Tanya Domi:
Hello, this is Tanya Domi. Welcome to The Thought Project, recorded at the CUNY Graduate Center. In this space, we talk with faculty and doctoral students about the big thinking and big ideas generating groundbreaking research, assisting New Yorkers, and informing the world. This episode of The Thought Project features guest David Bloomfield, Professor of Education, Leadership, Law and Policy at Brooklyn College, and at the CUNY Graduate Center. Former adjunct professor American Museum of Natural History, founding Chair, Department of Childhood, Bilingual and Special Education. Program Head, Education Leadership Chair, and Education Department at the College of Staten Island, and a former general counsel of the New York City Board of Education.

He is also author of the American Public Education Law Third Edition, published in 2016 by Peter Lang. Elementary and secondary teacher with certification through district superintendent levels. Author of many opinion editorials in top tier media on education issues, including the New York Daily News, the Gotham Gazette, the Hechinger Report, including [inaudible 00:01:32] among others. Among David Bloomfield's honors include the Paul Robeson Award, Columbia University School of Law, City, and State New York Education Power 100 in 2020 and 2021. Professor Bloomfield is a widely quoted and interviewed scholar on a myriad of issues associated with New York City public schools, as well as national issues related to public education, and in some instance, private education in the United States. It is delightful to welcome back to the Thought Project, Professor Bloomfield.

David Bloomfield:
Good to be here.

Tanya Domi:
It's great to see you, David, in person in the studio. I feel progress. Progress is happening. There is so much going on in K-12 education throughout the country and here in New York City. A rising parental class who seek to control the books their children are reading, going as far as banning and the reading of specific books in K-12 that are traditionally always read, Mark Twain, et cetera. This has yielded also to attacks on teachers, and now has arguably caused a shortage of teachers. People are leaving the field of teaching. How did we get here? What is going on here?

David Bloomfield:
I think what's going on here, is that a group of politicians have seized on a hot button issue for a minority of parents. I mean, it is just wrong to say this is a parent's rights movement. There are a certain number of parents, basically Republican loyalists, who have made this into their issue at the behest of Republican politicians, and have framed this as a parent's rights issue. It's not a parent's rights issue, and it's certainly not a student's rights issue. Students go to school to learn about things that they couldn't learn at home. They learn how to deal with different ideas and different people.

And so it's very important that the majority push back against what is essentially a minority movement to mobilize the base, and to make sure that everybody's children are getting a sound basic education. That means an education that reflects the society, and this is a society that of course reflects many different types of beliefs, many sexual orientations, many gender identities. And it's exactly right to be having all of those within the classroom, within the school, and within the school community. And many parents want that for their children.

Tanya Domi:
Yes, and it does seem like, as you suggest, that the Republicans have gone on steroids to make this a wedge-issue about what children are reading. It included a book on the Holocaust, a graphic book that was written on the Holocaust, Tennessee banned it. Of course, Tennessee would ban it. They go by this, [inaudible 00:04:48] honestly, we go back to the Scopes Trial, but this is really disconcerting. It's like a movement across the country.

David Bloomfield:
It's a movement because it's run by politicians who can make laws. It is really having an effect on teachers who are worried about, as we say, regarding the Florida statute. They can't say, "Gay." The Florida statute though is emblematic of how vague and really reprehensible these statutes are. This Florida statute probably bans Valentine's Day, right? You're not supposed to be talking about sexual relationships of any type. So it's unenforceable, it's immoral, it's anti-education. But it's having a great impact on classrooms. And that's a tragedy.

Tanya Domi:
Yes, and I would say on children's lives too, because how many kids are gay? And speaking of that, I also think that the ban on saying, "Gay," it's an abridgment of speech. And it reminds me of don't ask, don't tell, quite frankly. I can speak to this from a personal standpoint. And secondly, there are gay children. So there are also trans children. Now, I think we also are now grappling another issue that's been created in the schools in over 14 states, state legislatures have adopted, or are trying to adopt anti-trans bills in their respective states. Saying that children that are trans aren't eligible to have drugs, that if a parent's involved in working with a doctor and a psychologist, they could actually be arrested. And secondly, it's denying trans children the right to participate in a lot of extracurricular school activities. This is really terrible development.

David Bloomfield:
Well, I hate to be optimistic in this conversation-

Tanya Domi:
Okay?

David Bloomfield:
But this is all happening because of the strides that have been made in equity, in equalization of these populations.

Tanya Domi:
That's a valid point.

David Bloomfield:
And let's also make sure everybody in the audience understands, that the federal government is protecting these children under Title IX regulations, which I know we're going to be talking about a little bit more. So it's great that we actually, I think, have gotten beyond the bathroom issue from several years ago. We're now talking about a small group of children who are discriminated against because of their gender identity. I think we will continue to make progress. This is a reaction against progress, but the genie's out of the bottle. And remember how horribly trans and gay youth have been treated, and
gay people have been treated in this country, it's better now. And it will continue to get better as long as people are mobilized and focused on that progress.

Tanya Domi:
I completely agree. I would also say that the very act though of introducing these bills is a violent act against these people. And that concerns me, I mean, because of the rhetoric and how that affects the children themselves. That's a thing, one of the things I'm concerned about.

David Bloomfield:
It is it tragic and it's next door there. There's a situation going on Long Island right now, where a school board has gone whole hog in banning the pride flag from classrooms.

Tanya Domi:
Oh yes. I just saw that, and I actually read about who determines which flags are actually put in classrooms. And apparently, according to New York State Law, the flag that must be in a classroom is the American flag.

David Bloomfield:
That's right, so I was talking to the [inaudible 00:08:50] reporter about this. The American flag has to be displayed in schools, not in every classroom, it turns out. But the [inaudible 00:08:59]-

Tanya Domi:
If the flag is to be hung.

David Bloomfield:
... school board has said that every classroom has to have an American flag, a New York State flag, and no other flags, because they regard flags as political, and they're trying to just ban the pride flag. But because you can't pick out the pride flag, because that is discriminatory, they banned all flags.

Tanya Domi:
Everything, all flags.

David Bloomfield:
But they're not going to get away with it, because the pride flag can be used as an educational tool.

Tanya Domi:
Absolutely.

David Bloomfield:
And so you can talk about the pride flag, even-

Tanya Domi:
And what it represents.
David Bloomfield:
So this whole discussion is a symbol of why the right wing is not going to succeed in this, despite the great publicity that they're getting, and the chilling effect of their speech.

Tanya Domi:
Yeah, the whole issue around speech is really interesting, because many of those people that are in these efforts, say just some really reprehensible things, and they're entitled to say it under our First Amendment, but at the same time, they want to ban everybody else's speech.

David Bloomfield:
Right. Well, just the idea that don't say, "Gay." Now everybody is saying, "Gay."

Tanya Domi:
Oh, of course.

David Bloomfield:
S-

Tanya Domi:
And we're saying it loudly, by the way. I actually put it on my Facebook page, and I just put the word, "Gay," and repeated it all across the column with the flag and said, "There, I said it. Gay."

David Bloomfield:
It's great that you're doing it, but the greater thing is that the students themselves are doing it.

Tanya Domi:
Absolutely.

David Bloomfield:
And this is not just gay and trans kids, it's not queer kids, it's all kids.

Tanya Domi:
Well, this is true. And also my concern, as somebody who knows about teaching in the classroom, although I don't teach K-12, it's that how do the teachers feel about this? Are they chilling their own speech? Are they feeling basically hemmed in by these laws? Or even from the pressure of the local superintendents?

David Bloomfield:
Well, going back again, I think that this is speech that hasn't been used. These are policies that have existed essentially for all time. It's just because now we are talking about the true racial history of this country. We're talking about the fact that we have gay and trans children and neighbors. So the idea that the right can keep this from coming up in the lives of children, children who have access to the internet, children who are active on Instagram, and other social media, who watch TV. And of course, it only takes one courageous teacher to open their eyes. So even if other teachers are chilled, and
probably have been chilled for decades and centuries, it just takes one teacher to take out a book about a gay child, or a gay adult, and all of a sudden you can't put that genie back in the bottle. Learning is just a wonderful thing.

Tanya Domi:
This is a good conversation, David. I give you credit. So all these issues are going on. Lots of teachers are leaving the field. Now they're talking about shortage of teachers, who would want to teach in this situation? Now, maybe in a state like New York, or New York City, where people aren't coming in and telling you what to say to kids about gay people, or queer people, or whatever, about Mark Twain. Maybe it's okay in the blue states, but a lot of the country isn't in the blue states?

David Bloomfield:
Well, the date is really mixed about whether people are really leaving the profession. I think that they're probably leaving the profession because of the low pay, more than working conditions. So we have to protect our teachers. We have to protect the rights of teachers to teach where the students lead them. And usually these matters aren't coming out of the textbooks, because the textbooks have been centered long before these discussions took place. It's students bringing these issues into the classroom, and teachers needing to deal with it, because you can't just tell the kid to shut up. So we will make sure that through legislation, through regulation-

Tanya Domi:
And probably through ... Sure.

David Bloomfield:
... through political activism to make sure the teachers are protected. But it is a battle, and it's good to be talking about it because we can't let the right suppress free speech and quality education.

Tanya Domi:
Yeah, and I'm sure the unions have a lot to say about that as well. I mean, among public employees, teachers are among the most unionized, AFT, which is an affiliate of the PSC and the National Education Association. I mean, there's quite a strong union for teachers, and I know they're working on these issues.

David Bloomfield:
Right. We have to make sure that the unions are empowered in states other than the north-east and the far west.

Tanya Domi:
True.

David Bloomfield:
And there are community pressures, there always have been. There will be, but it's a big wide world. I mean, it was a great thing when the Brooklyn Public Library made banned books available to students all across the country.
Tanya Domi:
That's true. That was a great initiative.

David Bloomfield:
And so the kids will be exposed to this, whether some parents want it or not.

Tanya Domi:
Okay, so now here we are in New York City, we're in the 10th month of Mayor Adams's first year, and he hired David Banks as the chancellor, and they quickly announced cuts to the education budget. Now, some people have explained that as saying, "Well, a lot of people left New York City during the pandemic." And I just thought it was odd that the mayor would announce cuts to the K-12 budget. It just seems out of step, given all the needs that education requires. Secondly, we're talking about a pandemic that revealed the needs for mental health services. I mean a number of services that schools continue to provide for, but it doesn't seem that they've thought about how that money should be used more broadly than in the classroom. So what are your thoughts on the Adams administration when it comes to K-12 schools in New York City?

David Bloomfield:
Well, how many hours do we have?

Tanya Domi:
I know. The largest school system in the country.

David Bloomfield:
So Adams appointed David Banks to great fanfare. David Banks is an experienced New York City educator. He's a black man, as is the mayor. We really thought that there would be a shot in the arm in terms of knowledge and concern for our students of color because of David Banks coming in. Unfortunately, the next thing the Adams administration did was cut $250 million out of the DOE budget, ostensibly because enrollment was down. Well, the need doesn't necessarily follow the enrollment. And so our needs are great in public education. We are still in the throes of the pandemic, with all the damage that's done. Students need not only intensive teaching, but they need social and emotional supports in the form of counselors and social workers. I'm sure the mayor, and certainly the city council, now realize that that was a crazy thing to do politically, if not educationally, because there's been huge push-back against them. And particularly the city council, which went along with this cut. Which is negligible in terms of the larger DOE budget, but was sent directly down to the school level, so that educators and support staff were being fired. They were transferred out of the schools. They didn't lose their salaries, but the kids lost those services. And the mayor, because I think the budget has continued to deteriorate, stood by the passage of his budget by the city council. The city council was unable to get the mayor to change. So we are really in a fix in terms of school staffing right now, because of a [inaudible 00:17:57]-headed decision by the mayor. A understandable budgetary cut, given the city budget, but not understandable in terms of the school system, and getting kids back into the schools. If enrollment is down, and to some degree that enrollment is down because of choice, people moving away, et cetera, you want to get the kids back. And you're not going to get the kids back with headlines that say, "$210 million has been cut out of school staffing."
Tanya Domi:
Yeah, they didn't think through, firstly, the political consequences and then the long-term ramifications if you're cutting staff.

David Bloomfield:
Well, I think, politically, what often happens when the mayor is negotiating with the city council, the mayor needs to come in with a balanced budget, but he also needs to give the city council the chance to come through with some political gift that they can announce, that they saved the $250 million cut. So people understood when the mayor came through with his budget cut, that the city council would restore that money. So what really surprised people like me, was that the city council didn't insist on the restoration of that $250 million. And they are really going to have a problem, come re-election time to defend their vote to cut the New York City Public School budget.

Tanya Domi:
That would seem to be a good issue to run on in the next election.

David Bloomfield:
The problem is nobody's going to run against them because a big class just came in, and with term limits, they basically will fall into step with their re-election. But they have learned not to cut the school budget, even at a time of falling enrollment, but increased need.

Tanya Domi:
Eight, and we're talking about schools being really the anchors in these communities. During the pandemic, people went to the school to pick up meals. And they are an anchor for kids too. I mean, many children qualify for breakfast, lunch at school. They get healthcare at school. There's a school nurse. It just seems like people didn't think this through very well.

David Bloomfield:
It was a green eye-shade decision. And I think the mayor has learned his lesson, but at the same time, there is this diminution in services. And so children are suffering, because the accountants were in charge.

Tanya Domi:
Right, so just recently, as you're aware of, it was reported by the New York Post, among other publications, that the mayor hired the chancellor's girlfriend and the chancellor hired the mayor's girlfriend. I mean, you cannot make this up.

David Bloomfield:
The Adams administration has been beset with charges of nepotism, cronyism, and this is just another example. These two women are highly qualified, but it's a bad look. And not only is it a bad look, because there are a lot of other qualified people as well, I'm worried that it is insular, and we're not going to have any kind of dissension within the highest ranks of the DOE, new ideas, because groupthink sets in. If you hire everybody else's boyfriend, girlfriend, brother, you're not going to come up with a lot of differences, constructive differences in opinion that need to happen for a school system of a million kids, still, close to a million kids.
Tanya Domi:
This seems to be a repetitive pattern of the mayor. I mean, he did attempt to hire his brother to lead his
personal security detail.

David Bloomfield:
And Banks's brother is the Deputy Mayor for Public Safety.

Tanya Domi:
I know, you really can't make this up. This isn't a good look. So it just seems to be a pattern, and it'll be
interesting to see if there's a course correction here, if there are going to be a course correction for the
mayor?

David Bloomfield:
Well, for me, the biggest worry is I don't think education is a mayoral priority. This is a mayor who had
virtually no track record on education when he was in the State Senate and as borough president. He
ran a campaign really based on public safety. Now his big education initiatives seems to be Gifted And
Talented. By definition, that's going to only impact probably the top five or 7% of kids, who get selected
for this. I disagree with who might be selected or not. I mean, it's the problem with winnowing, that it's
pretty subjective, even if you say it's based on grades, not test scores, maybe even more subjective. But
that's his big educational initiative, which is not going to impact the vast majority of students.

Tanya Domi:
Right. But there is a big issue that you've been directly involved in. There was a story that broke in the
New York Times this morning, with regard to the Yeshiva curriculum in compliance with New York State
standards. This is an issue you've been working on for many years, since I've known you. And why don't
we talk about what you heard this morning, and what's been reported by the New York Times on this
fast breaking news?

David Bloomfield:
Right. Well, first I want to frame this as an issue of educational rights. As you know, I'm an education
lawyer, and state law requires that all schools, public and private, have substantially equivalent secular
instruction. Standard subjects, math, reading, science. These ultra-orthodox Yeshivas in the Hasidic
community don't teach those standard subjects. State law requires that those subjects be taught. This
morning, for the first time, the State Education Depa...

Tanya Domi:
In Brooklyn?
David Bloomfield:
... in the ultra-Orthodox community. So we'll see whether this does any good, but it's an important step in enforcing state law, regarding secular instruction for these kids.

Tanya Domi:
Well, props to you and all your colleagues who've been working on this issue, and as many people in Jewish community, we're both Jewish, but as many people in a Jewish community, they consider it a Shonda, that this has been ongoing.

David Bloomfield:
But understand, going back to issues of gay students and other queer students, it's not only a discrimination matter. It's not just for that community that we have to protect them.

Tanya Domi:
Sure. No, it's for all students, yeah.

David Bloomfield:
It's for all students. And so these are kids of Yeshivas who vote, and if they're only taught religious studies, and they don't know math, they don't know English, they don't know history as required by state law, then they're not going to be informed voters. They're not going to be informed jurors. And so everybody is diminished by that situation, not just that particular community.

Tanya Domi:
Of course. So a couple other things. This is good news. We'll have to watch this and I'm sure you'll be commenting about this development in the papers. So we also have a big issue that happened at the Supreme Court in this last session, revoking Roe v. Wade, after nearly 50 years, having access to legal and safe abortion has now been revoked by the Supreme Court. At the same time, the Biden administration is looking at, and they are in the process of preparing new Title IX regulations to probably reverse much of the regressive regulations that were adopted in the Trump administration. So now we're talking about, as we've already alluded to, we're talking about queer students, we're talking about women and girls, that in this case for K-12, we're talking about girls, and how the Dobbs decision will be actually enforced in schools. I want to hear your thoughts about that, and what we could possibly anticipate with regard to the forthcoming Title IX regulations.

David Bloomfield:
Right, so let's separate that out a little bit.

Tanya Domi:
Sure.

David Bloomfield:
First, let's talk about the impact of Dobbs on K-12. And I think it's an under-reported story, under-noticed story that we're going to have a lot more kids, a lot more girls, who are giving birth as a result of the Dobbs decision. They're going to be in schools, they're often discriminated against. We used to have,
until recently, P-schools in the city, segregated schools for pregnant girls, because of discrimination. We were able to eliminate that only in the early 2000s. But these are children who are discriminated against in school, and they're going to leave school, because they're going to have to parent. So we, going back to the budget, we're going to need more services for infants, so that their mothers can stay in school. We're going to need services for those new pregnant and parenting students.

Mostly girls, rarely are boys in on this act and they should be, that should be an educational matter. So Dobbs is going to have a huge impact, maybe not so much in New York City, but certainly in the rest of the country. Title IX impacts discrimination based on gender, and so we have to make sure that Title IX rights are restored, that were watered down by the Trump administration. This has to do with sexual harassment, it has to do with sexual assault. It has to do with the way schools, K-12 and higher ed, treat perpetrators, and also treat the victims. So the Biden administration, I think, is restoring these rights. Let's hope that they're not blocked by the Senate, or by the House, if we have a Republican House.

Because statutes can change what goes into the regulation, and the Republicans are quite attuned to that, depending on how the election results come out. So all of this really depends on what happens this November, and in 2024.

Tanya Domi:
And in midterms. Yeah, absolutely. I'll just say, I'm a born Hoosier from Indiana, and it was the great liberal Birch Bayh who wrote Title IX, and it stood for a long time. It was actually adopted the year, I graduated from high school.

David Bloomfield:
Well, Title IX.

Tanya Domi:
It's 50 years-old.

David Bloomfield:
Right, Title IX exists and lives. So it's only the regulations-

Tanya Domi:
You're right,

David Bloomfield:
... underlying Title IX that changed depending on the administration. And let's hope that in fact the courts expand the understood rights of Title IX, to make sure that it covers gender identity as well as sexual orientation.

Tanya Domi:
Of course. Completely agree with you. Any other thoughts that you might have on any of these ballot measures that are out across the country, that will be voted on in the midterms, state and local jurisdictions?

David Bloomfield:
Well, as I said before, I think it's much more important in terms of the elections to the state legislatures, and to the governorships then particular state legislation. Think of what happened in Kansas with the abortion issue. With the abortion issue, in Kansas, the legislature tried to reduce abortion rights, and because legislatures are gerrymandered, the legislature was able to do that by proposing a new constitutional amendment that watered down abortion rights. But that constitutional amendment had to go to the voters, the statewide electorate.

And the statewide electorate struck it down, because the statewide electorate, even in Kansas, a strong Trump state, didn't want to reduce abortion rights. So the most important ballot initiatives are who we elect to the legislature, not so much what goes to statewide ballot there. There, the biggest impact can be to increase education funding, because it's the funding measures that often come to the voters rather than these particular issues. Like as we discussed already too, the don't say gay-legislation, that it's the Florida legislature and the governor, DeSantis, pushed it upon the people of Florida, rather than the electorate itself.

Tanya Domi:
Of course, so any final thoughts, David Bloomfield?

David Bloomfield:
No, keep watching the newspapers, stay mobilized, because this is, the good thing is that education is on the front page, and there's a lot of work to be done.

Tanya Domi:
It's always good to have you here at The Thought Project. Thanks so much for being with us today.

David Bloomfield:
Thank you. I always enjoy it.

Tanya Domi:
Thanks for tuning into The Thought Project, and thanks to our guest, professor David Bloomfield, Professor of Education, Leadership, and Law Policy at Brooklyn College, and at the CUNY Graduate Center. The Thought Project is brought to you with production, engineering and technical assistance by audio engineer Kevin Wolfe and CUNY TV. I'm Tanya Domi. Tune in next week.