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## How Utica Works: The School Board

The next School Board and School Budget election will be held on **May 17th, from noon til 9pm**. This newsletter will explain some of the basics to help you make an informed choice at that election. Another Newsletter will come out in a few days that will give you more information about the particular candidates.

This installment in my “How Utica Works” series of newsletters is a little different from others I have written, because it isn’t really about City government. The School District and School Board are entirely separate legal authorities from the City and from the Common Council. Neither the Mayor nor the Common Council has any direct dealings with the School District, and certainly no legal authority over the District or Board. Nonetheless, I care a great deal about the schools and how they are run, for a couple of reasons. First, each child in The Third Ward is my Constituent, and as such I am committed to advocating for them and for their parents. And second, the success of our City depends on the success of our schools. If we really want this City that we love to take off and reach its full potential, then we need a school system where teachers love to teach, and where every family is confident that their children are being well cared for and getting the best education.

Another difference between my other newsletters and this one is that usually I try to be pretty straightforwardly informative. But there is too much at stake here, and so I am going to share some of my own views. But I’m going to make

every effort to make it clear where I'm just giving you straightforward information, and where I'm telling you my view of things. So, here we go:



## The Utica City School District (UCSD) and The Administration

Our school district is made up of ten elementary schools: Albany, Columbus, Conkling, General Herkimer, Hughes, Jefferson, Jones, Kernan, and Watson Williams. We also have two middle schools: Donovan and JFK. And of course, we have one high school: Proctor High School. The UCSD serves over 10,000 students – yes, you read that number right – over 10,000! So, 10,000+ students, 13 school buildings, at least 800 teachers (when all positions are filled), and lots of other staff. (As an aside, when you consider that our District has over 10,000 students, you can't help but be impressed by how **young** our City is. This adds to our enormous potential as a City, but also presents certain challenges.)

The UCSD is a big, complex institution to run, and it takes a lot of effort and expertise to administer it. It takes lots of teachers, people to head up various departments, more people to support those heads of departments, people to run the finances, run the facilities, and so on. Every school has at least one Principal, who are also part of the Administration. The head of this complex institution is the Superintendent. The Superintendent is, for all intents and purposes, the CEO of the district. She or he is responsible for all of the day-to-day management of the District. The Superintendent negotiates the contracts with the unions. The Superintendent both develops and oversees the budget. The Superintendent is responsible for all personnel management. The Superintendent manages the various departments of the District. And the

Superintendent oversees and manages the day-to-day implementation of the policies adopted by the School Board. In some ways, the Superintendent is like the Mayor: both are very powerful and are responsible for the day-to-day functioning of their respective institutions. There is of course, one really important difference: the Mayor is directly elected by the people of Utica, whereas the Superintendent is *hired* by the School Board. The Mayor answers to the people who elect them, but the Superintendent answers to the School Board.

## The School Board

The School Board is the democratically elected body that oversees the Superintendent and the District. Utica's Board has seven members. Each serve at-large. (Unlike the Common Council, we do not elect School Board members for distinct districts.) Each School Board member serves five year terms and may be re-elected indefinitely. (In other words, there are no term limits.) With seven members and five year terms, this means that every year, at least one seat on the Board is up for election. Elections are generally held in mid-May, when we also all vote on whether to approve the School Budget.

The School Board's most basic function is to oversee our public school system. They do this by overseeing the policies of the District and by supervising the Superintendent. The Superintendent answers to the School Board, and the School Board answers to us. The Board authorizes the Superintendent's decisions, such as presenting a particular budget to the public, entering into an agreement with the four unions representing various District employees, negotiating contracts with vendors, such as busses, managing all the facilities, and so on. This is the business that takes place at School Board meetings.

The School Board's legal authority derives from New York State education law. The School Board cannot pass its own laws that then change how they function. This is different from City government, in which the City Charter is the basic source of the legal authority of the Mayor, Comptroller, President of the Council, and the Common Council. The Council can amend the Charter and thereby change how City government functions.



## Editorial – My Opinion of the School Board

I have been a casual observer of the School Board for years. In the last year or so, I have been watching it more carefully. The first thing that really struck me is the way that **the School Board deliberately flaunts Open Meeting Law**. OML is a set of laws that regulates the ways in which public, governing bodies, such as Common Councils and School Boards, interact with the public. The basic idea is that all public bodies that make decisions for the public must be open to the public – they must allow the public to attend the meetings, they must adequately notify the public when and where these meetings will happen, they must provide “action items” in advance and minutes after the meeting is over. I have been struck by the degree to which our School Board simply flaunts these Open Meeting Laws. I brought these concerns to the School Board several times during public comment, and it quickly became clear that the majority of the members of the Board did not care, in the least, that they were regularly, deliberately violating New York State law. What is at issue, I believe, is not just Open Meeting Law, but basic democratic control. Here is the crux of the issue: we have a School Board that is controlled by the Superintendent.

As I wrote above, the basic role of any School Board is to oversee and manage the Superintendent. **The Superintendent should answer to the School Board. But here in Utica, this relationship has been upended. Our Superintendent controls our School Board.** There is far more evidence of this than I can possibly summarize here. But in the current race, one candidate has publicly said that he is running because the Superintendent asked him to run. This is a clear sign that the Superintendent goes out of his way to control the School Board. In 2020, the Superintendent got a five year contract. Then in 2021, they decided to extend this contract by one additional year, turning what had been a five year contract into a six year contract. They also gave him a

large raise at this time, but the extension and the raise only passed by 4-3. So, although the Superintendent gets the votes he wants from the Board, he does not manage to generate consensus on the Board. And the Board continues to extend the contract for the Superintendent despite some egregious failures of leadership on his part.

**In 2015 the NY Attorney General brought a lawsuit against the District naming Karam as a Defendant.** Several layers of administrators were instructed to keep out immigrant students without leaving any trace of this. This policy was enforced at the highest levels, including by the district superintendent. Also in 2015 a second lawsuit was brought against the District and Bruce Karam as Defendant, on behalf of six refugee student plaintiffs. The Defendants diverted immigrants aged 17-20 to the "Newcomer Program." The Newcomer Program provided English as a second language ("ESL") instruction to immigrant students, but no content area instruction, such as math, science, and history. This is direct violation of NYS education law (and the NYS Constitution) that requires all students up to the age of 21 have full access to a complete high school education. The Superintendent willfully and knowingly violated the basic Constitutional rights of Utica children.

**In 2019, the NYS Comptroller Thomas DiNapoli audited the District and found several serious concerns with the District's payroll.** Key findings were that \$418,000 in payments were not accurate, supported or paid in accordance to contracts or Board resolutions. The audit found manual adjustments for fingerprint time clock system entries were not adequately supported or approved by supervisors. A Media Coordinator (who also happened to be the son of the vice-president of the Board) was hired at \$45,000 in 2014 and given a raise of \$32,935 on July 1, 2015. The Board approved the promotion but not the salary, and the time records for this employee were not adequately supported. ([You can read this report here.](#))

**In 2021 the UTA conducted a Workplace Climate survey.** Teachers reported lack of support, low morale, bullying by the administration, fear of being fired for bringing ideas forward that administration did not want to hear, failure of administrators to engage and listen to teachers, and being bullied for acts as simple as placing a candidate's sign on a lawn, or signing a petition for a Board candidate opposed by the administration or superintendent. In other words, teachers' First Amendment rights to political expression were violated. The Superintendent is responsible for creating this toxic work environment. ([You can read portions of that survey here.](#))

Just a few weeks ago, 3 out of the 7 Board members stated they did not have time to review the Superintendent's school budget before they were asked to

pass it. This year, the Board received the budget on Good Friday before Easter, and voted on it that next Tuesday, despite an attempt to table it for further review. The vote was 4 to 3 against further review, again, the slimmest of majorities.

I could go on. But I won't. All of this public evidence points in one direction: the Superintendent is not creating and maintaining the School District that we as a City need, and the School Board is not holding him accountable.

**So, I am not only encouraging everyone to be sure to vote on May 17th, but I am also encouraging everyone to vote for those candidates who are clearly independent of the Superintendent and who will fulfill their basic obligation to oversee the Superintendent and make sure that he is doing the best for all of us.**

In a few days, I will send out a follow up Newsletter. This Newsletter will be a Candidates' Forum, where each candidate is given the opportunity to answer a common set of questions. Judge for yourself who can best represent us and bring democratic control back to the District.

## **Check Your Polling Place for May 17th**

It's easy to go online and check both your registration and polling location. Just follow the link below.

**[Check Your Registration and Polling Location](#)**

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