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## Testimony of Class Size Matters on the Mayor's Management Report To the New York City Council Committee on Governmental Operations

April 8, 2016

Good afternoon Chair Kallos and members of the Committee. My name is Leonie Haimson, and I am Executive Director of Class Size Matters, an organization that advocates for smaller classes and more transparency and parent empowerment citywide.

I have several suggestions for how the Mayor's Management Report could be made more informative and useful when it comes to education.

### **Improvement in reporting class sizes:**

- In earlier years, the MMR reported on what percent of students in grades 1-3 were in classes of 29 or more.<sup>1</sup> Yet in FY 2008 this statistic was removed, without any mention. We recommend that this statistic be re-added. Even as average class sizes have been stable the last two years, the number and percent of student in classes of 30 or more in grades K-3 continues to sharply increase, nearly doubling since 2011. It would be helpful for the city to report on the total number of students in classes of 30 or more for other grades as well, especially as averages are often deceptive given very uneven distributions of class size across schools and districts.
- For the first time, in the 2015 MMR, the DOE said they were now substituting average class sizes from the January 31 audited register rather than the October 31 audited register.<sup>2</sup> It is unclear why this change was made. Class sizes by January are generally lower, especially in high schools, because thousands of students have left their schools since the fall.

In 2012, the DOE proposed eliminating the agency's legal requirements to report on class sizes each year by Nov. 15, based on the October 31 register data. In our testimony before the Report & Advisory Board Review Commission that considered and ultimately rejected this proposal, we pointed out how high school general education class sizes on average fall by 4% and 11% in high school special education classes between October 31

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<sup>1</sup> FY 2007 is the last known MMR with this data, p. 21;

[http://www1.nyc.gov/assets/operations/downloads/pdf/mmr/0907\\_mmr.pdf](http://www1.nyc.gov/assets/operations/downloads/pdf/mmr/0907_mmr.pdf)

<sup>2</sup> Change noted in 2015 MMR, p.212; [http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2015/2015\\_mmr.pdf](http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2015/2015_mmr.pdf)

and January 31 each year -- not because the DOE has hired more teachers but because thousands of student have dropped out or been discharged from their schools.<sup>3</sup>

We strongly recommend that the October 31 averages should be reported in the MMR, to indicate the opportunities that students have to learn in classes that allow for sustained feedback and interaction with their teachers, rather than reporting on the lower class sizes that result in part from excessive class sizes and inadequate classroom conditions during the first five months of the school year. 3

The reality is that the Oct. 31 audited register figures provide the basis for the DOE's Blue Book enrollment and utilization figures, and also help determine each school's funding level. If these figures are accurate enough for these purposes, they are certainly accurate enough to use for reporting class sizes to the public.

#### **On Enrollment figures:**

- This year, in the preliminary MMR FY 16 for the first time, the Noteworthy Changes, Additions or Deletions section says the following: "the Department revised previously reported figures for student enrollment to include charter school enrollment."<sup>4</sup> It is important to report enrollment data in a disaggregated manner, with the number of charter school students listed separately from the number of district public school students. The reality is that the growing number of charter school students whose schools are not governed by DOE have major fiscal and operational implications for the system as a whole. It would also be useful to have an accounting of how many charter school students are being educated in DOE buildings.

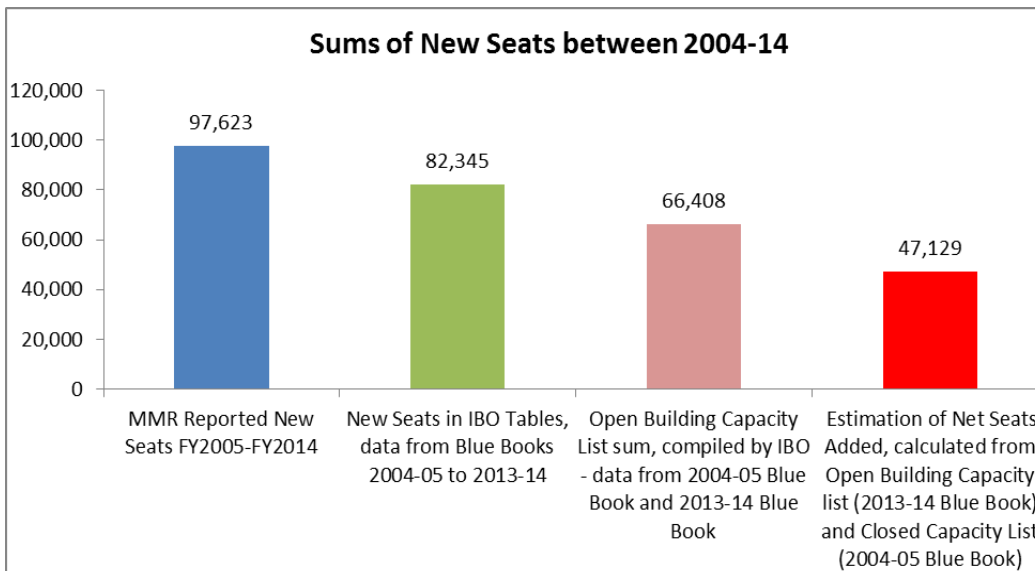
#### **On School Capacity figures:**

- The DOE should report on how many school seats are lost each year, as well as seats gained, because of expired leases, school closings, removals of Transportable Classroom Units (TCUs) or other reasons, as the total number of lost seats have a significant effect on school overcrowding and overall school capacity.

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<sup>3</sup> Leonie Haimson, "Testimony Before the Report & Advisory Board Review Commission on why the DOE should continue to be obligated to report on class size and TCUs," May 2012; <http://www.classsizematters.org/wp-content/uploads/2012/10/Testimony-Class-Size-Reporting-5-11-12.pdf>

<sup>4</sup> Preliminary 2016 MMR report, page 187:  
[http://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2016/2016\\_pmmr.pdf](http://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2016/2016_pmmr.pdf)



As can be seen in the above chart, there are many different ways of calculating new school seats, which result in widely discrepant figures. The first column above, showing nearly 100,000 seats added between FY 2005-2014, was derived from simply adding the total number of new seats as reported in the MMR from these years.

The second column, showing 82,345 seats added, is taken from the Independent Budget Office annual Public School Indicator reports.<sup>5</sup> The IBO figure was in turn derived from adding the total capacity of new school buildings listed at the back of each annual School Capacity and Utilization reports (or the “Blue Book”) over the same period of time, while omitting seats gained through classroom conversions.<sup>6</sup>

The third figure of 66,408 seats is derived from calculating the capacity of new school buildings listed in the 2013-14 Blue Book that did not appear in the 2004-5 Blue Book. Thus, like the IBO report it does not count classroom conversions in school buildings that existed before 2004-5. A major difference from the IBO figures, however, is that this sum does not include the capacity of schools added after 2004-5 but lost by the 2013—2014 school year.

The final column, showing the 47,129 total of new seats, reflects the net seats added, by subtracting the total capacity of school buildings that were listed in the 2004-5 Blue Book but that are no longer included the 2013-2014 edition. This number is less than half of the total that would be assumed by looking at the MMR alone. If each year the MMR reported on lost seats as well as new seats, we would have a better sense of what net additional school capacity has been achieved, and how much additional capacity will be needed in the future.

This is very important for planning purposes, even as it is unclear if the DOE includes projected lost seats in its needs assessments. It is especially important to include the number of lost seats from TCUs, as the DOE is committed to removing all TCUS with thousands of seats, without allocating any specific funding to create

<sup>5</sup> This is the sum of the new seats as reported in NYC Independent Budget Office, *New York City Public School Indicators: Demographics, Resources, Outcomes*, Sept. 2011, Table 3.21, p. 24 <http://tinyurl.com/zfs9t3n> See also the same IBO report from Sept. 2015, Table 3.20, page 31 <http://tinyurl.com/hctv28q>

<sup>6</sup> Sarita Subramanian, Education Budget and Policy Analyst, IBO, personal communication, March 29, 2016

replacements seats at the same or nearby schools.<sup>7</sup> Already 70 TCUs have been removed, according to the Jan. 2016 capital plan, with an estimated seat capacity 3,057 seats. One hundred more TCUs have been identified for removal, with an estimated capacity of 4,077 seats.<sup>8</sup>

- It would also be helpful to have disaggregated figures for how many seats are gained (and lost) each year in the following categories: classroom conversions, new buildings or additions, new leases, and new TCUs, with this data reported as well by borough, district and type of school (preschool, elementary, middle and high school seats.) The School Construction Authority section of the MMR reports occasionally on seats added through classroom conversions vs. leases vs. new buildings, additions, and TCUs, but not consistently.<sup>9</sup>
- From one year to the next there are also major inconsistencies in the number of new seats reported for the same year, sometimes by more than a thousand. For example, between the MMRs of FY 2011 and FY 2012, the reported number of new seats created in FY 2011 differed by nearly 2000. See the chart below. Whenever there is a discrepancy of many hundreds of seats, the new MMR should contain an explanation of why these figures differ significantly from the previous year.

	New Seats Created During the Fiscal Year									
	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
MMR Reports										
MMR FY2007	8,723	4,903	5,556	-	-	-	-	-	-	-
MMR FY2008	8,723	4,903	5,556	11,471	-	-	-	-	-	-
MMR FY2009	9,045	5,436	5,556	12,932	14,329	-	-	-	-	-
MMR FY2010	-	5,436	5,556	12,932	14,329	18,525	-	-	-	-
MMR FY2011	-	-	5,556	12,932	14,329	18,525	3,684	-	-	-
MMR FY2012	-	-	-	12,932	14,329	18,525	5,593	10,766	-	-
MMR FY2013	-	-	-	-	14,329	18,525	5,593	10,766	9,356	-
MMR FY2014	-	-	-	-	-	18,525	5,593	10,766	10,061	5,380

**Improved reporting on school capacity and utilization rates:**

- It is unclear if the MMR reported percentage of schools that exceed capacity and the percentage of students in schools that exceed capacity reflect the “historic” or the “target” figures in the Blue Book. It appears that the MMR cites the “historic” figures, even though the SCA has said they will no longer report “historic” data in the Blue Book.

<sup>7</sup> NYC DOE, FY 2015-2019 Five Year Capital Plan, Proposed Amendment January 2016, p. 34  
[http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/01212016\\_15\\_19\\_CapitalPlan.pdf](http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/01212016_15_19_CapitalPlan.pdf)

<sup>8</sup> We gathered capacity information from the annual TCU reports for 2012-13 and 2013-14, DOE reports to the New York City Council pursuant to the requirements in Local Law 122 of 2005. If a TCU’s capacity data was missing from these reports, we looked at the square footage of the TCU as reported in the school’s Principal Annual Space Survey and used the formula in the building code to estimate the number of students that these trailers should legally hold.

<sup>9</sup> These charts are available in the School Construction Authority chapter of the MMR for FY 2006, FY 2009, FY 2013 and FY 2014, but not in FY 2015 or the prelim MMR for FY 2016.

- We recommend that both target and historic figures be reported, as the historic figures better reflects trends over time, as the formula the DOE uses for calculating a building’s target capacity changes frequently. Yet the target capacity figures are also useful as they are a somewhat more accurate reflection of overcrowding, and better reflect how school buildings are currently used and conceived of by DOE.
- The percent of students in both elementary and middle schools that exceed capacity is currently lumped together; it would be more useful to report on these figures separately. It would also be useful to have the actual numbers of students in overcrowded buildings along with percentages.

#### **On Staffing:**

- According to the figures in the MMR, the city has lost thousands of teachers since 2008, with the number falling steadily until FY 2013. Yet most of the teachers gained over the past two years have been at the preschool level, as a result of the expansion of preschool classes. It would be helpful to break out how many of these teachers are assigned to preschool classes vs. K12 classes, as well as how many are classroom teachers as opposed to literacy “coaches” and/or intervention specialists. It would also be useful to have these figures separately for classroom teachers assigned to general education and ICT classes, vs. self-contained or D75 special education classes.

#### **Parent Engagement:**

- The section entitled “Promote parental involvement in education” needs to be strengthened. Data that would be useful to report here would be the number of functioning School Leadership Teams and PTAs throughout the city.
- Another useful statistic would be the number of Community Education Council resolutions that DOE has responded to, as well as how many times they have addressed the concerns expressed by those resolutions by changing their policies accordingly.
- Finally, much of the data in this section appears to be faulty, for example, reporting that only 1910 parents attended fall and spring Parent-teacher conferences in FY 2015. This must be wrong, considering that this is only a tiny percentage of more than 1.1 million NYC public school parents. This data should either be reported accurately or omitted.

#### **Transparency:**

- The DOE is notoriously slow in responding to Freedom of Information Law requests.<sup>10</sup> It would be very helpful to report on the number of FOIL requests made, and how many were responded to substantively within one month, three months, and six months. This reporting might also help speed their responses.

Thank you for the opportunity to testify today.

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<sup>10</sup> There are many examples of FOIL requests that take over a year for the DOE to respond to. One example: In February 2012, I FOILED for the performance evaluations of DOE’s leadership team. Sixteen months later I received notice that no such evaluations existed. See <http://nycpublicschoolparents.blogspot.com/2013/06/theres-no-accountability-for-anyone-at.html>