

**Class Size Matters /NYC Kids PAC**

**2021 NYC Council Candidate Briefing**

**December 9, 2020**

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# Introduction – Who We Are

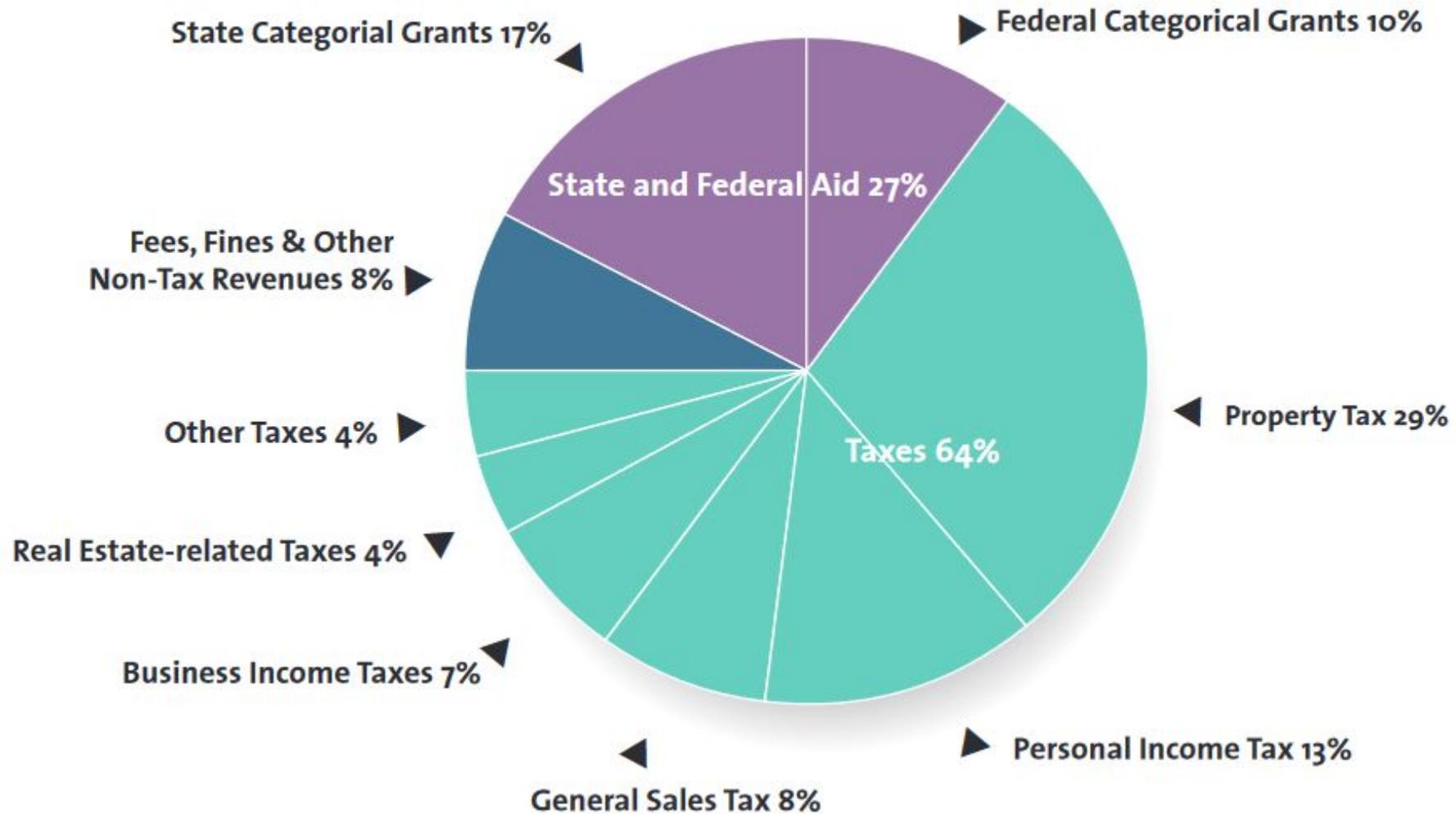
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- Non-profit org advocating for smaller classes in public schools, with focus on NYC
- Class size reduction is a proven reform shown to improve outcomes for all students, especially disadvantaged kids & students of color
- Also advocates for greater parent involvement in decision-making and stronger student privacy protections

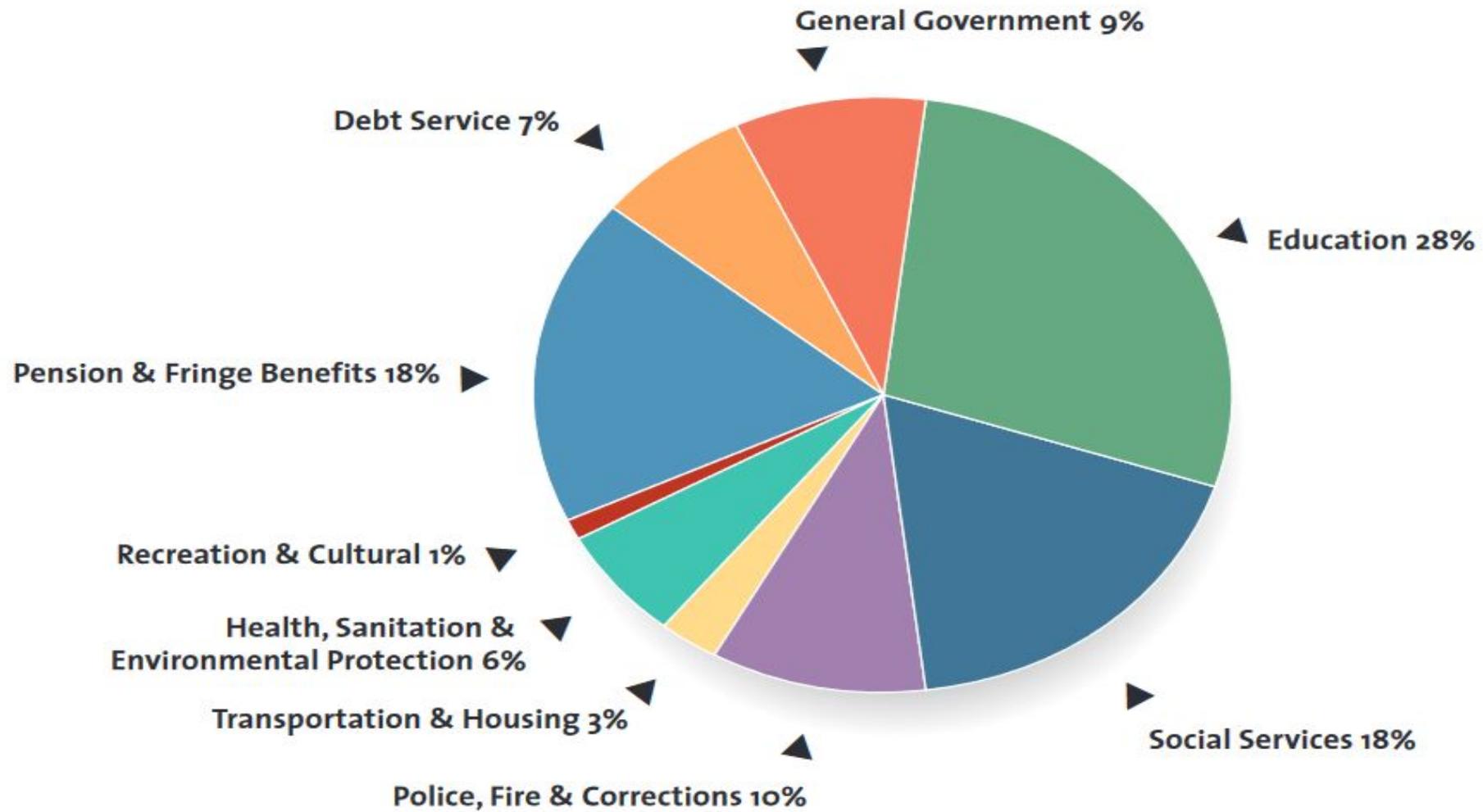


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- Only parent-led PAC focused on NYC public schools
  - Issues candidate surveys, and supports candidates committed to improving NYC's public schools
  - Produces annual Mayoral report card
  - Co-sponsors annual Parent Action Conference with CSM



# City Revenue Sources

Source: Independent Budget Office  
(FY 2017)



# City Spending Recipients

Source: Independent Budget Office  
(FY 2017)

# Debate Over Spending on Education vs. Police

- Last spring, Mayor proposed \$600 million in reductions to education budget, with \$280M cut directly to school budgets
- He also imposed a staffing freeze except for School Safety Agents, trained & hired by NYPD, whose budget would increase
- At the same time, there were no cuts to the NYPD budget whose staffing & funding continued to increase
- There are over 5,500 School Safety Agents, more than the number of counselors, social workers, and school psychologists combined.
- After budget was negotiated, Mayor claimed it included "\$1 billion in cuts and cost shifts to the NYPD." Yet IBO says only about \$420M was cut, including \$330M for planned overtime (most of which will likely not occur), & \$55M by eliminating hiring for summer class or 1,163 new recruits.
- Mayor also promised that over time, the budget for, hiring, supervision & training of School Safety Agents would pass from NYPD to DOE

# NYC DOE Budget – Total & Sources

(FY 2020)

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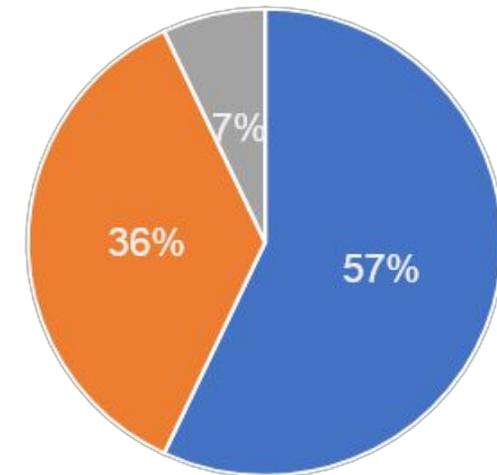
Total NYC Department of Education budget = \$34B

- Most by far of any NYC city agency

## *Funding Sources:*

- NYC provides 57%
- NYS provides 36%
- Federal Government and Other Sources provides 7%

DOE Budget

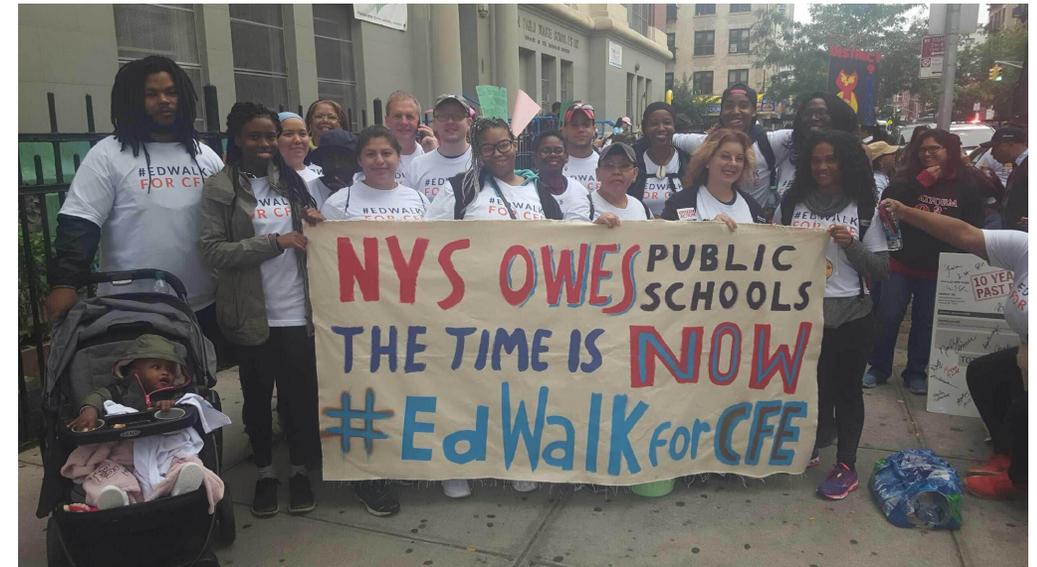


■ NYC ■ NY State ■ Federal & Other Sources

# State Education Aid is Inequitable

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- NYC doesn't receive fair share of state funding, especially as our schools have by far the most disadvantaged, Black & Latinx, English language learners, and special needs students in State
- Court's decision in *Campaign for Fiscal Equity* (2007) found NYS violating law since state Constitution required the state offer all children the opportunity for a “sound basic education”



*Photo via Alliance for Quality Education*

# Research: Smaller classes provide key education & economic benefits

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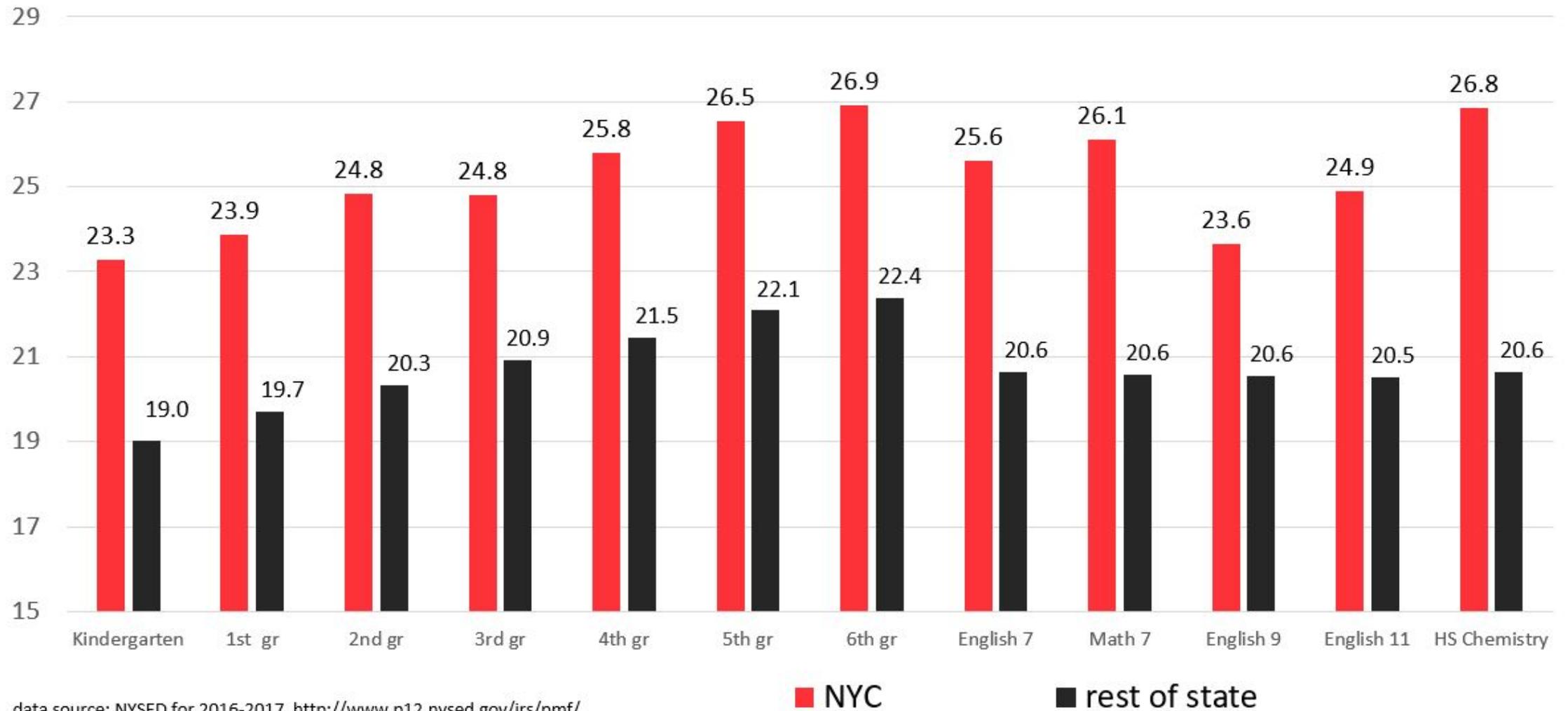
- Smaller classes lead to better grades and test scores, stronger student engagement, fewer disciplinary referrals, less teacher attrition and higher graduation rates, especially for students who need help the most.
- Class size reduction is one of only a handful of reforms shown through rigorous research to narrow the achievement gap between economic and racial groups
- Economists estimate that smaller classes yields economic benefits twice the costs; the benefits are especially large for low-income students and children of color.
- Smaller classes in NYC schools would likely lead to substantial cost savings in terms of fewer special education referrals, less teacher training costs, less grade retention and higher four-year graduation rates as well.

# Court Decision and NYS Law on Class Size

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- Major finding in *CFE* was recognition that NYC's class sizes were much larger than the rest of NYS & class size is a key driver to improve outcomes for disadvantaged students
- Contracts for Excellence – 2007 law requiring NYS to provide more funding to NYC & other high needs districts
- NYC submitted plan to reduce average class sizes in all grades, and plan was approved in 2007
- Plan was never followed, and instead class sizes increased and are still significantly larger than when the law was passed, especially in early grades

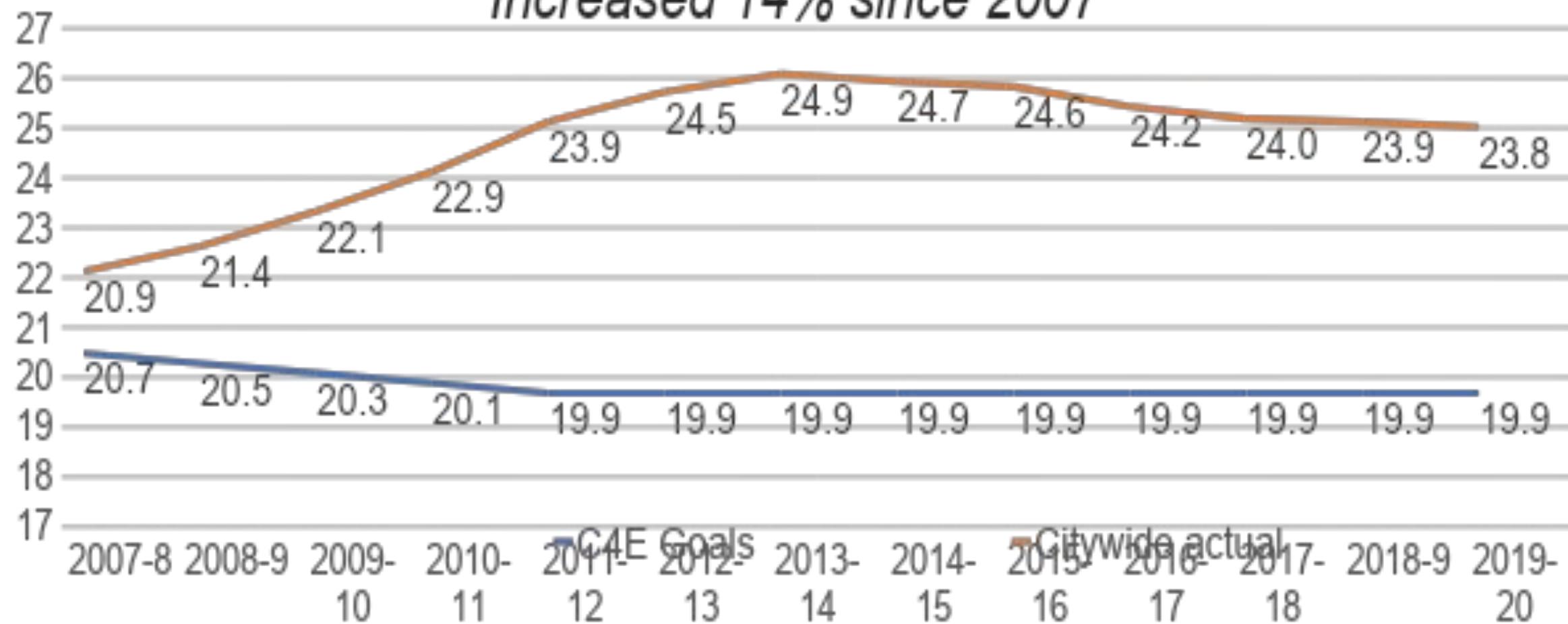
*NYC class sizes are 15-30% higher on average than rest of the state*



data source: NYSED for 2016-2017 <http://www.p12.nysed.gov/irs/pmf/>

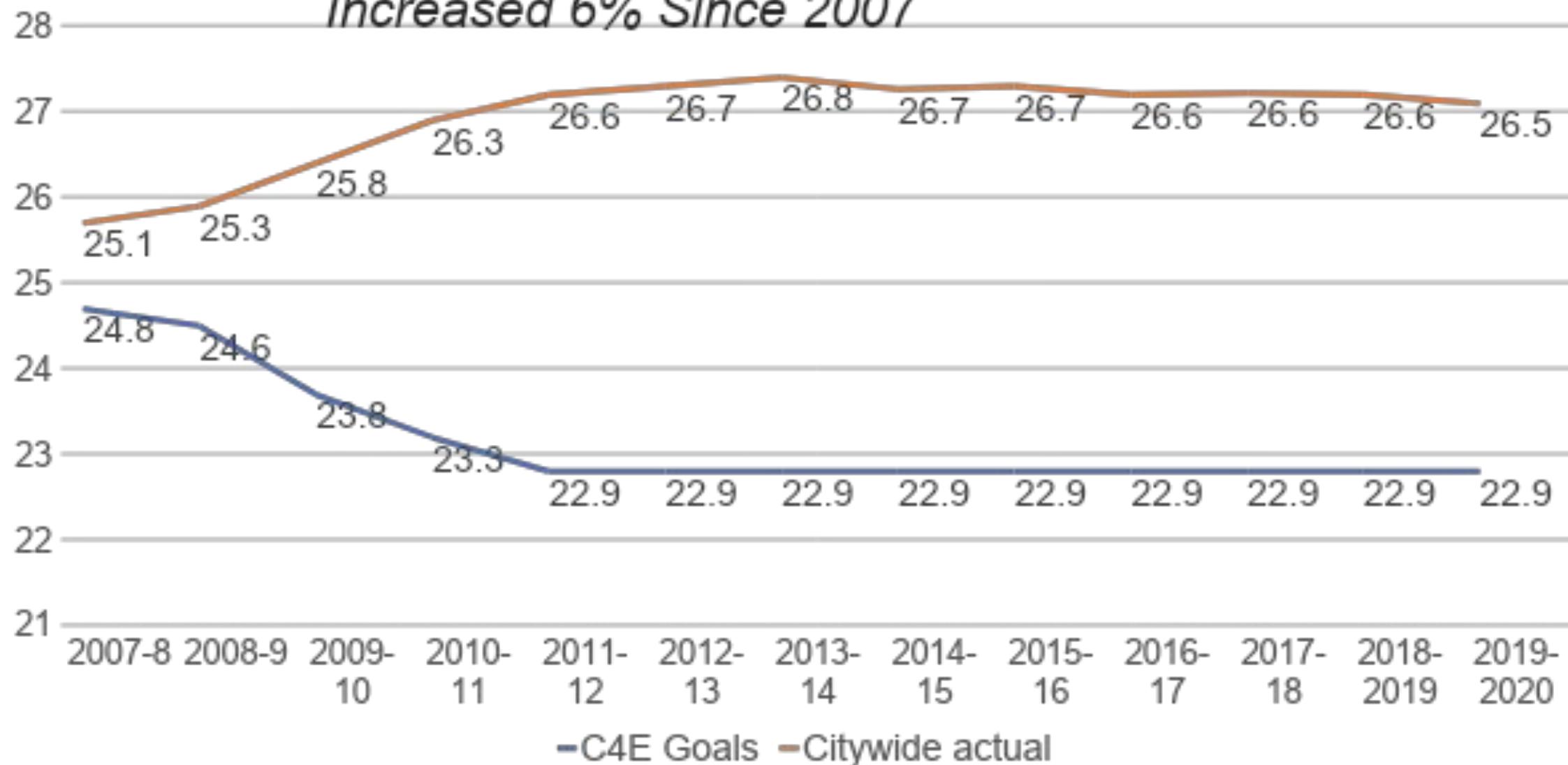
# Average Citywide K-3rd Class Sizes

*Increased 14% since 2007*

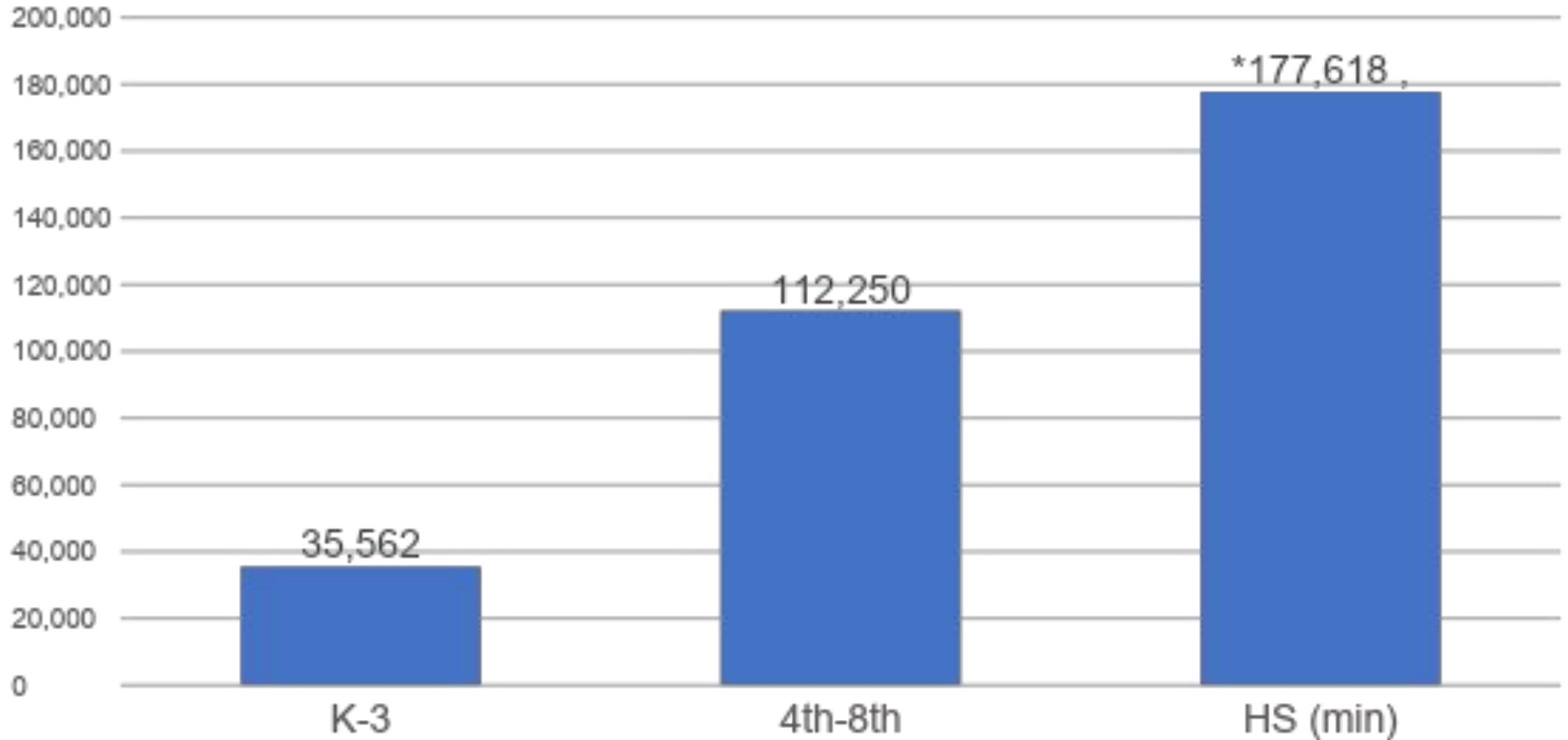


# Average Citywide 4th-8th Class Sizes

*Increased 6% Since 2007*



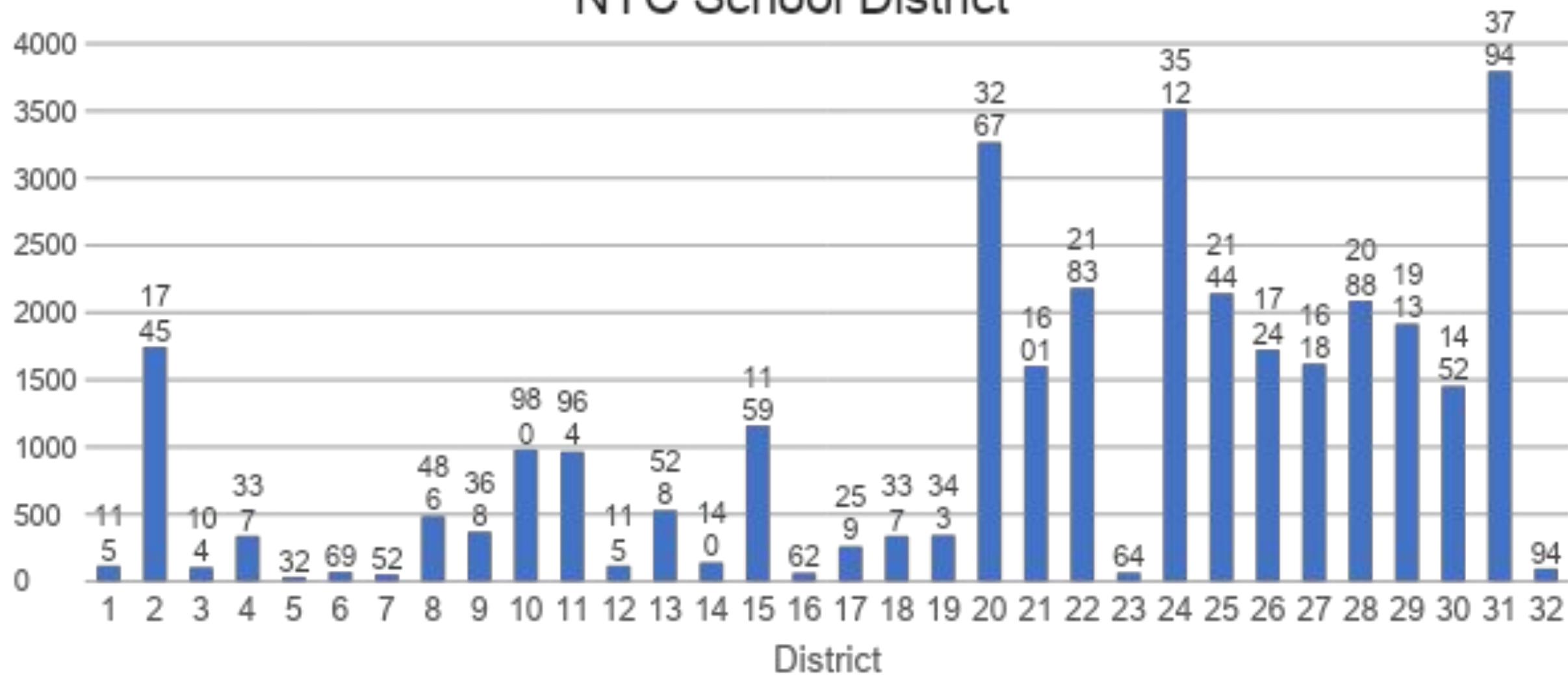
# At least \*325,430 NYC students in classes of 30 or more as of Oct. 31, 2019



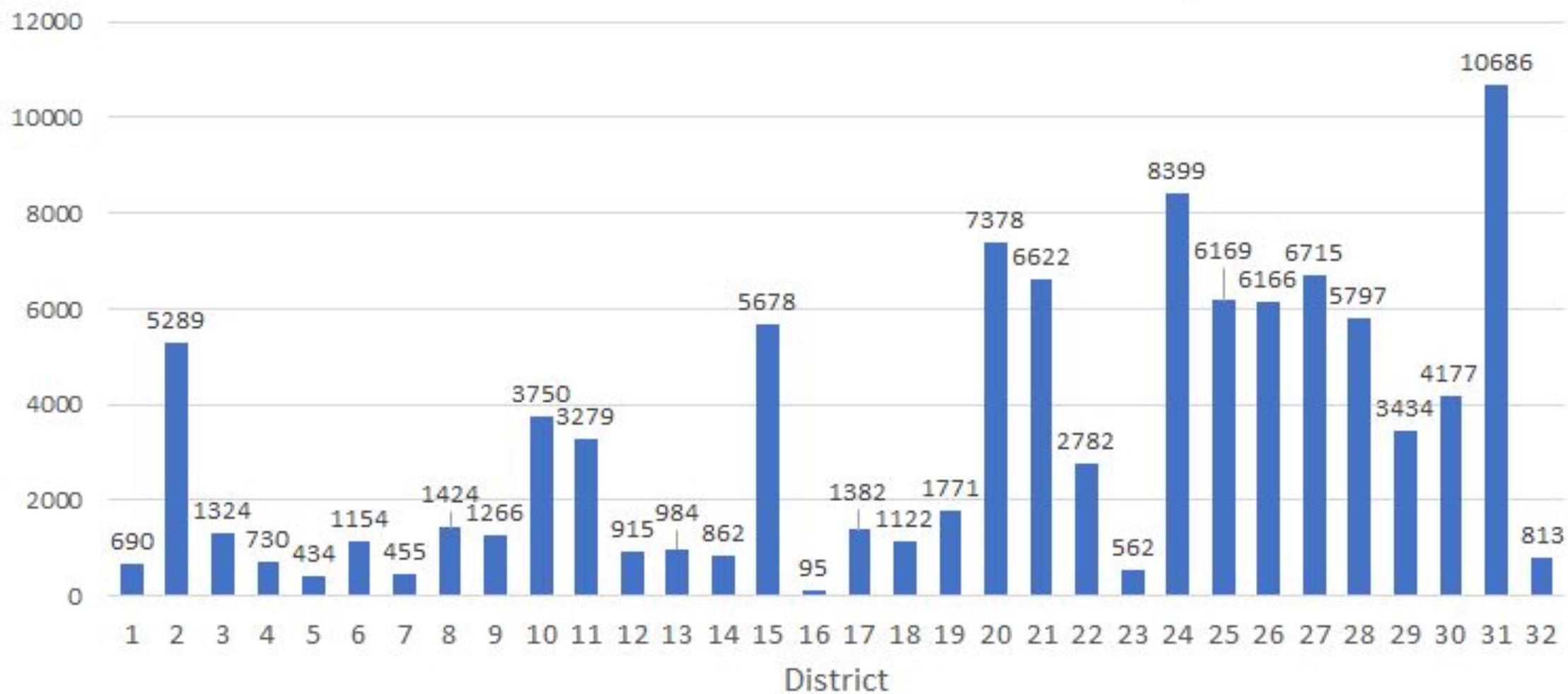
*\*Only HS students in social studies classes included to avoid double counting*

# Class sizes highly uneven across city

## # 1st-3rd Grade Students in Classes of 30 or More by NYC School District



## 4<sup>th</sup>-8<sup>th</sup> Grade Students in Classes of 30 or More by district



# City Council has less control over DOE & schools than other agencies

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- Mayor makes education policy with very little input from Council because of mayoral control from NYS
- DOE is unlike any other city agency because Council can't make laws about policies and specific programs
- Council does have input in three major areas help determine school options:
  1. Approve annual operating budget and capital budget for schools
  2. Hearings and oversight
  3. Reporting bills and resolutions



*Photo via Gotham Gazette*

# Council Approves DOE Operating Budget

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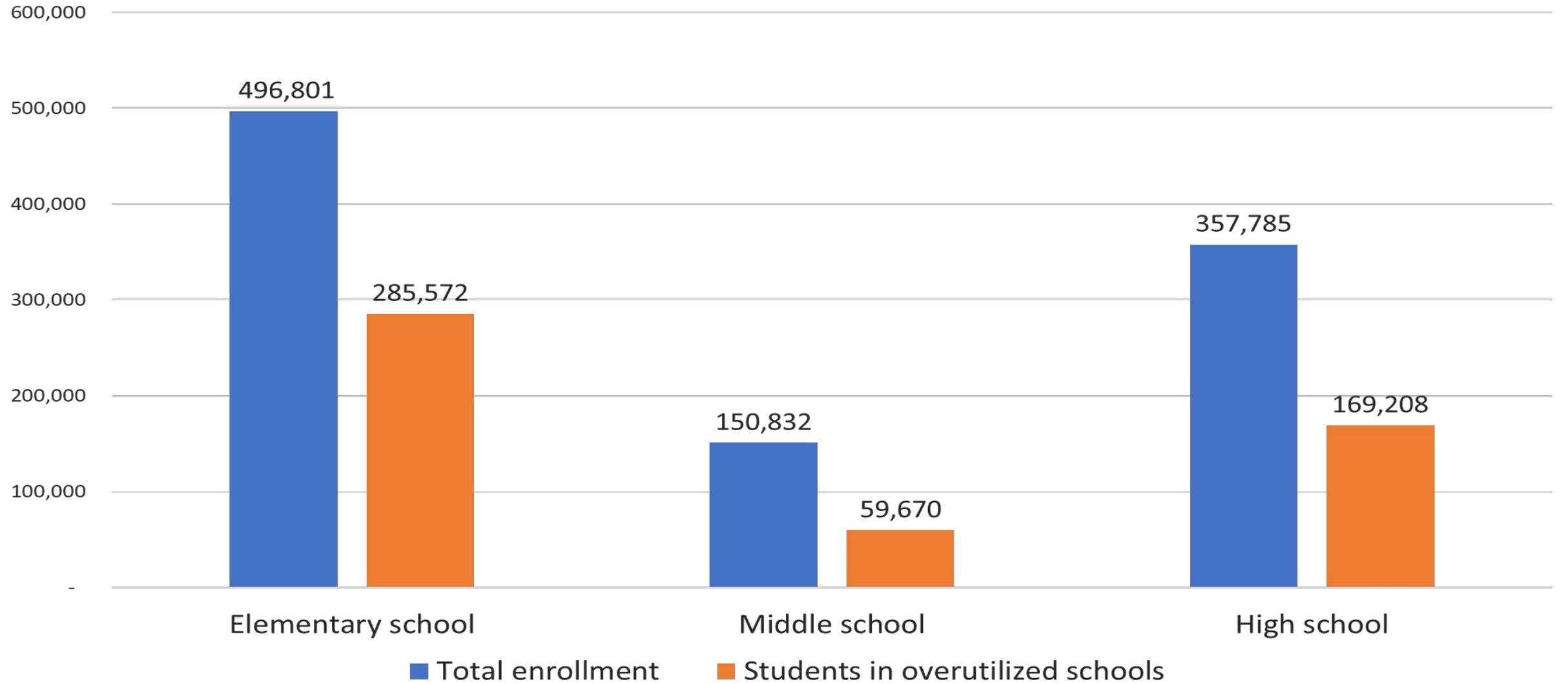
- Council annually negotiates an operating/expense budget for every agency:
  - *Can't* directly control exactly how funds are spent within DOE
  - *Can* negotiate MOUs or terms & conditions for certain programs
- Example: City Council added \$100M to Fair Student Funding in 2018, and restored funding for school counselors in 2020
- Example: More than 20 yrs ago, Council allocated specific funding stream to cap class sizes at 28 in K-3 grades
- Last year, before COVID-19 hit, Class Size Matters, Kids PAC & other groups pushed for \$100M to be allocated specifically for class size reduction
- In February 2020, Council held standing-room-only hearings

# City Council Influence – Five-Year School Capital Plan

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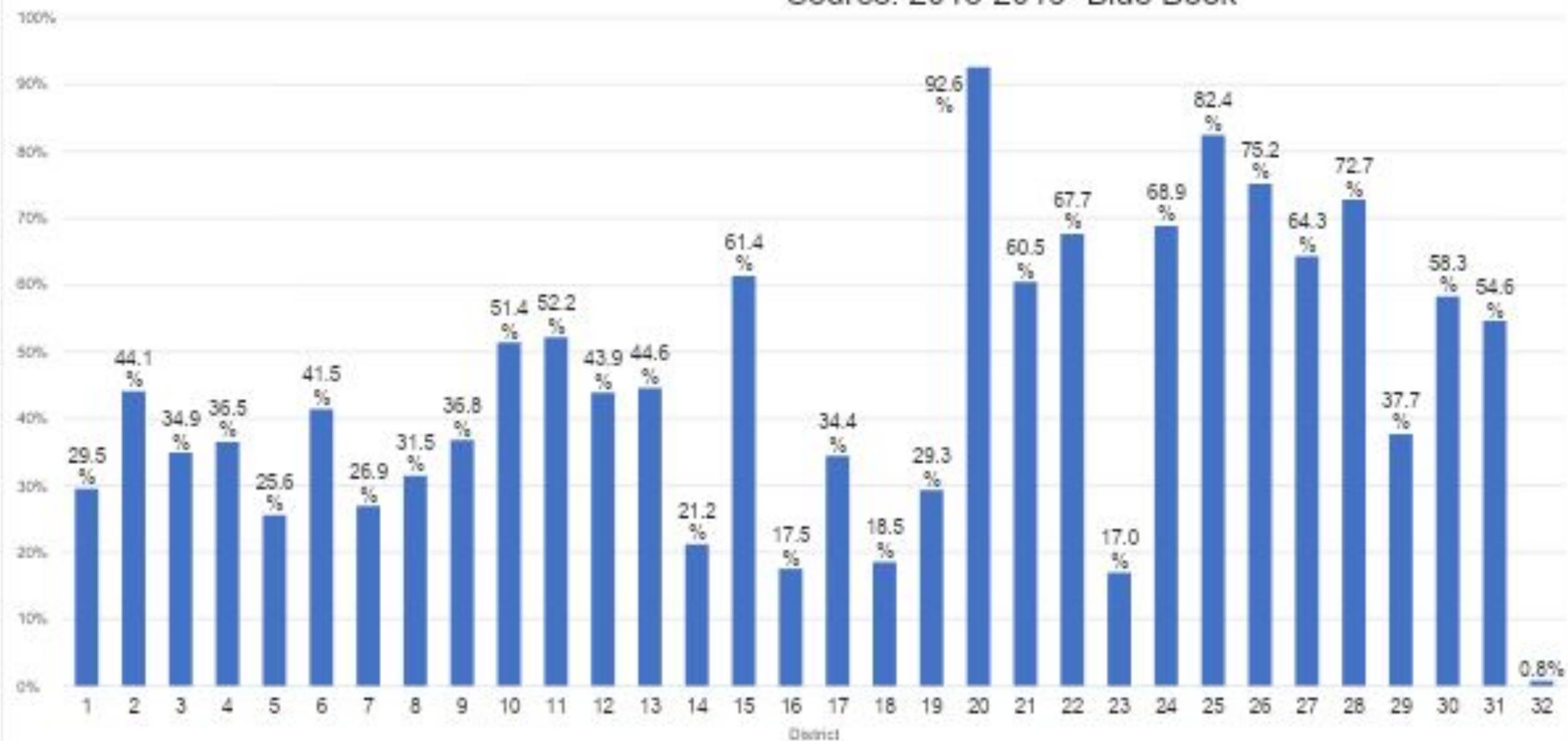
- City Council annually approves updates to the five-year capital budget for school repair, construction & modernization, financed via 30 year bonds:
  - Capital budget has increased in recent years, with \$9B for school capacity projects, \$6.4B for improvements and \$3.6B for mandated projects.
  - NYS reimburses NYC for about 50% of payments on bonds
- DOE claims current capital plan will eliminate overcrowding, but refuses to explain how they estimate needs for new seats:
  - DOE data shows over 500K students still attend overcrowded schools
  - Average elementary school over 100% capacity and MS/HS more overcrowded in recent years
  - School capacity formula aligned to large class sizes & NYC has largest class sizes in NYS

## Students in overutilized schools by grade level



Source: 2018-2019 "Blue Book"

Percent of students in overutilized schools by district  
Source: 2018-2019 "Blue Book"



# City Council Influence – Revenue Options

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- NYC & NYS are headed to multi-billion dollar revenue shortfalls due to pandemic
- NYS must approve any increases in NYC sales tax or income tax
- City only controls increases in property tax rates and some fines/fees
- NYS Legislature and Governor have been reluctant to increase taxes, despite many bills to raise taxes on super wealthy & luxury goods (e.g., yachts, private planes, second home pied-a-terre costing \$5M or more, etc.)
- NYC City Council can push for State to approve revenue increases via resolutions and lobbying the legislature

# City Council Influence – Hearings & Subpoena Power

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- Among Council's most important abilities is holding hearings on critical issues, demanding answers from DOE, and hearing from constituents and stakeholders
- Yet, often DOE doesn't supply answers during testimony even when provided with questions in advance
- Council also has subpoena power, but rarely uses it

# City Council Influence – Passing Reporting Bills

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- City Council can mandate DOE reporting on class size, spending, disciplinary rates, segregation, etc., but DOE often misses deadlines on reports or fails to comply in other ways:
  - Local Law 125 of 2015 requires biannual class size reporting by Nov. 15. and Feb. 15, but this year, DOE says will delay any class size reporting until Dec. 31 & won't provide disaggregated data by learning modality until Feb. 15.
  - **Local Law 167 of 2019** requires DOE to make methodology and data sources clear as to how they estimate need for new seats to eliminate overcrowding, disaggregated by sub-district and grade, but DOE hasn't complied fully with the law
  - **Local Law 17 of 2019** created a Fair Student Funding Taskforce to give recommendations on how FSF formula should be revised in a report by Sept. 30, 2019 but the Mayor has refused to release this report.

# Student Privacy

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- NYS law Ed Law 2D requires special protections of student data & prohibits its sale or use for marketing purposes
- Also requires transparency via special Parent Bill of Rights (PBOR) for each contract for every vendor w/access to student data to specify privacy protections. Each PBOR for each contract must be posted on district websites.
- DOE quickly acquired between 100 & 8000 ed-tech programs encouraging teachers to use with remote learning, but many new ed-tech programs access personal student data and have low grades for privacy
- DOE has posted information for only 18 of these contracts - and even so, some provisions don't appear to comply with state law because they allow marketing & don't specify that data will be deleted when contract ends.

# Charter Schools and Contracts

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- Every year, NYC and NYS spend more on charter schools, with the DOE spending more than \$2.4B with expanding enrollment
- The amount spent is determined by state law
- DOE also increasing annual spending with companies to provide preK, busing, food services, online instruction, assessment & more
- Council has exerted little oversight on DOE, but it could hold hearings and demand more detailed reporting by law

# Charter School Facility Spending

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- In 2019, CSM released report showing DOE spent more than \$100M in FY19 on leasing space directly for charters or subsidizing their rent, as required by state law
- During this time, DOE appeared to overpay these rent subsidies by \$21M dollars.
- DOE spent \$10M dollars subsidizing rent for charters that own their own buildings
- Public schools co-located with charters are supposed to receive matching funds for facility enhancements, but were shorted by about \$131M from FY14 to FY19
- CSM is publishing a report soon with updated figures and more info directly from DOE's response to the NYC Comptroller on overpayments & shortfalls

# Issues with Charter Schools

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- Charters have history of harsh disciplinary practices and high suspension rates – Charter suspension rates often more than double the suspension rates of public schools in the same district
- Policies are often hidden within handbooks and parents are often unaware of recourse to fight discipline practices
- Teacher and student attrition is often double public school rate in the same district:
  - Info is often concealed from parents interested in the school
  - No info on why parents and teachers leave in great numbers

# Issues with Charter Schools ctd.

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- Charters enroll fewer special-ed students than public schools, yet parents of special-ed students often complain:
  - Their children are being denied services
  - Their children are being “counseled out”
  - Their children are being punished for requiring services
- Some charter schools do not follow Open Meetings Law:
  - No public hearings or agendas posted
  - Minutes/materials are not posted
- Charter staff are sometimes required to sign NDAs (Success Academy especially) preventing staff from speaking about abuses that they witness

# City Council Influence – Charter Schools

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- City Council is limited in its oversight over charters, but can intervene in some areas:
  - Pushing for audits (on student/teacher attrition, spending, and contracts)
  - Holding hearings (on disciplinary practices and special education)
  - Passing resolutions (requiring Charter School Parents Bill of Rights)
  - Lobbying with the state legislature for stronger laws (e.g., requiring adherence to Open Meetings Law, restructuring Boards to include parents, regulations for charter approval, and no NDAs)

# City Council Influence – Testing

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- Public schools must administer state tests in grades 3-8, and once in HS as required by feds; In NYS, additional graduation exit exams called Regents are required
- In 2020, NYS received federal waiver from administering state tests; 2021 is uncertain
- In 2015, Council passed Reso 577 urging DOE to inform parents about right to opt out of 3-8 grade tests & include this in the DOE Parent Bill of Rights
  - ~20% eligible parents statewide opt out of 3-8 grade state tests, with smaller percent in NYC, because the tests are 3 days for ELA & 3 days for math, and are considered onerous & unfair
- DOE Parent Bill of Rights wasn't updated to include this information, and hasn't been distributed to parents or posted on any DOE website

# City Council Influence – Discretionary Funding

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- Councilmembers receive annual funding to provide to non-profit groups doing important work
  - This annual funding is provided to NPOs through reimbursable, discretionary contracts
- Members can also provide funding out of these allocations to schools in their districts to support special programs or services
- Members also have “Reso A funds” in the capital budget, which can be donated to schools for certain projects, including repairs, equipment or facility upgrades
- Many community/advocacy groups like CSM depend on discretionary grants for major parts of their funding

# Integration & Education Equity

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- *Brown vs. Board of Ed* was in 1954, but NYC is one of the most segregated school systems in the country
- Integration ≠ Bussing students
- Holistic view of integration includes:
  1. Enrollment
  2. Culturally Responsive Sustaining Education (pedagogy)
  3. Diverse teaching force
  4. Restorative justice
  5. Equitable resource distribution
- Broader view of education equity includes:
  1. Disrupting the school-to-prison pipeline
  2. Giving real voice to parents & students
  3. Holding State and City accountable for funding

# Integration & Education Equity ctd.

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- Points of advocacy/pressure:

- Prohibit test-based admissions (e.g., SHSAT or G&T)
- Eliminate academic screening for middle school and high school admissions
- Use lottery with diversity mechanisms (e.g., District 15 MS admissions)
- Implement with fidelity culturally relevant pedagogy in every school
- Create a pipeline for teachers of color
- Ensure restorative justice is practiced in every school
- Reevaluate Fair Student Funding and other school based funding allocations
- Demand NYS pay what our students are owed and lower class size

# Mayoral Control

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- NYS Assembly is holding hearings on mayoral control on Dec. 17 amid increased dissatisfaction w/how the Mayor has handled school shutdowns during the pandemic
- Current system lapses in 2022 – Council has no direct say on renewing or altering Mayoral control, but can influence the Legislature through lobbying and resolutions
- Council under Speaker Chris Quinn supported “municipal control” which would make DOE would be considered like any other city agency, and subject to city law
- Other possible reforms to provide more checks and balances & more public input:
  - Elected school board, instead of appointed Panel for Ed Policy, would make NYC like the rest of NYS & most of nation
  - PEP w/ more members appointed by other elected officials, so mayor no longer has super-majority
  - More authority for local elected CECs over school closings, co-locations, etc.
  - Hire independent ombudsperson and/or Inspector General for enhanced accountability/transparency

# Pandemic & school shutdowns

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Hopefully by time new Council takes office, pandemic will be over & all schools will reopen for in-person learning.

Yet more resources than ever needed next year to make up for huge losses suffered by many students -- both academically & emotionally

Sufficient funding at risk from state/city revenue shortfalls AND because 60% of NYC schools experienced significant enrollment loss this year, according to CSA

In any case, this year's experiences further demonstrates need for sufficient, equitable funding, smaller classes & less overcrowding in our public schools

# For More Information....

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Contact Class Size Matters at [info@classsizematters.org](mailto:info@classsizematters.org)

Contact NYC Kids PAC at [info@nyckidspac.org](mailto:info@nyckidspac.org)

NYC Kids PAC plans to endorse in a select number of Council races, but anyone can fill out our candidate survey at <https://tinyurl.com/y222gtw5> and we will post your completed survey on our website

For those we've asked already; please complete your surveys by Dec. 14, so we can begin to make rolling endorsements

Any questions?