

***Letter sent to Dr. David Steiner, NY State Commissioner of Education re city's lack of compliance as to mandated class size reduction***

October 8, 2009

To Commissioner Steiner:

We urge you to require the city to start reducing class size now, according to the terms of its Contracts for Excellence (C4E). Smaller classes remain the top priority of NYC parents, according to the Department of Education's own surveys, and the state's highest court said that our children were deprived of their constitutional right to an adequate education in large part because of excessive class sizes.

In return for receiving hundreds of millions of dollars in additional state funds, the city promised that class sizes would be lowered each year until the citywide average would be no more than 20 students per class in grades K-3 and 23 in all other grades by the fall of 2011. Class size reduction is now a state mandate, and yet class sizes increased last year by the largest amount in ten years; and there are widespread reports of further increases this year.

In addition, the C4E process for public participation has been deeply flawed, as the city failed to hold any public hearings this past June, as recommended by the state, and has refused to hold any borough hearings, as required by law. Instead, a power point is being presented to Community Education Councils which omits any mention of the city's five year class size reduction plan, as well as the DOE's failure to meet its class size targets for two years in a row.

In its official C4E submission, the city pledged to the state that the "*the Department continues to be committed to reducing class size in early grades via the Early Grade Class Size Reduction program.*" Yet when an audit was released in September, revealing the misuse of millions of dollars of these funds, the DOE claimed that the program "**no longer exists.**" Please see [attached fact sheet](#) for more information on these findings. *Clearly, the city has reneged on its promise to reduce class size.*

It is time that the state utilizes its full oversight authority, and requires that the city comply with the law. We recommend that a corrective action plan be imposed with the following provisions:

1-The city's plan should be revised to include specific class size reduction goals by school, district, and citywide -- sufficient to achieve its annual and five year goals.

2-The city should be obligated to assign whatever teachers remain on absent teacher reserve (ATR) to regular classrooms in their respective districts, so that class sizes can be reduced from current levels.

3-The city should be forbidden from further pursuing any policies that conflict with its class size goals, including placing new schools in buildings before smaller classes have been achieved in the existing schools. DOE continues to insert new schools into buildings where the existing school is "underutilized" according to a formula which assumes near maximum class sizes.

4. The state should require that the city revise its capital plan so that it can provide enough space necessary for its class size goals to be achieved, as the C4E regulations require.

5. The state should hold back all C4E funds before the city has reported to the state in detail what reductions have been achieved by school, district and citywide, reporting that is now mandated by the state to occur by November 17.

This year will be the mid-point in the city's five year class size reduction plan, instituted by the Legislature so that our children could eventually be assured of an adequate education. *There is no time to waste.*

If the State Education Department does not require these basic steps to demand accountability and credibility on the part of the city, it will have failed in its responsibilities to our children, to the Legislature, and to New York taxpayers.

Yours,

Leonie Haimson, Executive Director, Class Size Matters and public school parent  
City Council Member Robert Jackson, chair, Education Committee and plaintiff,  
Campaign for Fiscal Equity  
NYC Public Advocate Betsy Gotbaum  
Bronx Borough President Ruben Diaz Jr.  
New York State Senator Velmanette Montgomery, Brooklyn  
New York State Assemblymember Deborah Glick, Manhattan  
New York State Assemblymember Rory Lancman, Queens  
New York State Assemblymember James Brennan, Brooklyn  
Michael Mulgrew, President, United Federation of Teachers  
Patrick Sullivan, Manhattan Member, Panel for Educational Policy  
Christopher Spinelli, President, Community Education Council District 22, Brooklyn  
Noah Gotbaum, parent, PS 87, President, Community Education Council District 3,  
Manhattan  
Rob Caloras, parent, MS 67 and PS 221, President, Community Education Council  
District 26, Queens  
Khem Irby, president, Community Education Council District 13, Brooklyn  
Dianne Johnson, President, Community Education Council District 5, Manhattan  
Monica Major, President, Community Education Council District 11\*, Bronx  
Lisa Donlan, President, Community Education Council District 1\*, Manhattan  
Marge Kolb, President, District 24 Presidents Council, Queens  
Mary Silver, parent, PS 116, MS 312/HS 412, 1st VP, Community Education Council  
District 2\*  
Debbie Meier, Senior scholar, New York University, and former NYC principal  
Carlton Richardson, member, Community Education Council District 18, Brooklyn  
Don Shaffer, New York Civil Liberties Union\*, Peace Action \*  
Olaiya Deen, member, Community Education Council District 3, Manhattan  
Vasilla Caldeira, member, Community Education Council District 18, Brooklyn and  
parent of four public school students  
Linda Dalton, parent, parent, PS 95, and secretary, District 21 Presidents' Council,  
Brooklyn  
Bijou Miller, Co-President, District 3 Presidents' Council, Manhattan

Larry Wood, Co-President Stuyvesant HS Parents' Association\*, Board member of Alliance for Quality Education \*

Jaime Austria, founding member, El Sistema-New York City (ESNYC)\*

Michael D. Markowitz, P.E., parent, PS PAC and Community Education Council District 2\*, Manhattan

Bikoko M. Elisabeth, member, Community Education Council District 8, Bronx

Marija Stroke, Parent, The Center School, member, Community Education Council District 3, Manhattan

Thomas Forbes, Social Studies Teacher and UFT Chapter Leader, Harlem Renaissance High School, District 5

Beth Cirone, PS6 parent and member, Community Education Council District 2\*, Manhattan

Marie Pollicino, member, Community Education Council District 26, Queens

John Davidge, parent, MS 54, member, Community Education Council District 3, Manhattan

Lisa Urban, member, Community Education Council District 2\* Manhattan

Marian Trupiano, parent, District 20, former PAC and CPAC President for District 15

Kristin Borhofen and Scott Grillo, parents, PS/MS 278, District 6

Kim D'Angelo, PTA Co-President, PS 41, D 26, Queens

Shino Tanikawa, parent, PS 3 and LaGuardia HS, PS PAC, Community Education Council District 2\*

Linda Dalton, parent, PS 95, secretary, Presidents Council District 21, Brooklyn

Arthur Goldstein, UFT chapter chair, Francis Lewis HS

Jennifer Freeman, former member and former head of district overcrowding committee, Community District Education Council, District 3

Brandi Passantino, U.F.T. Chair, P.S. 214, District 25, Queens

Ann Kjellberg, Public School Parent Advocacy Committee

Sarah Chu, member, Community Education Council District 2\*, Community Board 8, Manhattan\*

Beverly Scott, parent, PS 279, member, Community Education Council District 18\*, Brooklyn

Judi Barreca, PTA president, P.S.90, Brooklyn, District 21

Becky Burgoon & Jennifer Fitzgerald, PS 183 PTA Co-Presidents, District 2, Manhattan

Antoinette Miller, parent, Co-Vice President PTA, P.S./M.S. 282, District 13

Andrea D. Lewis-Horton, PS 129 PTA Treasurer, District 5, Manhattan

Michael Snyder, public school parent, Districts 1 and 15, Manhattan and Brooklyn

Diann Witt, parent, P.S. 3, District 2, Manhattan

Annabelle Wright, Parents Association Co-President, Bronx Early College Academy

Marion L. Bell, teacher, PS 96, District 4 and District Leader East Harlem

Debra Freeman, VP of Public Affairs, Lower Lab School PS 7, District 2

Stephanie La Tour, parent, PS 321, District 15, Brooklyn

Jaime Estades and Erika Estades, parents PS 84, District 14, Brooklyn

Lavinia Galatis, ex-member, Community Education Council District 30, parent, Astoria, Queens

James Eterno, teacher and UFT chapter leader, Jamaica HS, Queens

Janet Barad, parent, PS107, district 15, Brooklyn

Michael Leopold, parent, PS 87 and JHS 54, District 3, Manhattan

Melvyn Meer, parent and member, Community Board 11 Education Committee, Queens\*

Jennifer Stringfellow, parent, MS447, former President Community Education Council District 15, Brooklyn

Nancy Novack, parent at LaGuardia High School and Nest+M Middle School

Ms. Leslie O'Grady and Ms. Jeanette Cunalata, PTA presidents of Francis Lewis High School, Queens  
Rachel Maurer, parent, PS 185, District 20, Brooklyn  
Bryna Levin, parent, PS 212 and East Side Middle, District 2, Manhattan  
Mayra Garcia, parent, Mott Hall V, district 12, Bronx  
Sean Grandits, MS 51, District 15, Brooklyn  
Deirdre Cipolla, P.S.187, District 6, Manhattan  
Victoria Franzese, Parent, District 3 and District 2  
Annette Evans, parent, Stuyvesant HS  
Daniel Millstone, parent, Bronx HS of Science  
Camille Eterno, teacher, Humanities and the Arts High School  
Risa Fisher, parent, PS 41, District 2, Manhattan  
Patricia Connelly, parent, MS 51, District 15, Brooklyn  
Marcie Harris, PS 17, District 30, Queens, retired teacher  
Deborah Moore, parent, NEST+m High School, District 1  
Dorothy Wilner Women's City Club of New York  
John M. Wetherhold, parent, District 2 Manhattan  
Teri Schlesinger, Parent, Districts 28 and 30, Queens  
Jenine Gordon Bockman, parent, PS 41, District 2  
Sallye Leventhal, parent, Townsend Harris High School, Bard High School Early College  
Karen Koenig, parent, John Bowne High School, Queens  
Tricia Joyce, parent, PS 234 Overcrowding Committee/D2, Sheldon Silver Task Force, CB1  
David Bloom, parent, MS 54 and LaGuardia Arts HS  
Jenny Klion, parent, member School Leadership Team, Greenwich Village Middle School, D2  
Robert Bowen, Interrelated Assessments and Resolutions....Connecting the Dots  
Sherri Sémon, Parent at PS84, D3 where most classes are around 30 children per class!  
Nina Birnbaum, parent, Inst. of Collaborative Education AND VOTER!!!  
Kim Marshall, District 21, Brooklyn  
Heather Lortie Blau, parent, PS 116 D2 and Townsend Harris HS  
Liz Williams, PS 38, district 15, Brooklyn  
Lynne Glassner, educational consultant  
Laura J. Gregor, parent, District 2  
Jamillah Salahuddin, parent and teacher, PS 202, District 19, Brooklyn  
Jacqueline D. Shannon, Assistant Professor, School of Education, Brooklyn College  
Ginene Hoffman, parent, PS 77, Manhattan  
Emily Jenkins, parent, PS 58, District 15, Brooklyn  
David Rosenberg and Nina Lam, parents, PS 3, District 2  
Ellen Brody-Kirmss, Teacher, Clara Barton High School, Brooklyn  
Rhonda Brauer, parent, GVMS, District 2 and The Beacon High School  
Mary Powel-Thomas, parent, Brooklyn Tech HS and M.S. 51, District 15  
Ann Binstock, parent and PA member, PS 87, District 3  
Isabella Goldmints, parent, PS41 in Manhattan  
Michele Richard, parent, District 3, Manhattan  
Alexandra Leaf, PS 41, Clinton School for Writers and Artists, District 2, Manhattan  
James Calantjis, SLT Empowerment Alliance  
Traci Fields, parent, PS 41, Manhattan  
Jody Seki, parent, PS 59, D2  
Liz Taub, LCSW, District One  
Blossom Gelernter, retired New York City Principal

Amy McNamara, parent, PS 58, The Carroll School, Brooklyn  
Monique Jaysura, District 4, Manhattan  
Robert Schwartz, parent, Computer School, District 3b  
Karen E. Friedland, Parent, Beacon School and Teaching Artist in NYC public schools  
Doris Porto, Teachers College Columbia University, ICOPE member  
Jillian Miller, PS 187, District 6  
Beth Bernett, NYC public school parent  
Tina Schiller, District 2 Parent  
Beth Servetar, parent, PS87, District 3, Manhattan  
Beth Orchulli, Manhattan, D2 parent  
Thea B. McCallion, MS LAc, VP, Ella Baker School PTA, District 2  
Liz Papadopoulos, parent, NEST+m, District 1  
Mary F. Cozza, parent of two public school students  
Nicole Francis, PS 234, Manhattan  
Amy Frisch, Parent, PS41, District 2, Manhattan  
Sharon Albert Kaplan, Parent, PS 77, Manhattan  
Adrienne Kirszner, parent, P.S.41  
R. Pikser, teacher  
Amelia Rivera, parent, Legacy High School for Integrated Studies  
Susan Kramer, The Clinton School for Writers & Artists\*, Beacon School\*  
Lauren and James Heidenry, parents, PS 41, District 2  
Beth Ellor, Literacy Consultant, Brooklyn Public Schools  
Katrina & Michael Yoder, parents, Lab MS and & Lab HS, district 2  
Tara Foster , parent, District 15  
Shana Marks-Odinga, parent, Robert F. Wagner Middle School, co-president,  
Leadership and Public Service High School  
Mariama James, parent, PS 234, HS of Art & Design & Millennium HS  
Rosa Flores, parent, PS 372 and Brooklyn Tech high school, Districts 13 and 15  
Miryan Kenet, parent, ps 41, district 2, Manhattan  
Gabrielle R. Shatan, parent, NYC Lab School, District 2, Manhattan  
Claude Morell, parent, JHS189, District 25, Queens  
Rachel List, Stuyvesant High School, Manhattan  
Douglas Scott, Parent, PS 279, District 18, Brooklyn  
Mary and David Dreyfus, parents, District 2, Manhattan  
Yelena Siwinski, teacher, P.S. 193, District 22, Brooklyn  
Kiki Panos-Sperazza, parent, Astoria, Queens  
Laura Williams, parent, PS41, Manhattan  
Benita Lovett-Rivera, parent of NYC public school graduate  
Josh Karan, former member Community Education Council District 6 (2005-2009)  
Melissa Corbett, District 13 CEC, Brooklyn  
Britt-Louise Gilder, parent, P.S. 84, District 3  
Marcia R. Golden, parent of two NYC public school graduates  
Stephanie Tashman , parent D2, Manhattan  
Barbara Somlo, parent, NEST+m Middle and High Schools, District 1  
Donna Benkert, PTA Co-President, PS 46 Queens, Former NYC Special Education  
Teacher  
Karen and Anthony C. Romeo, parents, Beacon High School  
Diane Kaese, parent, Brooklyn Tech and York Prep  
Carla M. Phillip, parent, IS 383, District 32, Brooklyn  
Jeff Van Nostrand, Maria Ferrari, parents ICE D2  
David Demnitz, Parent and teacher, IS 260, Vanguard High School

Philip Kelly, parent, district 21, Brooklyn  
King-Yee Man, PS41, District 2  
Julie Woodward, NYC public school teacher, Truman HS, Bronx  
Gerry Griffin, parent, District 1 Manhattan  
Madeleine Sinor and Gordon Douglas PS41 parents  
Stephanie Basch, PS 3, District 2, Manhattan  
Lisa North, teacher, PS 3, District 13, Brooklyn  
Kim Gerstman and David Jenkins, parents, Salk School of Science, District 2  
Robin Moore, Parent in District 3, LaGuardia Arts High School  
Michael Urban, Parent, Lab High School and Salk Middle School  
Teresa Boitel, Teacher, IS 52, Inwood, District 6  
Sandra Blackwood, Parent, PS41  
Stacey Curry, Parent / PTA member PS 107 and CEC member District 25  
Tanya Garment, Parent of a first grader at p.s. 146, The Brooklyn New School, D 15  
Liz Craig, parent of 3 at PS3, District 2, Manhattan  
Susan Crawford, parent, La Guardia HS, Director, The Right to Read Project  
Kellie Anderson-Picallo, Public School Parent, District 2, Manhattan  
Pamela Johnson, former CCHS Bronx Representative  
Diana Schmidt-O'Brien, Parent, PS 59, District 2, Manhattan,  
Rosetta Jlelaty, parent, IS 141, District 30, and HS for Health Professions and Human  
Services  
Rachel Stadlen, Parent, PS 87, District 3, Manhattan  
Jo Anne Simon, District Leader &NYS Committeewoman, 52nd Assembly District,  
Brooklyn

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\* for identification purposes only