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Fate of mayoral control now lies in state Senate

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Legislation proposing mayoral control of Rochester public schools passed the Assembly on Thursday, putting the focus on the state Senate — where the bill's fate is far less certain.

This is where opponents hope to defeat the measure. Local senators, all Republicans, have not stated how they intend to vote.

"Do I need them? No," said Senate President Malcolm Smith, D-Queens, who is sponsoring the bill. "Would I like to have them? Obviously."

Democrats hold a slim 32-30 majority in the Senate, exactly the margin needed to pass legislation themselves. But the immediate question is whether Smith can get the bill out of the Senate rules committee, which he chairs.

In the Assembly, the bill cleared two remaining committee votes Thursday and passed the full house in an 89 to 40 vote.

"This is probably, in my view, one of the most important votes I will ever cast, and certainly it is one of the most important votes in the city of Rochester," said Assemblyman Joseph Morelle, D-Irondequoit, who co-authored the bill with Assemblyman David Gantt, D-Rochester.

Morelle continued: "We are pleased tonight. But we know that the job is only half done."

The Assembly votes have not been along party lines, though Assemblyman and Monroe County GOP chairman William Reilich, R-Greece, voted no. As for his colleagues in the Senate: "They vote what's best for their district, regardless of how I vote. I'm not sending any message."

The legislation seeks to make public schools a city department, dissolve the school board and grant oversight to the mayor and City Council. If adopted, the change in school governance would take effect July 1, 2011. But with only days remaining in the current legislative session, and state lawmakers focused on the budget, the only certain deadline Smith offered for getting the bill out of committee was "probably before we leave."

"I would like it to be done this session, but I can't guarantee that," Smith said.

The Senate will not be holding a public hearing on the legislation. Last week's seven-hour Assembly hearing in Rochester was adequate, Smith said, noting that Senate staffers attended, and he watched some of it online.

City hearings, once promised before any state vote, have not been scheduled. A draft operations plan is being vetted, city spokesman Gary Walker said, and Mayor Robert Duffy has called a news conference for today, in part to discuss school governance reform.

Some New York City Democrats have opposed mayoral control in New York City, and Senate Republicans may be unlikely to vote for the bill for Rochester unless Republican senators who

represent the city, Sens. Joseph Robach, James Alesi and George Maziarz, back it. So far, they have not.

This weekend, the Rochester Kids First coalition will launch a media campaign targeting Robach and Alesi with a series of robo-calls, said coalition member Sandy Parker, CEO and president of the Rochester Business Alliance.

"The focus is on the Senate," she said. "And, I will tell you, the focus is on two senators. ... They need to support this."

While Parker said she was celebrating Thursday evening, Adam Urbanski, president of the teachers union, said the Assembly vote was neither a surprise nor a victory.

"In the Assembly, it's been a foregone conclusion," Urbanski said. "So all along, our thoughts have always been that there would be independent minds in the New York Senate."

The bill appears to be getting a boost from Andrew Cuomo. The attorney general said this week that he has been talking to senators about the bill that Duffy, his running mate, has pushed. Duffy's candidacy alone could be a factor.

"I suspect that it could be of help in the Senate, where he could very well be the presiding officer next year," Morelle said.

"This is clearly a Bob Duffy initiative," added Maziarz, R-Newfane, Niagara County, whose district is mainly outside the city. "This is clearly a signature issue for him. Whether he says it or not, everybody down here sees it that way."

Meanwhile, Robach, R-Greece, who represents most of the city, is protesting the bill's introduction by Smith, saying New York City Democrats in the Senate are trying to usurp local residents' wishes and "dictate policy to people in Rochester."

Robach has argued that the proposal should be put to a referendum, an idea that has the support of Reilich and Maziarz. Smith and Duffy say a referendum is a delay tactic. Smith is convinced the change has public support, though estimating only a 60-40 majority.

"The people who are impacted the most — the parents, the grandparents, the taxpayers — they should be able to make this decision and know the facts prior to going into it, not Albany," Robach said this week.

"But it seems like they are trying to go around the people of Rochester and get somebody from New York City to do a bill the way they didn't like it done in their city," Robach continued, calling it "a bad precedent."

Smith explained that he sponsored the bill because the state cannot afford a poorly performing school system. The city's 46 percent on-time graduation rate is among the worst in New York.

Ultimately, Smith said, legislators should stop pitting upstate versus downstate. He noted that Robach and Alesi both voted for mayoral control in New York City.

"If you want to go there ... they chose to vote for what New York City was doing," Smith said. "What's the difference?"