okay. It's better than doing nothing, but we have a long way to go to feel that we go back

into their communities and to our communities and say, we've done it all. We've improved the system. We don't have to worry about our children.

I go back tonight to my room, perhaps to New York City at the end of the day not feeling great. We've taken a small measure. We're doing something but there's so much more that needs to be done to improve the education system in New York City.

ACTING PRESIDENT MARCELLINO: Senator Montgomery.

SENATOR MONTGOMERY: Yes. Thank you, Mr. President.

I am sorry that the hour has gotten very late, but I would be remiss if I did not point out some of what I think are the positive aspects of the bill, and I want to just say to my colleagues that I speak with this notice or this article from the New York Times, November 2nd, which lists the 42 schools that the commissioner has identified in the city of New York. Half of them are in the Bronx. About

a forth of them are in Brooklyn and the rest are in Manhattan and Queens. These are schools that have been failing, some of them for so many years that the commissioner has suggested that within two years he is going to decertify them if they are not improved immediately.

I would like to thank the chancellor and the mayor who -- and the Governor and especially the legislative leadership, all of whom -- all of us, I believe have given something that we cared a lot about in order to get a bill passed. So this is really for me a very significant milestone as it relates to education in the city of New York, and I would especially like to compliment the lead sponsor, Senator Padavan, because I know it has been difficult, and I would like to remind my colleagues that it was notwithstanding the Marchi Commission.

I believe the first year that I came into the Legislature was the year that we passed the legislation establishing the Marchi Commission and from that we had hearings on and

on, and we didn't -- nothing happened, unfortunately, and this time, however, for the last over a year now, there have also been hearings on this particular issue and there have been a lot of negotiations and discussions by both legislators and the public, including the press, on various elements of this bill.

So it is not -- though we did not see the bill and certainly I can absolutely not accept the process by which we do most pieces of legislation, this one, in fact, has had an enormous amount of attention and discussion and work by the people who have been involved in it, and I know that we all have so much -- so many other things that we have to attend to that we can't keep up with all of the legislation, but this one has been really debated fairly fully and there's a lot in here I believe that we should feel very good about.

I would just like to focus on the powers and duties of the chancellor as of this legislation because we now for once I think have put in statute the clear and definitive

authority of the educational leader in the city of New York to run the system, hopefully. It says that the -- Section 2590 under "powers and duties," the chancellor shall promote equal educational opportunity for all students in the schools, promote fiscal and educational equity, increase student achievement and school performance and encourage local school-based innovation.

The chancellor shall now, based on this legislation, develop clear frameworks and mandatory educational objectives applicable to all schools and programs throughout the City.

The chancellor shall promote the involvement and appropriate input of all members of the school community to the -- pursuant to provisions of this article, ensuring that the districts do the same.

By 1998, based on this statute, there must be a plan in place whereby every school district will be in compliance with - and I'm reading on page 13. It says they will

be in compliance -- in full compliance and remain in compliance with state and federal law, including Section 100.11, 100.11 which is what parents use a lot to argue that they should be involved in schools. That has not been in statute. It now is.

By 1998 in November, there shall be a parent bill of rights which spells out the rights of parents including access to information about all meetings, hearings of the chancellor, the city board, the community superintendents, the community boards and the schools and they shall have the right to information about their own schools. They shall have the right to participate in decision-making and they shall, in addition, have access to information regarding programs that allow students to apply for admission outside of their districts.

In addition, the chancellor shall establish a publicly inclusive process for the recruitment, screening and selection of district superintendent candidates. That is an

improvement over what we have now.

In addition, the chancellor shall intervene in any district or school which is persistently failing to achieve educational results and standards approved by the city board or established by the state Board of Regents.

To my colleague who has questioned the definition of "persistent failure", it is, in fact, defined in the legislation. On page 18, it says "Persistent educational failure of the school shall be defined in regulations of the chancellor to include a pattern of poor or declining achievement, a pattern of poor or declining attendance, disruption or violence and continuing failure to meet chancellor's performance standards and/or other standards."

In addition, the chancellor shall appoint now a deputy borough chancellor for each of the boroughs in the city of New York.

Mr. President -- Madam President, on school-based budgeting which has been a major

concern of parents in the city of New York as well as community -- other community people, Section 2590 on page 23 states that by November 1998, there shall be a plan whereby school-based budgeting and the school-based budgeting process and all that is inherent in the decision-making around that be in place and be operative.

So let me just say that, no, we certainly have not covered everything in the legislation that we would be concerned about and I certainly would like to see a more perfect piece of legislation, but I can tell you -- no, I will not yield, Madam President. I want to complete my thoughts. I can tell you that as a parent and as a citizen who pays taxes and as a former school board member, as a former school board president and as a person who has supported school board members who have run as recently as this past election, I am totally and completely committed to the process of public education, and one of the things that the chancellor has said on many different occasions is that this system must develop the ability to

correct itself. We are headed on a destructive path as it relates to public education in the city of New York, and if we don't take some steps to make some changes that will at least allow for an opportunity for education to take place and for someone to be accountable for maintaining educational standards, we will not be able to enjoy a public education system as we know it in the next dozen years, clearly.

So, no, this is not perfect. However, Madam President and my colleagues, this is a step in the right direction. It places decision-making authority at the level of the parents, puts it in statute, puts school-based budgeting at the site of the school, gives teachers and principals and parents an opportunity to participate meaningfully in the decision-making process, makes superintendents now accountable to the chancellor who we pay to be head of the education system in the city of New York and gives us an opportunity to at least hold that person accountable for making sure that those standards are maintained.

We must not continue to have dozens and dozens of schools year in and year out sit where there are children in those schools who cannot read, who cannot write, who cannot think, yet at some point in their lives, they are going to come out of those schools and what do we do with them? So we must do something to upgrade education and to upgrade the system of education in the city of New York.

This is a bill that has been agreed upon by our chancellor, agreed upon by the Board of Ed' president, agreed upon by all of the other political parties that we need to have on board. Now it's our turn. It is our turn to say that we support the children of New York and their ability to receive a quality education and that means that someone is now accountable for establishing and maintaining and enforcing that there are educational standards in New York City.

So I am very happy that we are here and, if it takes all night, that's just fine because this is legislation which will

impact on our young people and the state of New York for generations to come.

So, Madam President, I will be supporting this legislation.

THE PRESIDENT: Thank you, Senator Montgomery.

Senator Lachman.

SENATOR LACHMAN: Madam Chair, on the bill, without any questions to Senator Padavan -- we'll let him rest. He's worked hard enough this evening -- I believe that this bill embodies an idea whose time has come and, as Voltaire has said, nothing is as powerful in this world as an idea whose time has come, and whether we realize it or not, ladies and gentlemen, we who are here this evening in this chamber, exhausted and tired and yawning and cold and sleepy, are participating in history, history that has only occurred four other times in the last 195 years.

School governance was changed in 1805, in 1842, in 1896, in 1969 and now in 1996. They all related to specific problems and

they were only successful, those that were successful when they dealt with incremental reform. This bill that we are discussing this evening deals with incremental reform. It does not deal with the entire picture. It does not deal with the second or third story. It deals with the entry level first story.

We could never get a bill out of this chamber or the adjoining chamber if we tried to change the entire picture because there are 101 different ideas, not Dalmatians but ideas, as to how to change the total picture, but we can improve the lot of the school children in the city of New York with this bill with incremental reform. Why?

1. It puts on the desk of the chancellor educational accountability. There will now be a person in the city of New York, not the mayor, not the Governor, not the Majority or Minority Leaders of this chamber or the Speaker or the Minority Leader of the other chamber but the chancellor and the central board of education to make certain that the

educational improvements will continue and what we should do in the next session of the Legislature is create an evaluative mechanism or framework to evaluate this to make certain that this is an improvement that works.

2. It enhances the most important power that any local school board member would want to have and remember local school board members are not defined by federal law as LEAs or members of local educational authorities. That is a power given only to the central board of education. How does this enhance the power of local school boards?

The only way that any board should have its power enhanced, it enhances their policy-making role. That is the job of school board members throughout the width and breadth of the United States and that should be the job of community school board members in New York City as well as central board members in New York City. That is the power given to them in 2590 of the Education Law, I believe Section (e). Correct me if I'm wrong in that.

This law that we are about to pass, because it believes in incremental reform, because it believes you can change everything overnight, is of historic importance. It has zero tolerance for corruption. It has zero tolerance for the idea that some children cannot learn. All children can learn and they should have the very best educational leader fighting for them day and night and that should be the chief educational officer of the city of New York, the chancellor of the city of New York.

So, ladies and gentlemen, the hour is late. I will not keep you longer. All I can say is this is not a bill that I would have necessarily written in all its aspects and its parts, but getting legislative reform through is the science or art of compromise and the Legislature is doing that.

I would have preferred that we would have had more time to review this, that we would have had more input in the process, both Majority and Minority in both chambers, but having said that, the major issue is do we

tonight reach out to major educational reform in incremental steps, or do we reject it and get nothing in return? I go for the former and not the latter and, therefore, am proud to support this legislation.

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Smith.

SENATOR SMITH: Thank you, Madam President.

On the bill. I returned to Albany with great expectations for a true reform in school governance. Once again, I'm disappointed, for all that I think that we've accomplished in this bill is to transfer power from the duly elected school board members to an appointed chancellor, and if I remember correctly, he arrived by plane, not by immaculate conception.

I also believe that the chancellor who is subject to removal if he does not tread lightly or duck swiftly when in

proximity to the mayor of the city of New York has another problem. The enhancement of the chancellor's ability to intervene merits consideration. However, the mechanism is not defined clearly, nor is criteria established to define what a failing school shall mean.

This bill seems to say if a school board member has a conversation with the superintendent or another school board member regarding the assignment of an employee, he or she can be subject to removal.

It further allows the chancellor to remove any school board member or community school district superintendent for conduct which in the judgment of the chancellor is contrary to the best interests of the city school district. Who's to say the chancellor's judgment is not obscured or tainted? I do applaud the training initiatives but see no financial support for this effort.

I'm also a supporter of the parents' bill of rights and a definite advocate of school-based budgeting but these inclusions

are not enough to outweigh the negatives or the admissions within this legislation or to encourage me to vote against the children, the parents and the interests of the community.

THE PRESIDENT: Thank you, Senator Smith.

Looking for Senator Markowitz.

Senator Markowitz.

SENATOR MARKOWITZ: Thank you very much. We've heard a lot of arguments tonight. One thing I'm convinced about that there's not a single piece of legislation that will satisfy all our concerns, may meet all our objectives and overcome many obstacles that face the future of education in New York City.

I think we can all agree, you show me where there's the greatest amount of parental involvement and I'll show you schools that are working almost regardless of any school district boundaries and that's true, and so the prime objective of this legislation, I hope, especially by strengthening parent councils in the schools is to get and challenge our parents

to take a greater interest with their physical being in the schools and to follow up with their children at home to make sure that the school system is working regardless of the professionals that are in the schools. It is the parents ultimately that have to challenge the educational system to work for their kids.

I serve three different school districts, one, one of the best in the city and state of New York, District 22 which I believe the chancellor will make a charter school district and give that district the greatest opportunity to make decisions very largely free from the central board of education.

I represent District 17 that the former chancellor superseded because the political makeup of the board could never come to an agreement on anything, hiring of principals, assistant principals, anything. They hated each other so much that absolutely nothing got done in two years, absolutely nothing, and the system came to a halt.

And then I represent as well

District 15 which recently elected four new school members -- school board members and had been served tremendously efficiently by superintendent Bill Casey and unknown to any of us, the four of those new school board members made a deal and fired him this year, a superb professional that is admired throughout the city of New York, and so they are now advertising for a new superintendent.

So I have three different districts with three different facts. One thing I know that we have to make sure that when all is said and done, we pray that our mayor and the chancellor of the board of ed' have the wisdom and have the foresight, the drive and ambition, skills to be able to live up to the responsi bilities that we are now entrusting in our current and future chancellors.

We have to hope and pray that the mayor of New York and the borough presidents put education on the first level of concern. We have to make sure and hope that the city Legis lature and, yes, this Senate will not turn their

faces away as we've done too many times in the past, ignore the needs of public education in New York City and share, in my opinion, in the responsibility of the current condition of too many of the schools and school districts in New York City today. We share some of that blame and responsibility, and so maybe we have to take this step, the step that we are about to enact to convince all of us that public education must -- must be on the top of our concerns.

I have a prediction, Senator Montgomery and Senator Padavan. I have a prediction. Once we get this school system working again in New York City and once you are convinced that corruption is at the lowest possible level of incidence -- and I hope totally eliminated -- once the fiscal moderates work -- and let's hope the New York City comptroller and the New York State comptroller beef up their fiscal monitors because you show me where the money is, leasing, compliance, procurement, contracts, I'll show you the possibility of corruption, and so we have to

make sure that these bureaucrats that are entrusted with our public monies have proper fiscal monitors to make sure that the law of money is minimized to the greatest degree possible, but something will tell me that they'll be coming back to this Legislature and they'll raise the issue that I think exists today as much as yesterday, and that is that we continue to shortchange the New York City Board of Education with the proper amounts of money that we need to give our kids a real chance at a real quality education.

Senator Cook visited my district about a year ago. You compare the quality of our classrooms and schools, the level of instruction, material, supplies of Westchester, Nassau and Suffolk County compared to schools in the inner city communities such as Senator Smith's, Senator Montgomery and I and others around this room, and you'll understand that you can pass all the governance you want. If you don't give our school system the resources and attention that they need to give kids in the

middle of Brooklyn the same opportunities that children receive in the middle of Westchester, all of this will mean little.

I'll support this because this is a hope that maybe this will work. Maybe this will be the answer because if it brings you to the table and if you take an interest in our educational achievement, then we've taken a major step this evening.

THE PRESIDENT: Thank you, Senator Markowitz.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

I was on the phone with Senator Bruno. I told him I didn't want to hold up this session by finishing our conversation.

Madam President, I have over the years, going back some 25 years long before I was a state Senator, had occasion through a then law practice I had and had for a few years thereafter to see candidates and boards in just about every one of the 32 community school

boards, and I observed as either clients or opponents, candidates that range from the most concerned, caring and often talented people whom anyone would be proud to have making educational policy decisions as well as personnel decisions in any school system in this state, to the mere mediocre, to the outright hustlers, all in various districts. Some districts were fortunate enough over the years to have more of the former. Others generally had more of the middle type and unfortunately a few districts seemed to always get stuck with the hustlers.

You know, I understand long before my time, I certainly understand the concerns and impetus that brought about the concept of community control and, indeed, legitimate aspirations are embodied in that and I think ought to be continued as much as possible, but unfortunately with the sometimes rampant abuses in some districts, sometimes off and on abuses in other districts -- and I've seen cases where, so to speak, the good guys and good women threw out a bad crew and revitalized

the school district and over those years, those decades, literally several generations of New York City school children passed through this system and everyone agrees that in major areas of the City, many, many schools are just broken. The educational system is unresponsive to the parents, the needs of the children, the community, the people they serve and above all, the future of our city and state, and we've all heard charges and certainly the charges -- and many of them substantiated the corruption -- are intolerable and to the extent there may be systemic causes, we ought to root them out.

We have also heard charges they just simply fail as administrators and I have, knowing so many candidates and talked to so many people over the years, you know, simply observed something that many of us observed in our own political life, and that is just because you can win an election, it doesn't really make you a great manager or a great administrator.

In the case of all but our top executive officers in government, it's okay.

Sometimes the finest legislators nationally and on a state level have been people who weren't the world's best administrators, but that's not primarily why they're elected to those offices.

In the case of the administrative powers these community boards had when you had a board -- and as I said, just because you can win an election doesn't mean you know how to do a budget. It doesn't mean you know how to make personnel decisions. In many school districts -- and they run the gamut from the more priv ileged areas of the City to the poorer areas, and I've seen it in all kinds of districts - you have people on the school board making important personnel decisions regarding who's the superintendent, who's the principal and the assistant principal who, because of what their life experience was, probably never interviewed people before in their lives and now they're interviewing candidates for principal because they're on whatever committee of the school board it is and they're making that decision and there have been occasions with some tragic

consequences and other mere unfortunate consequences where the best salesperson, the best snake oil salesperson talked their way into a principalship, to say nothing of those cases where a relative, friend or crony talked their way into a principalship.

The other charges I've heard against the present system have involved the over-politicization of the system. We addressed that some years ago when we ruled that elected officials couldn't run for school boards, party officials couldn't run for school boards, indeed employees of the board of education, teachers, and so on, couldn't run for the school board. We did make that so-called reform, but what I always said at the time is when you set up an election and you say to people, "Get a peti tion, get on the ballot and win an election", why should we be shocked when they behave like politicians? That's what politicians do. They run for office and try to win elections. So that charge has always to me sounded kind of silly. Let's depoliticize the elections. Well,

that's like -- I can think of a million analogies but, you know, if it looks like an election, it's going to attract politicians. It's going to attract people who are very politically sensitive in the positive sense as well as perhaps overly political in the sense that some people find negative when it's connected to the schools because people who would run for office march for support. They encourage and cajole people into backing them. They have to raise money to produce materials and indeed why should we after all these decades be shocked that there's so much politics in the system? We set it up that way many, many years ago.

That brings us down to today - and, you know, I always laugh at some of the reforms. Some of the good government groups that were concerned about too much political involvement in the school board elections were also concerned about the lack of voter participation in the elections. Their solution -- their solution is -- was and it didn't make

it into this bill, though they will study it, their solution is let's hold the school board elections on Election Day when all the politicians run. That'll really help take the politics out of it when, in fact -- and this is a great -- look at all of the reform groups. This is one of the big reforms. Well, I for myself in my 19 years representing at various times -- probably I represented parts of nine or ten community school boards. I have -- and that literally involves over those many, many elections hundreds and hundreds of school board candidates and with the exception of one person one year who was a very, very close personal friend, I have never, ever, ever endorsed a school board candidate and slates would come to me and people would come to me and sometimes I would be helpful to a group of parents and I'd say, "Look, I don't endorse. If you want some technical advice with your petitions, I would be happy to bind them for you as a favor so you're not thrown off the ballot, but I don't endorse in school board elections" and I never did, and

then I started thinking, well, we brought about this great reform and now my name is on the ballot for state Senator and a slate is coming to me and saying, "Connor, endorse us. We're going to be out at the polling places. We're going to have our -- whatever they are, parents, union members, whomever, at all of the polling places pushing our slate of school board candidates. This is the most important thing to us and, if you don't endorse us, you won't be on the materials we hand out and maybe your opponent will be because maybe he or she is more cooperative."

It all sounds familiar to us because we run in elections every two years. That idea of taking the politics out by somehow or other involving the greater electorate and all the political forces that come to bear on Election Day is to me totally absurd and contrary to the stated purpose. It's illogical, totally illogical, yet I read editorials from some of the finest news organizations in this state. I've seen editorials in New York, "Why

don't you make it on primary day", of course, engaging in sometimes the wrong New York City assumption that the only primaries can be in the Democratic Party and only in New York City and I've always said, Well, what's more partisan than primary day, particularly if one party has a primary and the other doesn't? Now we see in this bill a physical impossibility.

Madam President, it reminds me of once reading about the Texas Senator a number of years ago where a member introduced and the Senate unanimously passed a bill to make pi 3.0 because it would be easier for the school children of Texas to learn and remember. They passed the bill, Madam President, but pi remained the same. I think it's -- oh, boy - 3.143 whatever. I used to know more digits after that.

We now have a bill that says this task force is going to work out the details but we're going to keep proportional representation, which is actually the single transferable ballot first used in Shire state, Eire, the Irish Free

State, in 1922 and still applied in the Republic of Ireland only in multi-member districts, not countrywide, and it does ensure Minority representation, but it's a complicated system because you have to transfer ballots.

Madam President, throughout the city of New York, regretfully late because I was on the voting machine commission many years ago that authorized automated voting machines, and I'm sure I'll shock my upstate colleagues because in most places I'm familiar with outside of New York City, you have computerized voting equipment of one kind or other, ATMs, votamatics, this, that and the other thing. We still have old Shoup mechanical machines with a mechanical teller that when you click it, it goes from one to two -- as long as it started at zero as it's supposed to -- to three, to four, and so on. You can't transfer ballots on a Shoup machine, on a mechanical machine.

There are some computer voting machines that can handle that kind of election, but this bill says without paper ballots -- as

if paper ballots somehow were -- you know, I think it's because people don't like the fact that this whole system to count the ballots takes a week or two. We've now mandated that they've -- keep proportional representation, but it can't be on paper. It's got to be on machines.

Madam President, there's no machine today in the city of New York that can do that. It's like the Texas Senate passing a bill, making pi 3.0. It may please some reform minded people who have urged this. I've seen mindless editorials saying why don't we just do it on the machines. It cannot be done. You could hold school board elections on the machines if you used a plurality system or a multiple vote system, and so on. You cannot do that kind of election on a voting machine, not unless you had many days of balloting and many, many machines, and you don't have that.

The other thing, by the way, for those people who say we should have it on regular Election Day, in effect, would

complicate all of our elections because in school board elections in the city of New York, non-citizens and parent voters who are non-residents are allowed to vote, which would mean people would be coming into a polling place in my district who live somewhere else but children go to school there. You let them in the machine. They now vote for state Senator. Maybe they're not a state citizen. They now vote for Congress. It cannot be done legally, and physically you cannot accommodate this election on the machines. So all the good intentions of all the well meaning reformers with respect to the elections, I humbly submit some of us know more about elections than they do.

The fact of the matter, though, is while I'm sponsoring this bill and while it is far from perfect, it does an essential thing. It creates change where change is needed and in and of itself, given the history of the last decade, that's a valuable thing with respect to our school system.

Secondly, we have a chancellor in the city of New York, Dr. Crew -- and I wouldn't care who it was, but he's the current one. I remember meeting with him last year and asked for certain -- more powers and I said, "Dr. Crew, didn't you understand when you took this job and you came in, big salary, beautiful home -- three blocks from my home -- that the city of New York owns, big important job, lots and lots of responsibility, the largest school system there is, didn't you understand -- and, you know, you came in talking about reading scores of fifth graders and third graders, didn't you, Doctor, understand that you absolutely had no power or control over the elementary schools in the city of New York", and he said, "Well, no, I didn't."

It's history. One wonders, I guess. I became a state Senator and came into this body in the Minority and I had no real idea what that was like either, but I had enthusiasm and he has enthusiasm and he has talent.

So I realize we've done something

with this system and we've seen the succession of chancellors go with less than rave reviews or in controversy and some had rave reviews and earned it at a great price.

We give someone responsibility, we say. We politically and in the press hold him accountable for improvements, improvements in reading scores, in math scores, improvements in school attendance, improvements in the conditions in the schools, improvements in the cleanliness of the schools, improvements in the quality of principals and supervision, and so on. We're going to hold him accountable. A year or two down the road the tabloids will start or the reviews will start, the failure of the chancellor or the success of the chancellor. All too often those headlines about past chancellors have intimated failure or at least not achieving goals, yet we do not empower this person one iota to carry out his vision, his philosophy and his agenda and goals. If you cannot put in or have a role in putting into positions of power superintendents, people who

agree with your philosophy, who embrace your enthusiasm and who accept your goals and work toward them, then how can you be held accountable for the failure that results, and if you can't remove people who don't measure up, how can you be held accountable for their failures, and this applies down through the system.

If you are a superintendent and you can't pick the principals that work for you day in and day out or you can't remove a principal or transfer a principal, how can someone hold you accountable for their success or failures and ultimately for your own success or failure, and that's a fundamental principle of management.

We are going to hold the chancellor accountable and we always do usually with a lot of noise and hullabaloo and we don't give them the basic tools that every one of us has and that is to put in place, assisting him in carrying out his agenda the people he thinks meet those criteria. Indeed, we have denied him

the power to remove people who are patently unfit no matter what the agenda goals or philosophy of the person running the system is.

So I don't think this is a perfect bill and we can pick it apart and pick it apart, but it represents change and it does represent giving the power to take action and to compel action to the person in whom we have the expectations that it will do so, and that's a fundamental principle of management, and it's no wonder if you look back that there were failures when, in fact, we put very, very well qualified people who had been a great -- many of whom have been great successes in other large cities, although none -- I mean, you come from a large city school system elsewhere in America and there are more students in the school district in the Bronx and more schools than in entire cities elsewhere, but we've taken people with excellent credentials, great ideas, a good educational philosophy, enthusiasm and willingness to work and we have crushed them, crushed them under our wild expectations that

someone can do something when we don't give them the basic tools to accomplish that. That's why, Madam President, I'm on this bill. That's why I'm voting for this bill.

Thank you.

THE PRESIDENT: Thank you.

Read the last section, please.

SENATOR PADAVAN: Madam President, if I may.

THE PRESIDENT: Oh, I'm sorry. Senator Padavan.

SENATOR PADAVAN: I will be very, very brief in closing debate.

The final remarks of the Minority Leader, I think crystallize something that I said about three hours ago and I'm grateful to him for repeating it. If there's any one component in this bill it's now that we are now statutizing a system of authority, responsibility and accountability that we didn't have previously.

I would also point out -- I'd also point out with regard to his remarks

relevant to voting, we have provided a mechanism to do away with that proportional system as he pointed out by using the machine and having that task force come back and tell us how we best could do it and that will be an improvement.

Most of what I would say here and now has been said by all of you and I'm not about to repeat it. I think we're making a major step forward. This is not the end. I don't think there's ever an end -- can ever be an end to the issue of education, of governance or whatever you want to call it, as long as a system of the size of the city of New York exists and as long as we exist.

Future legislative bodies, whether you and I are here or not is irrelevant, will be considering changes to what we are doing today and properly so because the system is dynamic. It's not static. The problems that we are experiencing today we did not experience a decade ago and the problems ten years from now will be different than they are today and that will require a response from responsible people,

legislators and advocates and educators throughout the system.

So, Madam President, I call for the last section.

THE PRESIDENT: Thank you, Senator Padavan.

Read the last section, please.

THE SECRETARY: Section 16. This act shall take effect in 90 days.

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE PRESIDENT: Votes will be recorded in the negative.

THE SECRETARY: Those recorded in the negative on Calendar Number 1 are Senators Gold, Kruger, Marchi, Santiago, Seabrook, Smith, Stavisky and Waldon. Ayes 48, nays 8.

THE PRESIDENT: The bill is passed.

Senator Johnson.

SENATOR JOHNSON: Madam President, may we now take up Calendar Number

2.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 4, and substitute it for the identical Third Reading Calendar Number 2.

THE PRESIDENT: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2, by the Assembly Committee on Rules, Assembly Print Number 4, an act to amend Chapter 166 of the Laws of 1991, amending the Tax Law.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Is there a message at the desk?

THE PRESIDENT: Yes, there is.

SENATOR JOHNSON: I move we accept the message.

THE PRESIDENT: All in favor of accepting the message at the desk signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

THE PRESIDENT: The bill is passed. Recording in the negative, Senator Stachowski.

SENATOR JOHNSON: Stand at ease for a few moments, Madam President.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Madam President, I was out of the chamber when the vote for Calendar Bill Number 1 was taken. I would like to vote in the negative.

THE PRESIDENT: Without objection.

SENATOR MENDEZ: Thank you.

THE PRESIDENT: The Senate will stand at ease.

(Whereupon, the Extraordinary Session of the Senate stood at ease from 11:10 p.m. until 11:33 p.m.)

ACTING PRESIDENT KUHL: The Extraordinary Session will come to order.

SENATOR JOHNSON: Mr. President, the Senate will continue to stand in recess in the Extraordinary Session. We'll reconvene the Regular Session.

ACTING PRESIDENT KUHL: All right. The Extraordinary Session will stand in recess.

(Whereupon, the Senate stood in recess from 11:50 p.m. until 12:27 a.m.)

SENATOR BRUNO: Mr. President, at this time can we reconvene the Extraordinary Session.

ACTING PRESIDENT KUHL: The Extraordinary Session will come to order.

Senator Bruno.

SENATOR BRUNO: Mr. President, we

have a resolution that we are handing up. We ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 5, appointing a committee to inform the Governor that the Senate has completed business and is ready to adjourn.

ACTING PRESIDENT KUHL: The motion is to adopt the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

The Chair appoints Senator Johnson and Senator Lachman to wait upon the Governor and inform the Governor that the Senate has completed its business and is ready to adjourn.

Senator Bruno.

SENATOR BRUNO: Mr. President, we

have another resolution that we're handing up. We ask that the title be read and we move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 6, appointing a committee to inform the Assembly that the Senate has completed its business and is ready to adjourn.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

The Chair appoints Senator Spano and Senator Seabrook, because he did such a great job on the last one, to wait upon the Assembly and inform the Assembly that the Senate has completed its business and is ready to adjourn.

On the prior committee, I note that Senator Lachman was not here. So Senator Johnson and Senator Abate would wait upon the Governor to inform him that we have completed our business and are ready to adjourn.

Senator Bruno.

SENATOR BRUNO: Mr. President, we have a final resolution. We ask that the title be read and move its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 7, adjourning the extraordinary session.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor of the resolution signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

SENATOR BRUNO: Mr. President, we have finished our business in the Regular

Session and Special Session and wish everyone here a Merry Christmas and Happy New Year and safe journey home.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Extraordinary Session is adjourned.

(Whereupon, at 12:34 a.m., December 18, 1996 the Extraordinary Session of the Senate adjourned.)