



Class Size Matters

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On the Department of Education's proposed expense budget

Testimony before the NYC Council Education Committee

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Thank you, Chair Dromm and the other members of the City Council Education Committee, for the opportunity to provide testimony on the DOE's expense budget today. Class Size Matters is a citywide advocacy and research organization, devoted to providing information on the benefits of class size reduction. In recent years, class sizes have increased sharply, in part because of insufficient state and city funding to schools and also in part because of the NYC Department of Education's policies and its failure to make small classes a priority. Indeed, in many ways the DOE has through its practices has impeded the ability of principals to reduce class size.

A little background history is in order. In 2003, in the Campaign for Fiscal Equity lawsuit, NYS Court of Appeals held that NYC class sizes were too large to provide students with constitutional right to a sound basic education. In April 2007, NY State settled the lawsuit by passing the Contracts for Excellence (C4E) law. The State agreed to send billions in additional aid to NYC & other high needs school districts to be spent in six approved areas, including class size reduction.

In addition, NYC had to submit a plan to reduce class size in all grades. In fall of 2007, NYSED approved DOE's plan to reduce class sizes to an average of no more than 20 students per class in K-3; 23 in grades 4-8 and 25 in core HS classes over five years. In return, NYS has sent more than \$3 billion in C4E funds cumulatively to NYC since 2007, though funding has never reached its promised full level. The DOE claims its efforts were hampered by the fact that they have not received the funding promised, which is certainly true; but it is also true that even in 2007, when C4E funding increased from the state, the city's class sizes increased rather than fell, because the DOE cut back on school budgets at the same time. (See chart in powerpoint.).

The city's class size trend line is exceedingly depressing. ***Class sizes have increased most sharply in grades K-3 – an increase of 19% since 2006***, and we now have the largest class sizes since 1998 in these grades. In grades 4-8, class sizes have increased as well, 7 percent since 2007 – and are now the largest on average since 2002. And though the DOE's data on high school class sizes is unreliable, they report that class sizes in these grades have also increased steadily since 2007.

Why has this occurred, despite a legal obligation on the part of DOE to reduce class size?

- As mentioned above, NYC has never received its fair share of state aid. At this point, according to the Independent Budget Office, NYC's Foundation Aid remains \$2.2 billion below the amount projected for the city under the 2007 legislation.

- DOE has never allocated any of its C4E funds in their district-wide or targeted programs for class size reduction; though this was their primary legal obligation under the C4E law.
- Since 2007, DOE has cut school budgets 14 percent– contradicting C4E prohibition against supplanting.
- In 2010, DOE eliminated Early grade class size funding for grades K-3– despite promise to state in C4E plan to maintain it.
- In 2011, DOE decided no longer to cap class sizes in 1st-3rd grades at 28, leading to tripling of number of classes with 30 or more students in these grades.
- In 2012, DOE told principals to accommodate special needs students up to contractual class size maximum in general education & inclusion classes – 32 students per class in grades 1-5, 31 in 6-8 and 34 in HS.
- DOE has never aligned its capital plan to goals in class size plan, despite this being required by C4E regulations – making it impossible to reduce class size in overcrowded schools.
- The rush to create new schools and co-locate them has taken more funding and space from the system as a whole, creating a vast increase in bureaucracy and administrative positions as teaching positions have been lost. The networks have also grown sharply, in terms of headcounts and budget, though some of that spending has been hidden in the instructional lines at the school level.
- While the city has lost about five thousand teachers since 2007, according to the Mayor’s management report.
- In 2012, there were the fewest DOE pedagogues employed since 2003; the largest number of non-pedagogues since at least 1980, and the largest percent of non-pedagogues to pedagogues since 1993.
- DOE’s removed any mention of class size standards in 2009 from the instructional footprint which determine where new schools will be co-located.
- Many principals, especially those from middle s and high schools, report that when they use discretionary funds to reduce class size, DOE simply sends their school more students, undermining their efforts.
- Fair student funding is a system that forces schools to choose between experienced teachers and smaller classes, though our students deserve both. In addition, the FSF formula underfunds 94 percent of schools, according to the IBO .¹
- In addition, enrollment has increased throughout the city, making the effort to reduce class size more difficult.

In 2009, DOE estimated that it would cost \$358 million per year to achieve its average C4E class size goals across the city; DOE estimated it would cost \$448 million per year in staffing to achieve class size goals in ALL schools; plus more in capital costs for school construction. Each year, NYC receives more than \$530 million in C4E funds, though the impact of those funds is obviously reduced by the fact that the state has cut education aid in other areas.

When we look at the periods when class sizes have been significantly reduced, as in the period between 1998 and 2003 this occurred because of three factors: falling enrollment, dedicated funding spent specifically on hiring more teachers to reduce class size, , and a determination on the part of the administration to use those funds appropriately. Sadly, none of the three factors appear to be in play at this point.

¹ <http://www.ibo.nyc.ny.us/iboreports/fsf2013.html>

Despite the Mayor's pledge during his campaign to achieve smaller classes by the end of his first time, we have countervailing forces that appear to push class size in the other direction: increased enrollment, a focus on rapid preK expansion, which will take more space in our already overcrowding schools, and a teacher contract long overdue. Meanwhile, the education budget at the state and city level for K12 remains relatively flat.

There has been a new lawsuit launched by New Yorkers for Students' Educational Rights, with former CFE attorney Michael Rebell, on behalf of numerous plaintiffs including Class Size Matters, to try to ensure that the state provides NYC its fair share of funds.² Other groups are contemplating taking legal action against the state for lack of compliance with current state law as to their refusal to adhere to the Contracts for Excellence law.

But without a determined effort on the part of this city to increase education funding and allocate it appropriately to reduce class size, I expect rising class size trends to continue in the future.

² http://www.nytimes.com/2014/02/11/nyregion/suit-will-seek-money-that-new-york-state-promised-to-schools-in-2007.html?_r=0