

AFFIDAVIT OF LEONIE HAIMSON

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

LEONIE HAIMSON, being duly sworn, deposes, and states:

1. My name is Leonie Haimson, and I am the Executive Director of Class Size Matters, a non-profit organization that advocates for smaller classes in NYC schools.
2. In 2003, the N.Y. Court of Appeals concluded in the Campaign for Fiscal Equity case that class size reduction would be required to help ensure that NYC students receive their right to a sound basic education under the state constitution.
3. Yet following that decision, class sizes increased substantially, despite compelling research that smaller classes put children on a better educational and career trajectory throughout their lives.
4. Many peer-reviewed studies show that smaller classes provide important benefits to students, especially to children of color and those from low-income families, who receive twice the gains from smaller classes than white middle-class students.
5. On June 3, 2022 the New York State Legislature overwhelming passed a bill, A10498/S09460, that would require NYC to lower class size by phasing in smaller class size caps over the next five years, starting in the fall of 2022. The bill passed overwhelmingly, with a vote of 59-4 in the State Senate and a vote of 147-2 in the State Assembly. *See* Exhibit 1; Exhibit 2.
6. Yet instead of beginning the process to lower class size, the Mayor and the Chancellor are cutting school budgets by substantial amounts. Though the DOE refuses to divulge the actual total amount of these cuts, they admit to cutting at least \$215 million from

schools' Fair Student Funding (FSF) allocations.

7. According to an analysis from the City Comptroller, approximately 77% of schools, or 1,166 schools, will have their FSF allocations cut by a total of \$469 million. *See Exhibit 3.*
8. Meanwhile, as of July 14, 2022, the DOE cuts to schools' overall Galaxy budgets were \$1.42 billion compared to their total budgets in FY 2022, according to an analysis done by Class Size Matters. *See Exhibit 4.* Our analysis indicated that as of that date, 97% of schools had lost funding, with an average cut per school of \$940,268 or 11.8% . *See Exhibit 5: <https://classsizematters.org/total-galaxy-school-cuts-as-of-july-14-now-at-1-42-billion/>.* Although the DOE may add more funding over time to schools' Galaxy budgets, the additional funds are generally limited and supposed to be used for specialized purposes rather than for staffing.
9. I am also aware that the DOE has confirmed that there has been a cut in the per student amount in the Fair Student Funding formula, so that this fall, school principals will get a baseline of at least \$4,197.19 – a reduction from FY 2022 of a minimum of \$25.81 per each general education elementary school student with no learning challenges. *See Exhibit 6.* Because the formula uses a weighted average per student, the cut is larger for middle and high school students, by 8% and 3% respectively, and even larger for students who have learning challenges, including those from high poverty families, English Language Learners, and/or children with disabilities. *See Exhibit 7.*
10. For example, the funding cuts for a special needs Kindergarten student in an inclusive class more than 60 percent of the day will be more than twice as large as \$25.81, because the weighted amount for that child is 2.09. This means that these cuts will have especially devastating impacts on schools with large numbers of struggling

and/or disadvantaged students.

11. As I have heard from parents, teachers, principals, and news articles, the budget cuts have caused many teachers to be excessed and lose their positions in schools, and class sizes to increase in many cases. In fact, a presentation by the city's Office and Management Budget from last April projected thousands of teaching positions would be eliminated by these cuts. *See* Exhibit 8.
12. I am also well-aware that the State law that governs NYC schools, Section 2590-q (5) of the N.Y. Education Law requires that a vote of the NYC Board of Education (AKA the Panel for Education Policy) precede any vote of the City Council on the NYC education budget.
13. It was for this reason that in 2009, then-Chancellor Joel Klein scheduled an emergency vote of the Board of Education before the City Council vote on the education budget, when this requirement was pointed out to him by a then-BOE member. *See Exhibit 9, the New York Times article* on this event.
14. Yet this year, the vote of the City Council occurred on June 13, 2022, ten days prior to the vote of the Board of Education (aka Panel for Educational Policy) on June 23, 2022, the reverse of what the State law requires.
15. Instead, on May 31, 2022 Chancellor Banks issued an Emergency Declaration to proclaim that "the immediate adoption of the estimated total sum of money necessary for the operation of the city school district (the "Estimated Budget") is necessary to preserve the health, safety and general welfare of the students and school system as a whole", that that would last for at least 60 days, or until the Board of Education voted to approve the budget.
16. Yet there was no specific emergency invoked, and in fact, in twelve out of the last thirteen years, since at least June 2, 2010, several different NYC Schools Chancellor have invoked a

similar “Emergency” using the same boilerplate language, in order to immediately adopt a budget prior to a vote of the Board of Education.

17. The only explanation offered in this case and in previous years in this Emergency Declaration was the following: “Due to the timing of the release of projected funding for the city school district used to develop the Estimated Budget, there is not sufficient time to complete the public comment period and obtain Panel approval of the Estimated Budget before budget allocations are sent to schools and the FY23 City Budget is adopted.”
18. However, there was no material change to the Estimated budget submitted to the Board of Education compared to the overall Executive Budget for FY23, that was released by the Mayor on April 26, 2022. *See* Exhibit 10.
19. Thus, the education portion of the Executive Budget could have been posted on the DOE website on that same date, and even with the required 45-day period for public comment, the Board of Education public meeting and vote could have been scheduled for June 10, prior to the City Council June 13 vote and adoption of the FY 2023 budget. Instead, the Estimated budget was not posted online and available for public comment until May 6, according to the Emergency Declaration.
20. Even so, given a posted date of May 6, the meeting and vote of the Board of Education could have been held on June 20 with 45 days public comment, without any Emergency Declaration, and the City Council vote postponed to June 21, 2022. This is well within the deadline for adoption of the city budget of June 30, 2022, in accordance with the City Charter.
21. In eight of the last ten years, City Council has voted to adopt the overall City budget prior to the Board of Education meeting and vote, according to public record, a trend

that appears to have begun in 2013. In this way, several different administrations have improperly and illegally disempowered the Board of Education and eradicated their essential authority under state law to approve education budgets.

22. State law also requires that the Chancellor provide a budget to be considered by the Board of Education that “shall set forth the total amounts proposed for programs or activities of the community district education councils in units of appropriation separate from those set forth for programs or activities operated by the city board,” and yet the estimated education budget for FY 2023 that DOE posted online and provided to the members of the Board of Education prior to their vote consisted of only one page, with no separate units of appropriation and no amounts listed for programs or activities of the community district education councils. *See Exhibit 11.*
23. Class Size Matters has done surveys and interviews with parents, teachers and principals who have told us that the smaller classes in their schools this past school year due to enrollment decline and the maintenance of sufficient funding have been essential in allowing them to reconnect with their students and help them begin to recover from the disrupted learning and disengagement that resulted from school closures and remote learning during the height of the pandemic. *See Exhibit 5.*
24. As a Kindergarten teacher reported, who was assigned to a class this year of 19 rather than 25 students previously “the environment is so much calmer and more relaxed. We can give each child individualized attention and care each day.... I am able to support and work with more students individually and in small groups. The classroom is less chaotic and loud and there are less behavior problems and disruption with a smaller class size, leading to better learning outcomes and the children's ability to self-regulate and focus while I am teaching.”

25. A fourth-grade teacher told us, “This year, there are 19 kids in my class and the difference is stark. We can give each kid tons of attention. Some of them have made 1.5 to 2 years of growth in reading already...we can give each child individualized attention and care each day.”
26. Our surveys and interviews have also revealed that the smaller classes have been key in allowing teachers to provide the emotional support to their students necessary to reintegrate into the school community. As one parent of a middle school child wrote, “This is the first year (after being in NYC public schools for seven years before this) that the teachers are able to provide individualized attention to my child’s social and emotional needs. Her teachers all know her really well for the first time.”
27. If these proposed cuts are made to school budget, class sizes will likely increase sharply to previous levels, and this will pull the rug under our students’ feet. Much of the progress they have gained will be lost, in the anonymity of larger classes where their teachers will be once again unable to give them the academic and social-emotional support they need. *See Exhibit 12.*
28. I have also heard from several City Council members in testimony and otherwise that they were led astray by verbal claims made by Department of Education officials before their premature vote that no existing teaching positions would be sacrificed, and that only currently unfilled positions would be eliminated, claims which have turned out to be untrue.
29. If NYC Council members had been provided with the opportunity to hear from the nearly 70 parents and teachers who spoke out during the Board of Education hearings on June 23, 2022, in opposition to these egregious budget cuts before their vote and learned in detail how these cuts would lead to the loss of teaching positions and

increases in class size at their schools, I believe these members would have been better alerted to the negative impact of these cuts and might have voted differently.

Dated: July 8, 2022
New York, New York
July 17th 2022
July 8, 2022
Sworn to before me this 8th day
of July 2022
L.A. Barbieri
Notary Public

Leonie Haimson
Leonie Haimson

LAURA DAWN BARBIERI
NOTARY PUBLIC, STATE OF NEW YORK
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Qualified in New York County
Commission Expires July 1, 2023

7/17/22

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