

For Immediate Release

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NY Appellate Court Affirms School Leadership Team Meetings are Open to the Public

In a rebuke to the NYC Department of Education, which began closing School Leadership Team (SLT) meetings to the public in 2013, a New York appellate court has found that closing the meetings violates the state's Open Meetings Law. In a decision released today, the New York Appellate Division, First Department found for the petitioner, Michael P. Thomas, and the intervenors, Public Advocate Letitia James and Class Size Matters, that SLT meetings must be open to the public.

Contrary to the DOE's claims, the Court held that SLTs are governmental bodies that have decision-making authority under state law. The SLT helps formulate "school-based educational policies" and ensure that "resources are aligned to implement those policies," wrote the Court. Thus, SLT meetings must be subject to the Open Meetings Law. The Court rejected DOE's contention that SLTs, composed half of school staff and half parents, have only advisory powers and thus their meetings could be closed.

On March 17, 2014, retired teacher Michael P. Thomas asked the Chair of the SLT and the Principal Linda Hill of IS 49 on Staten Island to attend their meeting. The Chair invited him but later rescinded her invitation, and barred him from entering the meeting when he arrived at the school on April 1, 2014. On May 17, 2014, Mr. Thomas commenced an article 78 proceeding, and the Public Advocate and Class Size Matters subsequently intervened on behalf of parents and the public at large, represented pro bono by Advocates for Justice and New York Lawyers for Public Interest.

On April 21, 2015, Supreme Court Judge Peter Moulton [ruled](#) that "SLT meetings entail a public body performing governmental functions," and thus are "subject to the Open Meetings Law." He concluded that "the proper functioning of public schools is a public concern, not a private concern limited to the families who attend a given public school." Chancellor Carmen Farina instructed principals to ignore this decision, and filed a Notice of Appeal on May 22, 2015. The Appellate Court heard arguments from both sides on January 21, 2016.

Upon learning today that he had won the case, Michael P. Thomas said, "It was a long wait, but well worthwhile to read the court's decision. Opening SLT meetings will allow the public to observe first-hand the effects of problems plaguing our schools, including underfunding, overcrowding, and poor budgetary priorities. The Court's affirming that SLTs are more than advisory in nature demonstrates that these bodies have real decision-making power. Unfortunately, in too many cases, principals have improperly usurped the power given to SLTs in state law. Hopefully, the Court's decision will be the first step in helping to resolve the many problems in our public schools."

"We are delighted that the First Department confirmed in a unanimous opinion the public's right to attend these very important School Leadership Team meetings," said Laura D. Barbieri, of counsel to Advocates for Justice Legal Foundation, representing the Public Advocate Letitia James, and Class Size

Matters. "The Department of Education must comply with the Open Meetings Law and can no longer exclude the media or concerned citizens who have a right to know what is going on in their neighborhood public schools."

Said Rachel Spector, Director of the Environmental Justice Program at New York Lawyers for the Public Interest, which represented Class Size Matters: "The court's decision affirms that when public schools make decisions, they must be transparent: public schools cannot act in secret. We are pleased that members of the public can now attend School Leadership Team meetings without fear of being turned away at the door. This is an important step forward and serves as a reminder to the Department of Education that community participation is crucial to the success of New York City public schools."

"The law is crystal clear that School Leadership Teams are public bodies, with an important governmental role to play. Parents and the public have a crucial stake in SLT decisions, when it comes to class size, the use of technology, or any other school-based policies. Both the Supreme Court and now the Appellate Court have ruled that these meetings must be open to the community at large. Any attempt by the DOE or principals to ignore this decision, subvert it or appeal to a higher court would be unwise, would further delay the public interest and would waste precious taxpayer funds that are far better used in improving our schools," concluded Leonie Haimson, Executive Director of Class Size Matters.

The Appellate Court's decision is posted here:

http://www.nycourts.gov/reporter/3dseries/2016/2016_06989.htm

Additional background on School Leadership Teams, along with a timeline and links to legal briefs and news articles, is posted here: <http://www.classsizematters.org/parent-empowerment/>

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