NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

August 6, 2009

10:58 a.m.

REGULAR SESSION

SENATOR NEIL D. BRESLIN, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT BRESLIN: The Senate will please come to order.

I ask all to rise and repeat the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT BRESLIN: In the absence of clergy, may we bow our heads in a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT BRESLIN: Thank you.

The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, August 5, the Senate met pursuant to adjournment. The Journal of Tuesday, August 4, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BRESLIN: Without objection, the Journal stands approved as read.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we please recognize Senator Serrano.

ACTING PRESIDENT BRESLIN: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President. Thank you, Senator Klein.

As we all know here in this chamber, we lost an esteemed former Senator, a true pioneer, a wonderful loving colleague in Olga Mendez, who passed away last week.

People use that term "pioneer," but she was much more than that. Yes, it's true, she opened doors for all of us, for people like myself to even dream of being an elected official. She was a fighter, a true fighter for her community, but she never lost her human touch.

And some may not expect to hear this from me, because we were opponents, but that was the beauty of Olga, that it was never personal. It was about her community. And we fought a very respectful campaign, but she was always so loving to me and always so kind to

me.

And after it was all over, we became good friends and would speak on the phone quite regularly, and she would give me advice, mainly about the need to work in a bipartisan fashion, which I tried to do.

With Olga it was never personal. It was about love, it was about caring, it was about helping everyone in her community. And she was cared about so deeply by so many.

And Olga had a special way of being able to use her charm, her wit, her personality, her intelligence to get things done that needed to get done for her community.

So I will spend the rest of my career endeavoring to live up to her legacy. Olga Mendez, a trailblazer in every sense of the word, a loving, caring individual whose heart knew no bounds, who graced this chamber for many years with charm and just -- people just loved to be around her.

I miss Olga. My condolences go out to her family and to everyone in the East

Harlem-South Bronx community who is mourning her loss. I miss you, Olga. I love you. God bless you, and rest in peace.

Can I ask for a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT BRESLIN: Senator Huntley.

SENATOR HUNTLEY: Thanks, Mr. President.

At this time I would like to offer condolences to Senator Ruth Hassell-Thompson, who lost her mom. And I just want her to know that her mom was a fantastic person, did a lot in the community, well-respected, well-loved, and was in her nineties, which is a great life to live.

And knowing Ruth and all her stamina and her "go get 'em" -- you know, her mom taught her a lot.

And I just want to say to Ruth she has my condolences, the condolences of my family, and I would like to offer a moment of silent prayer for her mom.

ACTING PRESIDENT BRESLIN: Can we have a moment of silence for Delesta Taylor Hassell, the mother of Senator Ruth Hassell-Thompson.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT BRESLIN: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President. I just want to speak on the loss of Senator Olga Mendez.

You know, we humans, we have the tradition of speaking good about a person when they are dead. After they are dead, we all speak how good, how decent, how great the person was. But during their lifetimes, we don't even care, we don't even notice that.

And one of those occasions is Olga Mendez. You got to see how many politicians, how many people are speaking so good about Olga Mendez, how many elected officials attended her services. And that should be a lesson for our community, a lesson that our community should learn.

When Olga Mendez switched parties and she became Republican, we all cursed her, we all jumped on her, we all went after her with passion. And we spoke so evil about her, and we did so many things against her because she switched parties. We never remember all the thirty-plus years, the good things that she did, the fighter that she was, the commitment that she had for our community.

And the day that she lost the election, that was the day that the community lost her. The community didn't lose her the other day when she died. Our community lost Olga Mendez when she lost the election. And we knew, we knew the fighter she was, we knew how great she was, we knew how committed she was to our community, but we didn't care. When you change your party, you're dead. And that should be a lesson to our community.

And I was one of those elected officials in her services this week, Monday, and I sat in there and I said, man, what a bunch of hypocrites we all are. Now we are sorry that we lost her.

I went to see her at the hospital, and I prayed with her while she was in the hospital. And I said to myself, we lost a great leader, a great Senator, a great fighter from our community -- not the day that she died, the day that she lost her election. Just because she changed her party.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Diaz.

I'd remind all the members that there will be a more fitting tribute, a more permanent tribute in September when we come back in session.

So Senator Volker.

SENATOR VOLKER: Yeah, very quickly.

I just want to say, first of all, commending Senator Hassell-Thompson for being here. There aren't too many people who lost a mother so recently that would have the dedication to be here, and I want to commend you for being here, very much.

The second thing I just want to say

is I spoke with Olga earlier this year after she received the notice on the Senate Club. And she was really very, very weak then, and she said: "Dale, I have to tell you, I just don't think I'm -- I'm not going to be able to make it. But I want you to tell everyone up there that I miss them and I love the Senate."

Just one final thing about that, though. I think those of us that knew Olga realized what the problem was. And it's an example for a lot of people. Olga Mendez was an extremely heavy smoker. I mean extremely heavy.

And unfortunately, a lot of us tried to say to her, Olga, you know -- she was still, for a long time -- you've got to deal with this, because it will eventually do you in.

And I just want to mention that, because she did what she wanted to do. But I don't think there's any question if it wasn't for her heavy smoking, she'd still be with us. And she was a wonderful person.

ACTING PRESIDENT BRESLIN:

Returning to the order of business, presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, I have two motions.

First, on behalf of Senator Stavisky, I wish to call up Calendar Number 911, Assembly Print Number 6391.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: Calendar Number 911, by Member of the Assembly Glick, Assembly Print Number 6391, an act relating to reporting.

SENATOR KLEIN: I now move to reconsider the vote by which this Assembly bill was substituted for Senate Print Number

3603 on July 16th.

ACTING PRESIDENT BRESLIN: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

SENATOR KLEIN: I now move that Assembly Bill Number 6391 be recommitted to the Committee on Rules and that the Senate Bill be recommitted to the Committee on Rules.

ACTING PRESIDENT BRESLIN: The bill is before the house and restored to its place on the Third Reading Calendar.

SENATOR KLEIN: Mr. President, on behalf of Senator Breslin, I wish to call up Senate Print Number 2088, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: Calendar Number 50, by Senator Breslin, Senate Print 2088, an act to amend the Insurance Law.

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Mr. President, I

now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT BRESLIN: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT BRESLIN: The bill is before the house and restored to its place on the Third Reading Calendar.

SENATOR KLEIN: Mr. President, I now move to recommit the bill to the Committee on Rules.

ACTING PRESIDENT BRESLIN: So ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, can we now at this time take up privileged Senate Resolution Number 2949, which is at the desk. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: By Senator Sampson, Senate Resolution Number 2949,

providing for a Senate Select Committee on New York City School Governance.

ACTING PRESIDENT BRESLIN: Senator Sampson.

SENATOR SAMPSON: Thank you very much, Mr. President. I just rise in support of this resolution in support of the issue of school governance and putting a committee together to make sure that we monitor the progress with respect to the school governance bill.

And I look forward to my colleagues on both sides of the aisle working together to ensure that we continue the progress for our 1.1 million children in the City of New York, but most of all making sure that the parental involvement and the voices are heard with respect to our constituencies.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Sampson.

Are there any other Senators wishing to be heard?

Senator Perkins.

SENATOR PERKINS: Thank you, Mr. President. I rise also to express my support of this resolution.

You know, the public school system in New York City is presently under what has come to be known as mayoral control but in effect has been about mayoral dictatorship. And I support this resolution because I believe that it provides us with an opportunity to end that type of dictatorship, to end that raw political approach that's been taken to the public school education for our children in New York City that has created a whole lot of havoc and controversy.

So to the extent that this select committee has value, hopefully that value will be to curb the excessive use of the influence of the mayor in the policies that have shown themselves not to have been good for the children of the City of New York.

In fact, just this week, the Times reported that the gap between children of color -- black children, Latino children -- and white children has not in any way

diminished. This is in the era of the 100th anniversary of the NAACP. In the era when we are expecting to see a more enlightened approach to education, we are seeing something quite the opposite.

So I look forward to working with this committee and hope that it will get passed.

ACTING PRESIDENT BRESLIN: Senator Larkin.

SENATOR LARKIN: We're listening to someone, Senator Perkins, talking about a resolution. I don't see any on my desk. I don't even know what we're talking about, then. There's nothing on our desks, at least mine or the people next to me.

I think if we're going to be discussing something, I think we ought to have the courtesy of having that resolution in front of us.

ACTING PRESIDENT BRESLIN: Senator Larkin, are you satisfied?

SENATOR LARKIN: I have a copy. Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Larkin.

The question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, can we at this time take up Senate Resolution Number 2933, by Senator Diaz. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: By Senator Diaz, Legislative Resolution Number 2933, commemorating the 52nd Annual German-American Steuben Parade.

ACTING PRESIDENT BRESLIN: The

question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, there will be an immediate meeting of the Finance Committee in the Majority Conference Room, followed by an immediate meeting of the Rules Committee in the Majority Conference Room.

Pending the return of the Rules Committee, can we please stand at ease.

ACTING PRESIDENT BRESLIN: There will be an immediate meeting of the Finance Committee in the Majority Conference Room, 332, followed by a meeting of the Rules Committee.

The Senate will stand at ease pending these two committee reports.

(Whereupon, the Senate stood at ease at 11:16 a.m.)

(Whereupon, the Senate reconvened at 12:22 p.m.)

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Mr. President, if we could return to the order of reports of standing committees, I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT BRESLIN: Senator Klein, there is a report of the Rules Committee here at the desk.

The Secretary will read.

THE SECRETARY: Senator Smith, from the Committee on Rules, reports the following bills.

Restored: Assembly Print 8956A, by Member of the Assembly Weinstein, an act to amend the Civil Practice Law and Rules.

Reported: Senate Print 5968, by Senator Sampson, an act to amend the Family Court Act;

6104, by Senator Dilan, an act to

amend the Education Law;

6105, by Senator Serrano, an act to amend the Education Law;

6106, by Senator Adams, an act to amend the Education Law;

6107, by Senator Huntley, an act to amend the Education Law;

And Senate Print 5887, by Senator Padavan, an act to amend the Education Law.

All bills ordered direct to third reading.

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: I move to adopt the Rules Committee report.

ACTING PRESIDENT BRESLIN: All in favor of adopting the report of the Rules Committee please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The report of the Rules Committee is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a report of the Judiciary Committee at the desk.

ACTING PRESIDENT BRESLIN: Senator Klein, there is a report of the Judiciary Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Sampson, from the Committee on Judiciary, reports the following nomination.

As a judge of the Court of Claims, Mark D. Cohen, of Stony Brook.

ACTING PRESIDENT BRESLIN: Senator Sampson.

SENATOR SAMPSON: Thank you very much, Mr. President.

This is a reappointment for the Honorable Mark Cohen, from Suffolk County, who was here last month.

I had time to speak to him, he did come before the committee. Due to a prearranged vacation schedule, he could not be here today, but he did report before the

committee. He was in attendance the last go-round. And I would like to move his nomination.

ACTING PRESIDENT BRESLIN: Are there any other Senators who wish to be heard?

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Mr. President.

As the ranking member of the Judiciary Committee, I just want to thank the chairman, Senator Sampson. Mr. Cohen did appear before the committee, was more than qualified, has done a great job as a judge of the Court of Claims, and I would second the nomination.

Thank you.

ACTING PRESIDENT BRESLIN: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President.

I too want to thank Senator Sampson for moving this nomination along and congratulate Judge Cohen, who does have an outstanding record as a judge of the Court of

Claims.

I'd just quickly add, as many of us know, there are people that we work with who oftentimes can make us much better at what we do. Judge Cohen is fortunate enough to have a lawman with him named Mr. Fagan who has made him an even better judge. And all too often we forget the people who work around our members of the judiciary. I just wanted to congratulate both of them.

Thank you.

ACTING PRESIDENT BRESLIN: The question is on the motion to confirm the nomination of Mark D. Cohen to the Court of Claims. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed?

SENATOR FOLEY: No.

ACTING PRESIDENT BRESLIN: Senator Foley will be recorded in the negative.

The motion carries. The nomination

is hereby confirmed.

Senator Diaz will also be recorded in the negative. Senator Craig Johnson will also be recorded in the negative.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT BRESLIN: Senator Klein, there is a report of the Finance Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator C. Kruger, from the Committee on Finance, reports the following nomination.

As a member and chairman of the State Liquor Authority, Dennis Rosen, of Orchard Park.

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Mr. President, will you please move the nomination.

ACTING PRESIDENT BRESLIN: Are

there any other Senators wishing to be heard on the nomination?

Senator Johnson.

SENATOR CRAIG JOHNSON: Thank you very much, Mr. President. Just very briefly.

I wish to second the nomination for Dennis Rosen for the chairman and member of the SLA, the State Liquor Authority.

Mr. Rosen appeared before the Investigations Committee this morning and gave some very detailed responses to some very difficult questions.

There's no doubt that this is a very challenging position and that the State Liquor Authority has hit some very troubled times. And I am confident that with Mr. Rosen at its helm, and under his leadership, we will see those better days that are much needed for this authority.

So I wish him success -- that success is desperately needed over there -- and I congratulate him on his appointment.

Thank you very much.

ACTING PRESIDENT BRESLIN: Thank

you, Senator Johnson.

The question is on the motion to confirm the nomination of Dennis Rosen.

Senator Squadron.

SENATOR SQUADRON: Thank you very much, Mr. President.

I rise as well to speak on the nomination of Dennis Rosen for chair of the State Liquor Authority.

This is unquestionably one of the single most important jobs in the State of New York. The chair of the State Liquor Authority and the State Liquor Authority oversee an arcane and often anachronistic body of law that affects small-business owners across the state.

It also affects communities in my district in a way that cannot be overstated. The profusion of liquor licenses, the inability to have a consistency that would work better, frankly, both for the small-business owner and for the community, has been nothing short of a disaster in parts of my district across Lower Manhattan.

I was pleased to get to meet Dennis Rosen over the phone, have an extensive conversation, speak to him at the Investigations Committee this morning. His openness and willingness to learn, his awareness of the significant challenges that the State Liquor Authority faces, and the incredibly urgent need for true reform is refreshing.

I look forward to hosting hm in my district, showing him some of the effects that the State Liquor authority has had in my district, and look forward to working with him. I am very proud to vote in favor of him and look forward to many changes under his leadership at the State Liquor Authority.

Thank you.

ACTING PRESIDENT BRESLIN: Senator Robach.

SENATOR ROBACH: Yes, Mr. President. I too would like to congratulate Mr. Rosen on this appointment and say I'm looking forward to working with him.

While sometimes people who aren't

affected by SLA really don't know a whole lot about it, certainly in my community in Rochester, New York, and upstate New York, we are constantly on the phone with employees, really trying to move that process and certainly not try to circumvent anything but shorten the waiting time it takes to get a business going, a license going of someone who's been in operation for a while. So it's really going to become our mutual consistency.

And I wish you well in your new job and look forward to working with you.

ACTING PRESIDENT BRESLIN: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, I rise to support the nomination of Mr. Rosen to be a member of the State Liquor Authority and chairman of that important board.

And I rise in support of him not because he's a graduate of the Harvard Law School, not because he had a distinguished career within the Attorney General's office in Western New York, but rather because he is the son of a small-business owner. And his

comments to me and to the committee at his appearance before the Senate Finance Committee I believe were telling and important that he can focus on small business. And that's what we need to enhance in New York State.

And I look forward to working with the new chairman to ensure that our businesses, particularly those in the Finger Lakes region that depend on the tourist dollar, can continue to help in New York's economy.

I support this nomination and thank you, Mr. President, for the opportunity to speak on its behalf.

ACTING PRESIDENT BRESLIN: Thank you, Senator Nozzolio.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. I also rise in support of Mr. Rosen's nomination.

We had a conversation in the Finance Committee where I pointed out the problems of those of us who represent suburban communities where bars are located and in many

cases, in some cases, can be hot spots or spots where trouble arises. Gangs have moved into certain areas and claimed bars as their turf and created problems in our communities.

They're asking that the Liquor Authority, who is understaffed and needs help -- and we hope to give it to them -- gets out and works more closely with the local police precincts and with the local authorities to rid our neighborhoods of these bars and locations where nothing but trouble occurs and no good actually happens.

So we look forward to that. I intend to be on the phone with you, Mr. Rosen, with some frequency on that issue because it is a concern of mine, it is a concern of my constituents. And I look forward to working with you in the future.

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Marcellino.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I also rise to support Mr. Rosen for this position. This is one that every legislator in both houses works with this agency constantly, and of course many times frustrated because of the delays and so forth. But basically so much of this delay is caused by the fact that they are shorthanded, something that we should recognize and be able to support that agency.

But let me just say, on the candidate that is before us, I don't think that anybody could be more suited for this position with the background that he has in the Attorney General's office, having served under several administrations and worked in the Attorney General's office. And I think that that makes for a great commissioner.

And certainly he's eminently qualified, and it is with enthusiasm that I support his nomination.

ACTING PRESIDENT BRESLIN: Thank you, Senator Farley.

Senator Volker.

SENATOR VOLKER: Yes,

Mr. President. Very quickly, Dennis Rosen is a constituent of mine from Western New York. He has served under a number of Attorney Generals. In fact, he was first appointed, I believe, under Dennis Vacco. His immediate superior I believe was my counsel, J.R. Drexelius.

As I said at the meeting, part of the problem with the SLA, I don't believe that some of people who died at the World Trade Center have been totally replaced. There were SLA people who died at the World Trade Center.

It has been an vastly underfunded agency. It unfortunately is an agency which is rife for what's happening apparently in New York City, because when things are so delayed, certain things happen.

This is something that the Bureau of the Budget should better look at, because it is a money gainer not a money negative. One of the things we must understand is some businesspeople don't understand that there are certain agencies that we need people to make us money, and the SLA is one of those.

I wish you the best of luck, Dennis.

ACTING PRESIDENT BRESLIN: The question is on the motion to confirm the nomination of Dennis Rosen as a member and chair of the State Liquor Authority. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The motion carries. The nomination is hereby confirmed.

Dennis Rosen is in the gallery, and we all congratulate him. And I think all of us want him to do the best job imaginable.

(Applause.)

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Mr. President, can we now please move to a reading of the calendar.

ACTING PRESIDENT BRESLIN: The

Secretary will read.

THE SECRETARY: Calendar Number 842, by Member of the Assembly Weinstein, Assembly Print Number 8956A, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 7. This act shall take effect September 1, 2009.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Senator Young, to explain her vote.

SENATOR YOUNG: Thank you, Mr. President.

The County Clerks Association has removed their opposition to this particular bill. But there still is some concern out there that this is an unfunded mandate for the counties, and therefore I vote no.

Thank you.

ACTING PRESIDENT BRESLIN: Senator Young will be recorded in the

negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 842 are Senators Alesi, Griffo, Nozzolio, Seward and Young.

Ayes, 51. Nays, 5.

ACTING PRESIDENT BRESLIN: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 953, by Senator Sampson, Senate Print 5968 --

SENATOR MARCELLINO: Lay it aside.

ACTING PRESIDENT BRESLIN: The bill is laid aside.

THE SECRETARY: Calendar Number 954, by Senator Dilan, Senate Print 6104, an act to amend the Education Law.

ACTING PRESIDENT BRESLIN: Read the last section.

SENATOR SALAND: Lay it aside.

ACTING PRESIDENT BRESLIN: The

bill is laid aside.

THE SECRETARY: Calendar Number 955, by Senator Serrano, Senate Print 6105, an act to amend the Education Law.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2009.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Senator Serrano, to explain his vote.

SENATOR SERRANO: Thank you very much, Mr. President.

I've been a staunch advocate for the arts over the years, especially arts education. And I strongly believe that the arts play a vital role in ensuring that our youth receive a well-balanced education that will provide them real opportunities in life.

That's why I'm proud to sponsor

this piece of legislation to create an arts advisory committee. The committee will provide oversight on arts education within the New York City school system. It will be empowered to advise and comment on all educational policy related to the arts, issue annual reports on the effectiveness of arts education in city schools, hold public meetings to help foster public debate and awareness regarding how to move arts education forward.

And what makes this legislation empowering is that the advisory committee will also make recommendations for improvement. This means that the public dialogue is not a simple recital of problems; rather, a discussion of focused and real methods New York City can employ to improve educational outcomes.

I deem all aspects of this bill to be essential in moving arts education forward and advancing public awareness regarding the importance of arts in our children's education. While it cannot be denied that

courses such as reading and math are critical to a child's education, I and many others believe that arts courses are critically important.

It is important that we not make the mistake of thinking that the only critical courses are the ones linked to statewide testing standards. It has been proven time and time again, with study after study, that children who are taught music and art do far better in courses like reading and math.

The arts also open doors for better cognitive thinking and awakens passions for self-expression and individual thinking, attributes that will foster our next generation of great thinkers and leaders.

It is well documented that arts education provides students with the ability to develop a number of critical skills -- skills like self-discipline, teamwork, problem solving, and the list goes on and on. Such skills are critical not only to scholastic and academic success, but also to future workforce success. In today's world, when young people

can expect to have jobs in more than one field and work with colleagues from different parts of the world, these skills are essential.

There are state requirements on the books, but they are not being met. In New York City, in the 2007-2008 school year, according to the DOE, only 8 percent of elementary schools were in a position to meet the minimum requirements established by the state by offering all four arts forms in each grade, and less than half of middle schools met the state's requirements. These numbers are abysmal, yet without proper oversight they went largely unnoticed.

As one might expect, these compliance statistics are especially appalling in communities with a high concentration of low-income families, many of which fall into my own district in East Harlem and the South Bronx. It should not matter if a student resides on 104th Street or 84th Street. Access to arts in schools must not be dependent on where a student lives and income of the student's parents.

By creating this advisory committee, there will be a mechanism in place to identify the lack of compliance with arts education standards and, more importantly, develop a sufficient remedy.

While I stand here on the Senate floor, I can't help but think about all of the arts and music teachers who work hard every day and fight hard for the resources needed to teach their craft to their eager students. They never give up hope that they will be able to reach inside that young person's mind and help flip the switch that will awaken a lifetime love for the arts and music and a passion for what is truly beautiful in this world.

I think about the late, great Fred Daris, who for generations taught everything from classical music to Shakespeare to students in the South Bronx at Berger Junior High School. His tireless efforts helped create eventual leaders; one of them is my father. From Fred Daris I learned firsthand at a very young age how the arts can translate

to countless positive things outside the classroom and maybe even help change what happens in the street.

To be clear, there is a lot of work to be done, both on the city and state level, to ensure arts education is getting the attention it deserves. We must continue to look for new ways to ensure that children get the type of quality education they deserve. Still, this legislation is a very important step forward, and I'm proud to stand here to sponsor it.

I'd like to thank the advocates who helped, such as the Center for Arts Education and the New York State Alliance for Arts Education. Finally, I'd like to thank Mayor Bloomberg and Deputy Mayor Walcott for their commitment to arts education. And I look forward to viewing this legislation as a starting point to help greater advancement for arts in the classroom.

Thank you. I vote yes.

ACTING PRESIDENT BRESLIN: Thank you, Senator Serrano.

Senator Serrano will be recorded in the affirmative.

Senator Perkins, to explain his vote.

SENATOR PERKINS: Thank you very much, Mr. President.

First let me begin by commending my colleague Senator Serrano for his visionary understanding of the role that arts plays in the child's development, especially in our educational system when it is not in the context of mayoral control.

However, in that context, it does not get the chance to flourish and provide all those wonderful things that my colleague just pointed out. And so for that reason, as well as because the advocates such as the Center for Arts Education have determined that this particular approach will not be as effective as I think Senator Serrano had in mind, I'm going to have to vote no on this resolution.

In fact, I will say now that I'll be voting no on all the resolutions because again, I believe that in the context of

mayoral control, that the intention and the vision that these have will be crippled and that what we hope to achieve will not be achieved.

So thank you very much. I vote no.

ACTING PRESIDENT BRESLIN: Thank you, Senator Perkins.

Senator Perkins to be recorded in the negative.

Announce the results.

THE SECRETARY: Ayes, 55. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT BRESLIN: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 956, by Senator Adams, Senate Print 6106, an act to amend the Education Law.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same --

SENATOR MORAHAN: Lay it aside.

ACTING PRESIDENT BRESLIN: The bill is laid aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 957, by Senator Huntley, Senate Print 6107, an act to amend the Education Law.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, certainly the purpose of this bill is clear. And while I may question the necessity for the kind of training center in each of the boroughs that the bill provides, I'm more concerned about

the last paragraph in the bill, which makes reference to the City of New York providing annual funding to the center in an amount equal to that provided in appropriation by the state, but not to exceed $800,000 per year.

I'm not exactly certain what that obligates the state to do, whether in fact it obligates an appropriation by the state. I'm not exactly sure what happens if the cost of these centers exceeds some $800,000, if that somehow or other is going to result in yet additional appropriations being required of the state.

I realize the Assembly hasn't acted on this bill yet, but it may well. And given the fiscal crisis that we find ourselves in at this particular time, anticipating coming back within the next month or two having any number of bills that have been vetoed for appropriations not provided for in the budget, I'm going to cast my vote in the negative on this.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank

you, Senator Saland.

Senator Saland will be recorded in the negative.

Senator Perkins, to explain his vote.

SENATOR PERKINS: Again, thank you, Mr. President. I'm going to be voting no again on this.

There's nothing more important than the involvement of parents and the empowerment of parents in this process of educating our children. Mayoral control, as we have come to know it, is mayoral dictatorship, and parents have been crippled to the point of tears and outrage about the fact that they are not. And this bill unfortunately, in that context, will not give them the opportunity to play a meaningful role.

And in fact I have received numerous complaints from parents that have asked me to make sure that we do not allow mayoral control to be continued. Of course we'll do what we can towards that end.

But nevertheless it is clear, at

least in my district, that what we have been experiencing has been a horrible thing for parents and their involvement -- and especially within the context of something called mayoral control as it is being proposed and as these amendments will be attached.

I should also point out to you that I have also received numerous phone calls from my constituents: "Thank you for voting against mayoral control. There is a robocall saying that your vote condemns our children." She doesn't agree, and they want us to make sure that we vote against mayoral control.

And so even as the mayor has attempted to get our communities to come out against us, it has backfired. Because the calls that I got, the numerous calls that I got were telling me not to be supportive.

So again, I'm going to be voting no. And I hope that my colleagues understand that I agree with them in terms of the importance, but this is not the way that my constituents feel that it can be achieved.

ACTING PRESIDENT BRESLIN: Thank

you, Senator Perkins.

Senator Perkins will be recorded in the negative.

Senator Diaz, to explain his vote.

SENATOR DIAZ: Just to let you know, Mr. President, that I'm joining my colleague Senator Perkins.

And I'm going to take advantage of his explanation to make it mine and also to let you know that on the previous bill, 955, I'm also voting no. And I am joining my colleague from Manhattan and the Bronx united against this thing. Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Diaz.

Senator Diaz will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 957 are Senators Bonacic, Diaz, Flanagan, Griffo, O. Johnson, Lanza, Maziarz, Nozzolio, Perkins, Ranzenhofer, Robach, Saland and Young. Also Senators Larkin and Morahan.

Ayes, 41. Nays, 15.

ACTING PRESIDENT BRESLIN: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. Can we withdraw at this time the lay-asides on Calendar Numbers 954 and 956 and have those bills returned to the noncontroversial reading.

ACTING PRESIDENT BRESLIN: Bills 956 and 954 will be restored to the noncontroversial reading, and we will continue with Calendar Number 954.

The Secretary will read.

THE SECRETARY: Calendar Number 954, by Senator Dilan, Senate Print 6104, an act to amend the Education Law.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2009.

ACTING PRESIDENT BRESLIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 954 are Senators Diaz and Perkins.

Ayes, 54. Nays, 2.

ACTING PRESIDENT BRESLIN: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 956, by Senator Adams, Senate Print 6106, an act to amend the Education Law.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2009.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN:

Senator Perkins, to explain his vote.

SENATOR PERKINS: Again, I want to commend my colleague Senator Adams and company for their very, very important concern and interest in the safety of our children. Clearly, that is very, very important to all of us.

However, you know, as we are presently managing safety in our public schools in New York City, it is effectively putting into the closet the role of the educators, the principals and the teachers and related staff who have often been in confrontation in that arena. And there have been instances, too many instances in which police action was taken when other types of action did not need to be taken.

Our schools are beginning to almost look like steps towards prison because of the fact that there's so much policing of that type being done when in fact we don't need to police necessarily to do it, that there are other ways that it can be done.

And so again, this is an idea that I think is important. But in the context especially of mayoral control, the type of dictatorship that we've seen, I cannot support it and I will be voting no.

ACTING PRESIDENT BRESLIN: Thank you, Senator Perkins.

Senator Perkins will be recorded in the negative.

Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Mr. President.

First, I thank you, Senator Perkins. And I want to really take a moment to thank, as I explain my vote, my colleagues on the other side of the aisle -- particularly Senator Lanza -- for really understanding why this issue was so important to us.

And some of the calls we received as we debated this issue several weeks ago, they understood that these chapter amendments were important. And they understood why there was a lot of discussions and this was a very tense argument.

And I just want to especially acknowledge Senator Huntley and Senator Dilan and the conference leader, Senator Sampson, of trying to put together a very difficult issue.

And the most important part of this issue, as I spoke with some of my colleagues on the other side of the aisle, is that we're now in the position where we have a committee that can raise the questions. Because the only thing we want is for our children to be educated.

It doesn't matter who's the mayor that's doing it, it doesn't matter what process is put in place -- as long as we know that the numbers that are put before us are the real numbers and we're not using Bernie Madoff-type math to take away the future of our children. If the numbers are correct, then we will all see them and the transparency we're getting.

This amendment that I put forward is dealing with public safety. Public safety starts with a conversation. We don't want our children in small fights -- I don't know

anyone in here that didn't get into some form of a fight in school. I had three. And if I was arrested each time I pushed someone or did something inappropriate, I would not have become a police officer.

So I want to thank all of us for coming together, finding a resolution, continuing the process of educating our children. And a special note to my friend in the rafters, Deputy Mayor Walcott, for his commitment to the education of our children.

This is an important issue. This is important to us all. And that's why there was so much passion and so much tension around this issue. And again, I will be voting in the affirmative on this amendment.

ACTING PRESIDENT BRESLIN: Thank you, Senator Adams.

Senator Adams will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 956 are Senators Diaz, Griffo and Perkins.

Ayes, 53. Nays, 3.

ACTING PRESIDENT BRESLIN: The bill is passed.

We are now taking up Bill 958, which in your book is listed improperly or incorrectly as 952.

THE SECRETARY: In relation to Calendar Number 958, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 8903A and substitute it for the identical Senate Bill Number 5887, Third Reading Calendar 958.

SENATOR KLEIN: Lay it aside, please.

ACTING PRESIDENT BRESLIN: Substitution ordered.

The bill is laid aside.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we please move to a reading of the controversial calendar.

ACTING PRESIDENT BRESLIN: The Secretary will please ring the bell as we move to the controversial calendar. Members are to

be called to the chamber.

The Secretary will read.

THE SECRETARY: Calendar Number 953, by Senator Sampson, Senate Print 5968, an act to amend the Family Court Act.

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT BRESLIN: The bill is laid aside for the day.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 958, substituted earlier by Member of the Assembly Silver, Assembly Print Number 8903A, an act to amend the Education Law.

ACTING PRESIDENT BRESLIN: Read the last section.

Senator Squadron, would you like to speak on the bill?

SENATOR SQUADRON: Thank you, Mr. President. I appreciate it. And I know Senator Padavan will also be speaking to explain the bill; I wanted to just explain this bill briefly.

There's no question and we all say that education is the most important, education in New York City particularly -- 1.1 million schoolchildren, a larger school system that most states in this country.

And I think that there's no question, if you look at it, there's been a lot of good work for those 1.1 million schoolchildren over the last several years. And I think, if you look at it, there's no question that there's a lot of work still to do.

The challenge we face this year was how do you keep the process going while improving in the ways that improvements were needed. How do you add transparency and parental input while maintaining that strict accountability to the mayor that the school governance bill passed seven years ago -- the quote, unquote, mayoral control -- does.

I think this bill does that perfectly. Unlike some of the reports out there, this is not just a strict extender of what we already have in the system. This

improves the system in significant ways.

Local superintendents will appear back in local districts in a way they haven't been in years. They're required in this bill to be in the districts. They have real authority in the schools. The Community Education Councils, the parent bodies, actually have a say in who the superintendents are, have a voice with the chancellor in choosing those superintendents. That is a big improvement. We're going to have local offices, local say in a way we haven't had.

These CECs, those parent education councils, are beefed up in significant ways. Not just is eligibility expanded for them -- which it is -- but there's new hearing requirements, any time there's a change in use of schools or a school opens or closes, with those CECs. And as I said before, they have a real say with the superintendents. We're not going to have CECs, Community Education Councils, that are just rubber-stamps or sort of defunct. They're going to have a real role that gives parents a real, official voice.

That is a great improvement to the law.

When you look at the public process more broadly, there is a robust public process in this bill. You have it on the local level with the Community Education Councils; you also have it at a citywide level through the Panel for Educational Policy.

Much has been made of what is this role for the Panel for Educational Policy. Well, I think in this bill the role is made very, very clear. It is a process for public input, for transparency. They have a requirement to publish their agendas 10 days ahead of time. They have a 45-day waiting requirement for any number of significant decisions of the chancellor's.

The Panel for Educational Policy's role is clarified, is rationalized, and is meaningful. It is going to be an effective voice for transparency citywide.

Procurement in contracts, been talked about a whole lot. This might be the tightest procurement system in the State of New York that the New York City Department of

Education is now going to have, and that's a good thing. That's going to work well. It is a $15 billion budget. Hopefully it will continue to be a $15 billion budget and in fact grow so we continue to invest in our kids. And as it grows, we need to make sure the money is being spent well. This procurement policy will do that.

The New York City comptroller has real authority now in the Department of Education, just like any other city agency. That's a good thing. There was no reason for the department to kind of fall into a netherworld between the city and the state. That happened too often in the past. It's not going to happen in the future.

The Independent Budget Office of New York City, which has proven to be an independent, strong voice -- oversight on City Hall, both the Council and the mayor -- is going to get extra funding, is going to have the ability not just to look at the budget of DOE, but also at a whole lot of those education metrics.

All of these questions are out there: What does this educational number mean? What does the graduation rate mean? Well, the IBO is going to have the ability to get in there, get those raw numbers and make real definitive judgments and statements, real substantive analysis. That is incredibly important.

And we now are going to have educational impact statements that the chancellor needs to put out there on any number of issues, from the students with special needs to needs of communities. That's going to get out there early in the process. That's going to help every step of this process, from the local one to the citywide one. It changes the dynamic between the chancellor and the communities, between the department and the public at large. That is a good thing.

Two of these -- I proposed two ideas this spring. One was something called the UPEP, the Universal Parent Engagement Procedure, an idea originally proposed by

Borough President Scott Stringer of Manhattan. It was a great way to create exactly the process that we see in this bill. I am pleased to see those ideas in the bill that hopefully we will pass today.

I also proposed a bill that would very clearly make the Department of Education a city agency. Not every piece of that bill is in this one, but I got to tell you, as I said earlier, the Department of Education no longer falls into a netherworld between the city and the state.

When it comes to the comptroller, when it comes to the IBO, when it comes to procurement, it's very clear what the role, what the relationship of the Department of Education to other city and state agencies is. That's a very, very, very good thing.

So this bill in significant ways improves the law, I don't think there's any question. And it does it without undermining the central tenet that we needed to preserve, which is a clear line of accountability to the mayor. The mayor needs to have the ability

and the responsibility to change the system, to close the achievement gap that persists, and to improve public education on a broad scale in an urban setting.

Certainly, as I said at the beginning, I think real progress has been made in the last seven years. Graduation rates in the City of New York are up. Test scores as against other big cities in the State of New York are up. Those are terribly important numbers. For many, many parents the system, their local school, their local neighborhood is so much more responsive and effective than it ever was in the past. That matters.

But of course there's still much to do. We haven't solved the problem of urban education in the last seven years. The achievement gap persists, as I said. Graduation rates, while up, are nowhere near where they need to be. I worry about how we're educating English language learners and special education students. They're still not achieving anywhere near at the level they have to.

I believe that there's a greater role for assessments, educational assessments outside of the anachronistic fill-in-the-bubble test that we're still much too dependent on. I don't believe that the role of arts education or of civics is yet significant enough in the City of New York and has to be more significant.

But the fact is overall in the last seven years the system of education for New York City schoolchildren has gotten better across the city. And this bill that we are passing today improves on that system. It places the responsibility for future improvement when it comes to the achievement gap, when it comes to arts and civics, when it comes to graduation rates, when it comes to parental engagement with New York City's mayor. There's no question about that: it's his or her responsibility to keep the progress going and frankly take it a whole lot farther.

But the formula that we are passing today in this bill, accountability combined with transparency and parental input --

regardless of all of the Albany power struggles and all of the craziness that happens up here, that formula will give the 1.1 million children down in New York City the best possible chance to go to schools that will give them the best possible chance to succeed in life.

That's why I am proud to be the first cosponsor of this bill and why I'll be supporting it.

Thank you very much, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Squadron.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

And thank you, Senator Squadron, for your very, very articulate and comprehensive outline of this bill. You hit many of the very significant areas that I think have preoccupied this Legislature not only this year but for decades.

One of the first things that was handed to me when I arrived here 37 years ago

was something called the Fleischmann Report. Years later, there was the Marchi Commission. Nothing has preoccupied the State Legislature more than governance and the Department of Education, the former Board of Education in the City of New York.

During the past nine months, a great deal of study and analysis has been done relevant to the effectiveness of mayoralty control which began in 2002. Whether it's the Citizens Union or the public advocate or the CSA, the principals who certainly are there every day in our schools, who know certainly whether or not the experiment was valid and productive, the teachers in the classroom -- all of them, without exception, urged us to continue mayoralty control and that form of governance which we've had for the last seven years.

The bill before us passed the Assembly 129 to 18, with 70 percent of the Assemblymen from the City of New York voting for it. Clear indication at the grassroots level of support for what has been going on

for the past seven years.

Now, it isn't just governance, because, as the Senator indicated, we have authority married with responsibility. And what that engenders more than anything else is resources. Embedded in the 2000 law and continued in this one is maintenance of effort. Those of you who know I'm sure know what that is, to ensure that the City of New York maintains its level of funding consistent with what we have been doing here for the past decade at the state level.

And it's worked. We're now spending well over $16,000 per pupil in the City of New York, more than any school system in any city or state in the nation on a per-capita basis.

On top of that, because this mayor was on the hook, he came up with a five-year capital program of over $13 billion where we're building schools in every borough, modernizing them, upgrading them, expanding them. There isn't a school area or any district in the city where you don't find

scaffolding or work being done. So our children and our teachers, employees, 130,000 of them who go to work every day, 1.1 million children into those schools, find an environment which I think is far better than it has ever been and certainly contributes to the quality of the education they get.

There is a sunset in this bill, 2015. And there's no doubt in my mind that whatever legislature is here, those of us who are here, we will be having a similar discussion looking back at a six-year period and saying, well, are the changes that we put in place from 2002, are they beneficial? Have they done the job? Have they improved the product? And then make another judgment. I think that we will come up with the answer of yes.

Senator Squadron indicated the concerns with English-language learners. One of the things in this bill is a new citywide council just for that purpose. He talked at great length, and properly so, about the auditing and oversight. The comptroller of

the City of New York and the office of the budget, budget office, all will have access to all the data and contracts and oversight that goes on in the Department of Education.

We could be here all afternoon, and I know that many of you would like to get back home. I'm going to end with one of the letters that I got a copy of from the Department of Education, written by the U.S. Secretary of Education, Mr. Duncan. "As President Obama's Secretary of Education, I can tell you that both change and the resulting progress that has occurred in New York City schools over the last seven years is truly remarkable."

I believe, whether it's remarkable or outstanding or positive, whatever adjective you'd like to use, we did the right thing seven years ago. And hopefully we'll do the right thing again today by keeping this thing moving forward with all the improvements that have been articulated -- and I won't repeat them -- particularly the area of superintendents, which is something we fought

for.

Senator Lanza, myself, Senator Golden had three or four meetings with the chancellor, and that's what we talked about most of all. We've got to give those superintendents the opportunity in their districts to do their job and not be sent all over the city doing things that are not relevant to their district and give them the resources to do it. Ninety percent of the problems at the district level can be handled in that office if given the opportunity to do so.

So there are tons of things in here. You all got the fact sheet, you can read them; I don't need to read them to you. But we've done a good job, I think, together, both houses, working, ironing out, accepting inputs and recommendations, and we're here today to vote on the bill.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Padavan.

Senator Diaz, on the bill.

SENATOR DIAZ: Thank you, Mr. President.

I keep reading the news saying how great of a job Mayor Bloomberg has done in our educational system. I hear my colleagues Senator Squadron and Senator Padavan praising the mayor, how great, how beautiful the mayor has done in our educational system.

My question is, where is the beef? Where is the beef? And I take from that old commercial, that old woman that used to say "Where's the beef?" There's no beef. The mayor hasn't don't a great job in the educational system.

I have -- I read something from the Daily News, Wednesday, July 15th, and they carry the headline "Low Test Standards Are a Form of Social Promotion." That's the Daily News. In that article it says, what -- Mr. President, you got to listen to this. There's no beef. I don't know -- these people that are praising the mayor, I don't know what paper are they reading? What soda are they drinking? There's no beef.

Look at what he says. "'What appears to be happening in the last four years under Mayor Bloomberg's system is the hurdle is getting lower,' said Fred Smith, former testing analyst for the Board of Education. Smith was one of the experts who reviewed the numbers and provided research to the Daily News.

"In 2006, for example" -- ladies and gentlemen, so you can see where is the beef -- "In 2006, for example, third-graders had to get 44 percent of points on the math tests to earn a promotion." In 2006, they were supposed to get 44 percent of points to get the -- to pass the math tests and earn a promotion.

This year, Mr. President, they only had to get 28 percent. What a good job, ladies and gentlemen, the mayor has done. Lower the standards, lower the points, our children pass. And more children are graduating. Bingo, wonderful job.

Look at what he says: "The reading tests show a similar pattern. The number of

students who failed to make the cut in reading declined from 46,085 to 11,755 -- a 75 percent drop just in three years."

Luna Castro says, "'I have kids who really struggle as readers,' said Claudia de Luna Castro, who teaches fourth grade and fifth grade at Harlem" -- in our neighborhood -- "at Harlem's Central Park East II and had no students who scored at level one. 'It always makes me wonder when I see data that doesn't match my experience with my kids.'" That's a teacher talking.

Another person, a student has to get fewer questions right, student get this right. Please, listen to this. "'Students had to get fewer questions right in 2009 than they did in 2006 to earn the same score,' said State Education Department spokesman Jonathan Burman, 'because items in the 2007 test were more difficult than they were in 2006.'"

Make it easier, drop everything, the children will pass. And the mayor will get, "Man, the children passed," and the editorial boards and all the people say what a

good job the mayor has done.

The mayor has ruined our educational system. The mayor has done a lousy job with our students. Ladies and gentlemen, I could do that myself. I could do that myself. Just let me lower the standards -- everybody pass. Wow, what a great job I have done.

Where's the beef, ladies and gentlemen? Stop talking nonsense. Stop saying, "Oh, our mayor, our education." Now you want to go back to what it was? What's the problem? You want to go back to what it was? I would ask the mayor to give me $50,000 a year only. Don't pay me as much money as he's paying the chancellor, just give me $50,000, let me lower the standards, and I'll graduate more kids. For $50,000 I will do that in a year.

Let me tell you another story from the Daily News. Comptroller Thompson said, calling it the Enron of American education -- the Enron -- he says that about 18 percent of the 197 students examined who graduated in

2007 got multiple credit for passing the same course. Good job. Our children are learning.

Oh, I got to read something here: "'Ultimately these children will struggle because they will find themselves in high school or somewhere they are not ready for,' said Carla Boyd, parent leader with the New York City Coalition for Educational Justice." These people talking.

And now, no-bid contracts. No-bid contracts. You know what's a no-bid contract, Mr. Finance Chairman? A no-bid contract is giving contracts to everybody without a bid, only to your friends maybe.

If I would have done something like this here, if I would have done something like this here as a Senator, Andrew Cuomo, the Attorney General, the FBI, the AG's office, everybody will be putting handcuffs on me.

But look at what it says here. Let me read something here. "Under the tenure of this Department of Education, the use of noncompetitive bids has soared out of proportion. In the year 2001, there were a

total of 38 no-bid contracts valued at nearly $50 million. By the end of 2002, after the Board of Education was transformed into the Department of Education, the number of those contracts doubled to 96, with a total value of over $47 million."

So it is good to get mayoral control so you can give no-bid contracts to everybody with no question. You didn't say that, ladies and gentlemen. Squadron, you didn't say that. Give me the opportunity to give contracts to my friends without answering to no one.

And people keep saying that the mayor of the City of New York has done a great job. And I keep asking Senator Padavan, where's the beef? Where is the beef? Our children are not being educated. They've been passing. They have been passing, ladies and gentlemen. More children are making it to another grade. More children are passing, yes. But they are not being educated. They are being fooled. The numbers have been changed.

In 2007, January 8, 2007, I wrote a letter to the mayor of the City of New York. January 8, 2007. And in the letter, I said: "Dear Mr. Mayor: As I told you in Albany, in 2000 I was one of the only two Democratic elected officials who supported you for mayor."

Only two Democratic elected officials supported Mayor Bloomberg for mayor in 2000, and I was one of them. The other one was City Council Majority Leader Joel Rivera. Nobody else supported the mayor. Only Joel and myself, only two Democratic elected officials.

In the letter I said: "I did that based upon your promise to me that you will be 'The Education Mayor' and that the suffering, the disadvantage, the neglect, the overcrowding, the lack of material and the lack of equipment, and the discrimination toward black and Hispanic children by the New York City Department of Education would end.

"As a member of the New York City

Council, I pushed and supported when you asked for the abolition of the school boards and requested mayoral control. You said, Mr. Mayor, 'Give me control of the system and the excuses will end.'

"Yesterday" -- that was February 7, 2007 -- "Yesterday, Wednesday February 7, 2007, your response, Mr. Mayor, to the anger, frustration, concern and desperation of parents was" -- this was his response at that time. "If any one of you,' he told a bunch of parents, "If any one of you thinks that you can do a better job, go and apply for a job as a consultant in the Department of Education." That was the answer of the mayor to those people.

And I'm saying, ladies and gentlemen, obviously this is going to pass. We have been brainwashed by the editorial boards. And tomorrow, you read it, they're going to call me a monkey, they're going to call me a clown, they're going call me stupid, they're going to call me all kinds of things.

And I'm going to ask them and I'm

going to keep asking them, I'm going to keep asking all of them there, where is the beef? Stop the abuses with our children, stop trying to pretend that the mayor has been the best in education.

He's the worst. Our children are not passing. Our children are failing. No, no, no, let me rephrase that. Our children are passing, Padavan. They're passing. But the standards were lower. So of course our children are passing, Senator Padavan. They're passing. And I keep saying, give me the opportunity to be a chancellor of the New York City Department of Education, give me $50,000 and I will drop more. The average of more children will pass. I will do a better job than Klein.

And experts are saying that our children are going to high school and they're passing, and they are going nowhere. They ain't going nowhere. But we're saying, man, the mayor of the City of New York, Mayor Bloomberg, has done such a good job, we need to keep him. Yeah, you need to keep him? You

know who needs to keep him? Those people who are getting the no-bid contracts. They are the ones that want to keep him. No-bid contracts, millions of dollars.

Ladies and gentlemen, I was with the mayor in education when none of you were there. I supported the mayor to run for mayor when none of you were there. And I flew in his jet twice. In his jet he told me all the good things that he will do for education.

Now I'm here telling you, the mayor has failed. No matter what the editorial boards are saying, no matter what other people are saying, the mayor has failed our children. Our overcrowding is still being there. The dropout rate, the dropout rate -- oh, there's no more dropout rate. Of course there's no more dropout rate. Somebody drops out, general accounting, somebody drops out and a few years later they take the GED and they pass the GED, they were never a dropout. So no, you're playing with statistics. Play with all the numbers and then you will see what a great job.

But this Puerto Rican with kinky hair and broken English, I am saying to all of you smart guys, show me the beef. Where is the beef for you to be calling the mayor the best mayor in education that we ever had? Where is the beef? The Daily News always says there's no beef. Comptroller Thompson said there's no beef. Who all is saying there's no beef? Everybody is saying there's no beef. Oh, Wendy's, there's the beef. And McDonald's, maybe.

But there's no beef. Mr. President, there is no beef. Don't let yourself be fooled. Join me, Mr. President. Join me. Join me. Protect our children. Our black and Hispanic children they all have been used. They all have been used.

I don't know why they're doing so bad because everybody is doing it -- everybody is doing it because of our children. You know that, Senator Hassell-Thompson? Everybody is doing it because of our black and Hispanic children. Everybody is helping our children. Everybody, all the editorial boards and

everybody says, we're doing it because the black and Hispanic children, we're helping them. And they call me that I am against my black and Hispanic children.

But all of you who are going to vote for this today -- and it's going to pass -- and you're going to do it because of our black and Hispanic children. Oh, please. Give me a break. And show me the beef.

I'm voting no on this thing. With pride, with dignity, with my morale high, with my head high, I'm voting no and I'm saying the mayor has been the worst mayor for education in the City of New York.

ACTING PRESIDENT BRESLIN: Thank you, Senator Diaz.

Senator Hassell-Thompson, on the bill.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. Just briefly.

Six years ago I stood in this chambers on that side of the chamber and felt coerced into voting for this, primarily because I listened to members of my colleagues

talk about how bad the school board system was. I was relatively new to representing portions of that district, and so there were -- I was hesitant to rail against people who apparently had had more experience working with their school boards. And so I tried to reserve judgment when it came to making this major change.

But the two things that I had the most concern about -- and I had hoped that in the initial stages of this that we would address this very early on, and that is about parent participation. And while I see in the bill itself that there is an effort to put parents on the boards, it still gives the mayor total control by having a majority of members, number one.

And the other is because there are no terms, it still allows the mayor, when he is disagreed with, to dismiss people from the board, which I'm very unhappy about. And I've said that consistently. I continue to say that.

I had hoped that in this language

of -- even in the chapter amendments that we would be able to address that issue. But apparently the power of the mayor is too great, and so therefore it did not get included in the chapter amendment.

I am happy to see the other pieces of the amendment that in some ways address what it is that we want to have happen.

I am deeply concerned that while no bill that we ever do here is perfect, I had hoped we had six years to really investigate and to look at what it is that we were going to be doing before we made this major decision.

Many of you in here don't represent children from New York City, and obviously for you, while they're relevant issues, they're not the most relevant because they're not your kids.

I like to believe when I stand here that I speak for all the children in the State of New York and every child in this state is my child. Because when people say to me, you represent the state, they say I represent the

state. I don't just represent my district, the 36th. I am concerned and must be concerned about what I do that affects all the children. And somehow I had thought that we would have used this six years in a better way.

Let me just say to you that I hope that we're putting this bill in place now and that we will do a better job with the systems that we have tried to put in place with our amendments today. And we'd better hope that the Governor passes these bills, the amendments. Because if not, we will go back to something worse than what we had, than we ever had.

It has nothing to do with this mayor, but it has everything to do with the ultimate power that we give to people unchecked. And there is no one that I know, no one that I know that, unchecked, can check themselves. It's not in the human condition for people to use the power within them to be controlled. If we did, we wouldn't need police departments. If we did, we would not

need military. We would not need people to make rules to keep us in line; we would therefore be able to keep ourselves in line.

Power corrupts. Absolute power corrupts absolutely. And if in fact we do not take seriously, on the presumption that the Governor does pass all of these and that the Assembly comes back and sees the wisdom of what we've attempted to do, we will have another runaway train.

And we can talk about how good we think this mayor is, or any other mayor, but he in fact is the mayor. He is not the chancellor. And he has hired someone who has no educational qualifications. And while he may think that running the Department of Education is a business matter, the education of our children requires a multiple discipline. And this chancellor has not, does not have the multiple discipline necessary to be able to do everything well.

I am deeply concerned, in passing this bill. I came today prepared to do something because the alternative -- which is

we have done nothing. We let the deadline come and go, and now we're doing something at the last minute.

From the day after we pass this bill, we need begin to put in place a structure that we can relate to and depend upon, to ensure in a better way that the education of our children -- and we'd better do that in a way that demonstrates that we really do care about the future generation of our children.

It's not an accident that most of our better jobs are in India and other places where education and higher education is a criteria. It amazes me that we are the Empire State and we failed to make a commitment to education.

And when I hear people stand on this floor and tell me that we have a budgetary crisis and so therefore we should not do those things that will implement and give resources to the future of the development of this country -- these children are going to be responsible for the future

development of this country. They're going to be the future doctors. Good Lord. I'm going to be old and need them. Yes, Shirley, going to be. Older than I am. Disabled and in need of trained people.

And we sit and talk about how many of our children are unemployed and unemployable. And that is a factor that is continuing, and it is not changing. And this is just an example. I mean, this is New York City. Well, who -- you know, you don't live in New York City, you don't care.

But you'd better damn well care. Because people don't just stay in their neighborhoods. They move around. They're going to become your contractors that can't measure. They're going to become your doctors that can't administer. They're going to become your nurses that can't read the numbers of cc's of the medication that you're supposed to get. These are the people that we're responsible for educating.

And we're not taking it seriously, no matter what you tell me. Because if we

waited until the deadline to begin a dialogue about something as critical and as important as the numbers of children that are going to be educated and how they're going to be educated -- which is a part of an educational policy that we must begin to develop. We are still educating our children in the 1800s -- we have not addressed the issue.

And those of you who are concerned about charter schools, parents in this state have a right to make a determination about how their children are educated, particularly when you're failing them. And so we can be high and mighty about we want to keep public education, but more than a million of our children in the State of New York are at independent and parochial schools every day because we are failing to educate them. And most of those children are coming out of New York City.

We'd better get a grip on it, because this is our future that we're ignoring. Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank

you, Senator Hassell-Thompson.

Senator Huntley, on the bill.

SENATOR HUNTLEY: Thank you, Mr. President.

So much has been said already. I agree with Reverend Diaz. I agree with Ruth Hassell. There's been a lot said.

When I hear us talk about public education, let me just talk about, instead of the State of New York, let me talk about my district. In my district there are many different segments. There are the poor, the middle, and the upper. Those are the people that I service.

There are some schools in the upper that do well all the time, because they will. If there was no chancellor, no Senate, no anyone, they would do well.

In the middle of the district, where you start to move toward the poorer districts, our schools are unbelievable. They have made very little improvement. I mean, I heard Senator Padavan talk about Obama's Secretary of Education in the letter which

frankly is not worth the paper it's written on. The man's been in town 10 minutes. He knows absolutely nothing about the education of children in the City of New York.

So that is not impressive. There are certain issues that perhaps the President needs to know more about so he will know exactly how to handle.

I have felt pressured this whole two months, pressured because of people pressuring me. And when I get pressured, it's a whole new Shirley Huntley. I work harder for what I want when I'm pressured. And I can understand -- I listened to Senator Squadron, who seems to know an awful lot about schools and children. It's amazing when he's barely an adult himself.

But the bottom line is I must say all these people -- and also from upstate, on the island -- know absolutely nothing about city education.

And I have to say what Senator Diaz just said, and also Ruth Hassell. The majority of children in the public school

system are Afro-American and Hispanic. And it's just so great that all of you care so much about Afro-American and Hispanic children. Maybe some of you would like to be foster parents.

I just think that when it comes to issues that we know about -- they talk about school boards. There was a mechanism in place to remove bad school board members, just like there's a mechanism in place to remove bad Senators, bad presidents, whatever. No one ever used it. So therefore every school board became something that was awful.

Now I heard the other evening on television where the mayor's person was saying that Billy Thompson was once the president of the Board of Education. And he was. And I was once the president of Community School Board 28. But we were not the educators. We were presidents. It was like a corporation. We did not educate children. The chancellor educates children, not the president of a school board or the president of the central board. That is not how it goes.

And I think that all these people who now know so much about education, we really should have done a better job, we really should have talked about this months ago, like Ruth Hassell-Thompson said. But when you have people in a position where it does not consider them or their county or their community, frankly they don't give a tinker's damn. And that's what's happened here.

And I'm annoyed because I felt personally we could have had our own bill. But why didn't we have our bill? Because it was stifled. I might be a new Senator, but I'm not stupid. It was stifled for the mayor. Okay?

I will not support this bill because, first of all, I don't like to be pressured. Second of all, it is not my problem that we now have to sit at a table of 32 with Mayor Bloomberg at the table with us on every round. That bothers me. That really seriously bothers me.

So I would say to my colleagues,

2010 is coming and we must find a new way. This is not good. This is not good. In all due respect to my members and all respect to Senator Squadron, who got the miracle letter -- which was wrong, and I told the leaders, no one writes a letter that I'm committing to anything. And I certainly don't commit to another colleague. It's not my fault that he had a vested interest with his wife working for the mayor.

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Huntley.

SENATOR HUNTLEY: You're very welcome.

ACTING PRESIDENT BRESLIN: Senator Adams, on the bill.

SENATOR ADAMS: Thank you, Mr. President.

I just want to talk about just three aspects of the bill. And I thought Senator Diaz, who's not here now, talked about the numbers.

If I were to run a marathon in five

hours and then someone comes a year later and they top my score by an hour, they will have the crown. But if we discover that they didn't run a 25-mile marathon, they only ran a 15-mile marathon, then of course their score is going to be better than mine.

Because of the complexity of education and the different scoring systems, it is difficult for parents -- parents actually believe that their children are doing better. Because that's all a parent desires, is to know that their child is going to be educated.

And I was -- I felt betrayed and angered when I found out there are two levels that a child can have in education, a Level 3 or a Level 4. Level 3 is meets standards; Level 4 is excellent.

The mayor has been telling us through the chancellor that the children are doing better because more are meeting Level 3 and Level 4. They did not tell us that what it took to be a Level 3 or Level 4, that they dropped the standards for them.

And so what troubles many of us is that when we give the money and the resources to educate our children, we also give the trust that the numbers are going to be correct. And no one is denying the fact that they dropped the standards. This was the administration that stated it was wrong to do social promotion. This was the administration that stated we must make sure that our children are educated.

I talked about the different methods and ways that we use to graduate students. But I think we're doing a good thing today on the chapter amendments, as I stated earlier, because now the power is within us to make sure the numbers are valid. True studies of our educational system are not based on what's wrote by editorial boards. That is not a true study of an educational system.

The true study of the real numbers, putting together members of the academic community and state, are we moving in the right direction. That's what this is about.

Because the system we create should be successful no matter who the mayor is. If we put the right system in place, we will be successful.

No one can tell me it's okay to give a $90 million no-bid contract to a company that's not in New York State and that does not have an office, that has a P.O. box. I recall some kind of con game in policing that people used to do something like that.

We cannot continue to have a system where we don't check. We have a responsibility. It's not about just passing a bill and stating we're going to leave it up to them. We have responsibilities as legislators to make sure, whatever bill we pass, that we're going monitor year to year to year.

I don't want to wait until this sunset. Every year we need find out are the numbers right, have you changed the numbering system, are we doing something different? We need to monitor the success of our students. Because these are not merely students, they are our future scholars, and we have to treat

them as such.

And so I share the commitment and passion of Senator Huntley, Senator Diaz, Senator Perkins, who will follow, and even Senator Parker. People criticize them because this is a real issue for us.

And I'm going to vote no on this bill because I don't believe that this great state needs one individual to save us. I don't believe in that concept. I believe that we have a countless number of great systems in place. No matter what happened on 9/11 when the center of trade was attacked, on 9/12 teachers knew to get up and go teach. Sanitation men knew to go and pick up trash. Police knew they had to protect the city. Bus drivers knew they had to drive buses.

We're not great because of individuals, we're great in this state because we have professional systems in place of great, everyday New Yorkers coming together ensuring the system runs.

And that's why I cannot vote for a bill that empowers one man to distribute

billions of dollars, that empowers one man that believed in the same concept that although the people spoke twice on term limits, he woke up one day and said "Term limits are not for me because I'm a billionaire." I cannot empower that person with my vote.

This bill is going to pass. We will move forward. I hope that the committee we put in place will ensure that we have the correct oversight. But we should never believe, if it's this current mayor or if it's any other person of economic stature, believe that they are more important than the everyday New Yorkers. We run the state, the cab drivers, the teachers, the cooks, the clerks, the messengers. There are more thousandaires than there are billionaires. And if we surrender our children to people because of their checkbook, we're making a mistake.

I'm not going to do that. I believe our chapter amendments were important. I believe it was going to help strengthen this bill. But I'm going to cast my vote no for

this bill for the countless number of parents, unions and other groups who support a quality education, a well-rounded education where our children will be able to compete in the global community. And that is why I'm going to vote no on this bill.

ACTING PRESIDENT BRESLIN: Thank you, Senator Adams.

Senator Perkins, on the bill.

SENATOR PERKINS: Thank you so much.

I want to talk about the elephant in the room. You know, race and class. The fact of the matter is that in communities of color, they're obviously not getting the facts that supposedly are so evident, because they're fleeing the public school system. You've seen them. Thousands lined up to get into what they consider to be a better opportunity.

Usually when people flee a building, something is on fire, something is wrong, not right. Nobody is like lining up to get into the schools of Harlem or the schools

in communities of color. Maybe they're lining up to get into the schools on the East Side. Maybe they're lining up to get into schools in Queens, coming from Harlem.

But for the most part, in those communities the facts are very clear. Every day you see it on TV. Thousands lined up, fleeing their school, their neighborhood public school across the street from where they live. Why? Because somebody said that this school is a bad school and that that opportunity, today called a charter school, is the way to go.

You don't find those schools below 96th Street or the 96th Streets of our city. You don't find charter schools, you don't find people lining up for charter schools from those communities. You only find them lining up from my community and the communities that some of us represent.

Now, why is that? If the numbers are so outstandingly good, why is nobody fighting to get into the school around the corner from where people live?

This city has been so beautifully designed that a parent only has to take their kid down the steps and they walk across the street and there's a public school right there. Why is that parent deciding to go outside of their neighborhood instead of across the street if mayoral control has been so successful?

And why does the Times report that the gap between black kids, Latino kids, and white kids has not shortened, that it's as stubborn as ever? With all of this extraordinary success, why is that? And why is it that parents in my district are so strongly against mayoral control if it's been so good for them?

So we are obviously in the tale of two cities. Do you understand? Part of our city is suffering failing public schools. If they're not failing, send your kids to them. Because I know any parent -- black, white, rich or poor -- will take their kid anywhere to get their kid into a good public school.

It happens all the time. You see

it, parents sleeping out at night someplace in Queens, claiming that they live out there, knowing full well they don't live anywhere near there, but nevertheless tenting out to get into that school because it offers an opportunity for their child to have a decent quality education. Public school.

See if there's any such schools in Harlem, East Harlem, the Bronx, South Bronx and other such communities. You won't find them, because mayoral control is failing our children. And in fact, it is creating a racially segregated school system where you have one set of the city attending one type of school and the other part of the community, a community of color, only being given charter schools.

Fact. That's the elephant in the room that we don't want to face. We have a racially segregated situation in New York City. And we're going to continue that under this thing called mayoral control. No one wants to hear that, but that's a fact. We want to believe the statistics that they

provide us, but we don't want to believe what we see on TV. We don't want to believe what we read in the papers.

Listen to the New York Times. Isn't that the paper of note? Isn't it still the number-one paper, the number-one voice, the one that we all want to be quoted in, the one that we want the endorsement of? Read the New York Times. They'll tell you just this week.

So why are we telling ourselves that what we have is successful? Let's tell it like it is. He wants to control it. He wants to control that budget for his own purposes. But our children are not succeeding under this system. And he can't say that they are with any real clear evidence. And you can ask them, because they know where these kids are doing.

And when they do build these charter schools, they're having them built in the neighborhood public schools and the parents are fighting their neighbors. So you have two parents, normally hanging out, kids

are hanging out, enjoying each other, one goes to P.S. 123, and all of a sudden here comes Eva Moskowitz to take over their school, unauthorized. Because she is a charter school developer and she has been given somewhat of a carte blanche to do so.

Now, who else is around here experiencing that kind of mayor control, that kind of success that their schools are being taken over by charter schools? There is not one school in the white community that's been taken over by a charter school in New York City. Why is that, if they're so good? Why is that?

We can't continue this. It's dividing our city along racial and class lines. We don't want to face that, but that's a fact.

ACTING PRESIDENT BRESLIN: Thank you, Senator Perkins.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I rise first to -- my prayers to

Senator Thompson's mom and Olga Mendez, who I had the privilege of working with, a great, great lady and a great legislator.

We're here today to talk about the mayor of the City of New York, I guess. And we should be talking about the children of the City of New York. What we've seen here is Joel Klein, a chancellor, under the direction of the mayor of the City of New York take 1.1 million children and bring them into the twenty-first century. What we see is leadership and what we see is education, education across the board for all of the children of the City of New York.

We wouldn't have a committee run the police department. We have Commissioner Kelly. We wouldn't have a commission or a body run the Department of Parks, Department of Transportation, or the Fire Department. We give that right to the mayor of the City of New York so that he or she can make the best decisions for that city. And now we've done that with education, and that's what we should have done.

If I listen to my colleagues here, the one reason we did, I believe, give the education to the mayor of the City of New York is because everybody in this room seems to know how to educate child except for the Department of Education in the City of New York under its chancellor, Joel Klein, under the mayor of the City of New York.

But yet if you take a look around the country and the world, they're all taking the SOP, the standard operating procedure of the City of New York, and they're implementing it in their school districts.

So I just want to straighten out a couple of facts. And I don't want to go on too long, because I know a lot of you want to go home. But I think it's important to point out that this wasn't a last-minute bill. This bill has been around since the year began. And in May, it was finalized.

And when is the last time the Assembly actually passed a bill before the Senate? The Assembly passed this bill two months ago.

And then we hear that the President of the United States, his Secretary of Education, that the paper he wrote on saying that the school system is good and it's working and it's a model, that it's not worth the paper that it's written on. I guess we forget that he is or was the CEO of the Chicago school system. I guess we forget those little facts.

And then I hear that education is so much better in foreign lands, that they're doing so much better in India. I think it has a lot to do with what they're paying the people in India to do the job, not the education.

We hear about charter schools. Charter schools are competition for the public school system so that we can have a barometer so that we can look and look at the checks and balances within the public school system, compare them, and get a better result.

But I guess we left out that the UFT has some charter schools. I guess we left that little piece out. Because the UFT

understands that they can do a good job in charter schools, and they are doing a good job in charter schools. That is part of competition.

1.1 million children, $22 billion budget, 140,000 employees, 1500 schools -- the largest school system in the world. Where's the beef? The New York statewide test for fourth-graders in the City of New York was a 20-point increase for reading. Not for white children, not for black children, not for Hispanic or Asian children, for children across the board. For all children, the boat has been lifted in the City of New York.

The New York statewide test for fourth-graders again, on math, 30-point gain. Never seen before.

That's why the people around this nation and around the world are using the City of New York as its SOP so that they can get a better education for their children.

I was impressed with Senator Squadron and his presentation, and with Senator Padavan's presentation. I was amazed

to hear that we would attack another Senator. But we send our men and women to battle and they get killed in war at the age of 18, but yet a Senator elected by his community here in the State of New York, elected by a majority. And he represents 350,000, couldn't make an honest and educated decision in voting for a bill that works for 1.1 million children in the City of New York and 8.5 million people.

Because he made the right decision. He made the decision for the children. He remembers, as all of us do, in 1998 and 1997 the patronage mill in the New York City school system and how our kids were failing. We all remember that.

And now we've seen the gains. And we see the graduation-rate gains too. Fifteen percent graduation rate increase in the City of New York.

And of course we leave out crime in our public school system. That's only down 44 percent in our public school system since our mayor took control of the City of New York under Joel Klein, its leader.

So I just wanted to set some facts straight and to say we should all work together as a body to help to educate the children of the City of New York. And point out how the boat has been lifted for all of its children.

And we are great. Not because of government, we are great because of our individuality. We are great because we live in the greatest city in the greatest state in the greatest nation in the world. And we give the opportunity to those kids and those parents like nobody else has ever done before.

I'm proud of this system, and I'm proud of this city and state. We should all be. I vote yes, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Golden.

Senator Carl Kruger.

SENATOR CARL KRUGER: Thank you, Mr. President.

That was a paid political announcement by the Friends of Mike Bloomberg.

(Laughter.)

SENATOR CARL KRUGER: You know, today we've been hearing some amazing statistics about some amazing facts from my colleagues in government. And if we were to take those amazing statistics and those amazing facts and bring them back to school districts outside of the City of New York and suggest to sell them around an unelected school board, I would like to see which of my colleagues in government would be the first one to propose that prescription for success in their local schools.

So today as we move forward and we recognize the fact that we've been bludgeoned to death in accepting this bill, and it's another sad day on the calendar of days here in Albany, that this bill will probably pass. But in the process of this bill passing, we have a dawn of a new tomorrow. We have a dawn that says that this house will be empowered with the mechanism, the methodology, the resources and the subpoena power to reach into the Department of Education to really see what lurks under those rocks.

We will be able to, as a body, move forward and find out once and for all whether we should support the position taken by the Department of Education, which seems to treat the school system like a failing restaurant -- when business is bad, you make the portions smaller and you charge more. So when the school system seems to be going in the wrong direction, let's just screw around with the numbers, change the complexion of the way we are developing our educational programs, bring in and outsource whatever we can, hide behind consultant budgets and no-bid contracts, put a prosecutor in place of a professional educator, call them a chancellor rather than a commissioner, try to run an agency and treat it as a city department but refuse to recognize that as a city department it should be run as an agency, by a commissioner, with accountability, with transparency, with a reporting mechanism, with an inspector general that actually does their job and actually goes back to the electorate with some real hard facts.

So today I say that although the bill may pass -- without my support, I might add -- and even though there will be people here that will say that we have turned the corner, I have to reiterate the fact that not only have we not turned the corner, but we've come to a real fork in the road. The fork in the road is saying to us today that we are going to have to seize the opportunity to go into the Department of Education ourselves, basically armed for hand-to-hand combat for the 1.1 million kids that are part of our school system, for the 8.5 million New Yorkers that call New York City their home, and find out why we are spending more than any other school system in the country and finding ourselves in a failing atmosphere.

And no matter how we twist and no matter how the numbers are manipulated and no matter how we degregate the system in order to be able to say that we're doing better, we're worse. Our kids are not getting educated. The system is failing. Our dropout rates are unbelievably high.

Our ability to take high school students and send them on into community colleges, not alone as matriculated students at four-year colleges that do not go through a remedial program, says yards about the failure of the Department of Education.

So from high on the hill here in Albany to the folks down south in New York City, I just want to say to them that have no fear. Under the Democratic leadership of John Sampson, Malcolm Smith and Pedro Espada, we will take that committee and bring it to every one of the boroughs, to every one of the districts. We will go to every one of the superintendents. We are going to take information that's supplied to us and we will even, if necessary, hire our own investigators and our own auditors. We will do what has to be done in order to expose what's happening at the Department of Education.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Kruger.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I've listened very carefully to many of my colleagues today. And I have to say I agree with many of my colleagues who are choosing to vote no for this bill.

Senator Perkins, highlighting the enormous differences between what is happening in black and Latino communities in the City of New York and my own community, which is primarily a white community. I agree, Senator Perkins, it is a real concern.

I agree with Senator Diaz that you have to find out the facts. And it is not okay to do no-bid contracts. And yes, the mayor asked for a responsibility which requires accountability and scientific evidence.

Where I don't agree with my colleagues is one personalizing it to who might be the mayor or who might be the chancellor. Because in fact those people might change January 1, 2010.

And where I think my colleagues

might agree with me is that the bill that I will vote for today, along with having voted for the chapter amendments -- and I think they are important -- the bill we are voting for or against today is not the exact same bill that became law in 2002. The bill we are voting on today has many of the corrections and protections built into it that my colleagues demanded.

There isn't going to be the same story about no-bid contracts and no review. The Department of Education, like other city agencies, will go through the contracting process with the comptroller, the city comptroller's office having review and oversight on authority.

This bill builds in a role for the city's Independent Budget Office, with the mandate to review, to be able to ask questions, to be able to get data. So that there will be more transparency for parents and us and our communities to look and see what is happening in and what is not happening, including very serious questions

that have been raised about what do the test scores actually mean. Because we all know you can lie with numbers.

And actually, if you get a good enough education -- and I hope every child in New York City does -- they will actually know how to figure out what does it mean if you're lying with the numbers.

And so I can vote for this bill even while I agree with so many of the things that were said by my colleagues today. It's not a perfect bill. But perfect is often the enemy of accomplishing anything we hope to do. It does give us more ability to not only ask the hard questions that we must but get answers to the hard questions.

It's a huge system, the New York City school system. There are 1.1 million children. Nothing is ever as clear-cut as it seems. There are always different stories within the system. I am hoping that regardless of who the mayor or the chancellor is today or tomorrow or next year, that the legislation we're passing today will ensure

that moving forward we can continue to improve the New York City school system for the sake of every child.

Because as Senator Hassell-Thompson said, as a legislator from the City of New York, I feel my responsibility is to every child in New York City. And as a legislator in the State of New York, I share her view that one of the most important roles we have as elected officials is ensuring that our next generation of children, whether it's on the Canadian border or in Long Island or down in my home city, gets the best public education and opportunities they can ever, ever receive. Because that is a fundamental responsibility of this chamber.

So I have concerns. And it is not perfect. But I will be voting yes.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Krueger.

Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

I am a very proud product of the New York City public schools. I attended the public schools, sent my son to the public schools. My husband was a graduate of the public schools. And my father spent 48 years teaching in the New York City public schools. All on the Lower East Side of Manhattan, I might add.

And I have taught, and I think I'm one of the few people aside from Senator Marcellino who have been in a classroom. We know what it's like from really both sides of the -- I was going to say chalkboard, but I don't think they use chalkboards anymore -- smartboard, excuse me.

I know what it's like to work with young people. And I think many people attribute a high calling to that mission. I've taught at some of the best high schools in New York City and some of the most difficult, and I found it a very exciting experience.

Secondly, I voted against the bill in 2003. I thought there were many problems

with that bill. There are still problems even with this bill. I appreciated the mention of absolute power corrupting absolutely, and I think that is a point well-taken. Lord Acton I think would be proud that we have been using his phrase.

But I think we have to draw a distinction between the word "control" in mayoral control and absolute power, because we cannot continue with even the concept of absolute power. That is a mistake. And that's a mistake that I think everybody makes.

This is a question to me not of control, but of governance. And there is a distinction there. The federal government was mentioned here. And what has the federal government done, with all due respect, to education? They've given us No Child Left Behind. Except they forgot to send along the money. The money. If we ever had a mandate without money, that's what No Child Left Behind is.

It seems to me that when New York spends more than on education in New York

State than the federal government does in all 50 states -- that used to be true; I believe it is still true -- then we have a lack of concern on the part of the federal government.

And incidentally, with No Child Left Behind, I think that's the root of some of our problems when it comes to testing. They're now talking about testing children in kindergarten. To me, that's insane. Little children at the age of 5 are going to start taking exams?

It seems to me also that the amendments that we pass today are important, particularly the ones dealing with the superintendent and the other three as well. But particularly the superintendent. Because the job of a superintendent is not to be a glorified complaint bureau. The job of a superintendent should be in a superintendent's office in a district, administering to that district, not wandering around the city willy-nilly.

And lastly, I think it's important that we passed the resolution on the select

committee, because there are many defects in the current system. And it's my hope that the select committee will do its homework, so to speak, and find these defects, meet periodically, and remedy what's wrong.

I could vote either way on this bill. I truly could go either way. I intend to vote for it because I'm an optimist and I hope that we will be able to fix the most glaring defects in the bill.

So, Mr. President, I will vote aye.

ACTING PRESIDENT BRESLIN: Thank you, Senator Stavisky.

Seeing no other Senators who wish to be heard, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

THE SECRETARY: Section 17. This act shall take effect immediately.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN:

Senator Diaz, to explain his vote.

(Groans; catcalls.)

SENATOR DIAZ: Thank you, Mr. Chairman.

Where's the beef? Where's the beef? Where's the beef?

Mr. President, Mr. President, ladies and gentlemen, I received a letter from the Central Brooklyn Independent Democrats -- President Lucy Koteen, First Vice President Raul Rothblatt, Second Vice President Bobby Carroll, Treasurer Marty Bernstein, Recording Secretary John Keefe, and Corresponding Secretary Joy Romanski. They're asking me to vote against this thing.

I have a letter from constituents, a letter from Harlem Commission on School Governance, and they say: "As your constituents, we urge you to vote against the Padavan-Silver bill even with the proposed chapter amendments. Its provisions are inadequate in terms of ensuring checks and balances and giving parents and teachers a seat at the table."

So listening to my constituents, even the Central Brooklyn Independent Democrats -- they're not from my district, but thought that I could say something today. So, Mr. President, I am proudly voting no.

And I am telling you have a nice rest of the season, because I'm on my way to the Bronx.

ACTING PRESIDENT BRESLIN: Thank you very much, Senator Diaz. You will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 958 are Senators Adams, Diaz, Duane, Huntley, C. Kruger, Montgomery, Parker and Perkins.

Absent from voting: Senator Stachowski.

Ayes, 47. Nays, 8.

ACTING PRESIDENT BRESLIN: The bill is passed.

Senator Klein, that completes the controversial reading of the bills on the calendar.

Let's have some order. The summer is upon us. Please.

SENATOR KLEIN: Mr. President, on behalf of Senator Sampson, I move to recommit Calendar Number 953 to the Committee on Rules.

ACTING PRESIDENT BRESLIN: So ordered.

SENATOR KLEIN: Mr. President, is there any further business at the desk?

ACTING PRESIDENT BRESLIN: No, Senator Klein, there is no further business.

SENATOR KLEIN: We do have one announcement, if you could just call on Senator Ruth Hassell-Thompson for a brief announcement.

ACTING PRESIDENT BRESLIN: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

Immediately following today's session there will be a conference in the Majority Conference Room, 332.

ACTING PRESIDENT BRESLIN: There will be a conference of the Majority in Room

332 immediately after.

SENATOR KLEIN: Mr. President, there being no further business, I move that we adjourn the Senate at the call of the Temporary President, intervening days being legislative days.

ACTING PRESIDENT BRESLIN: The Senate is adjourned at the call of the Temporary President, intervening days being legislative days.

(Whereupon, at 2:30 p.m., the Senate adjourned.)