

Timeline on NYC failure to reduce class size in compliance with the Contracts for Excellence law

1993: Upper Manhattan parents and school board members launch the Campaign for Fiscal Equity (CFE) lawsuit vs. NY State for failing to ensure that NYC schools receive sufficient funding to provide their students with an adequate education. Class size is a central issue in the case.

2001: Judge Leland deGrasse rules that all children have the constitutional right to a "sound basic education" and that New York's current funding system violates that standard.

2003: NYS Court of Appeals upholds the de Grasse decision. Key issue: class size. *"Plaintiffs presented measurable proof, credited by the trial court, that NYC schools have excessive class sizes, and that class size affects learning...Plaintiffs' evidence of the advantages of smaller class sizes supports the inference sufficiently to show a meaningful correlation between the large classes in City schools and the outputs...of poor academic achievement and high dropout rates...[T]ens of thousands of students are placed in overcrowded classrooms... The number of children in these straits is large enough to represent a systemic failure."*¹ The Court sets a deadline in 2004 for the State to enact a remedy, but the State misses the deadline.

2006: The New York State Court of Appeals issues its final ruling, ordering the state to address the evident inequity in funding and ensure that a sound basic education is provided to all NYC students.²

April 2007- NY Legislature approves the Contracts for Excellence (C4E) law to settle the CFE case, and boosts funding for NYC and other low-performing districts in exchange for requiring the money be spent in five areas: Class Size Reduction; Time on Task; Teacher and Principal Quality; Middle and High School Restructuring, and Full day PreK. The next year they added Model Programs for English Language Learners.

The law makes clear that these plans must be developed through a public process, in consultation with parents, teachers, and administrators. Each district's proposed annual C4E plan must go through a transparent open process, including hearings and public comment, consider amending the plan based upon public comment and then be submitted to the state for its approval. In NYC, there must be annual hearings in each borough as well as presentations of the DOE's proposed plan at the school district level at a public meeting of each Community Education Council. The transcript of comments and testimony at these hearings must be included when the district's Contract for Excellence is submitted to the Commissioner, to help him determine whether the plan should be approved or rejected.

In addition, the law separately mandates that in NYC, the C4E plan must include a plan to reduce class size in all grades:

¹ Campaign for Fiscal Equity, Inc., et al. v. State of New York, et al., 100 N.Y.2d 893, 911-12 (2003) ("CFE II").

² <http://www.edlawcenter.org/initiatives/new-york-elc-advocacy-for-education-rights.html>

(ii) In a city school district in a city having a population of one million or more inhabitants such contract shall also include a plan to reduce average class sizes, as defined by the commissioner, within five years for the following grade ranges: (A) pre-kindergarten-third grade; (B) fourth-eighth grade; and (C) high school. Such plan shall include class size reduction for low performing and overcrowded schools and also include the methods to be used to achieve such class sizes, such as the creation or construction of more classrooms and school buildings, the placement of more than one teacher in a classroom or methods to otherwise reduce the student to teacher ratio...³

Shortly, thereafter. NYSED posts C4E regulations to enact the law. ⁴

June 2007- DOE holds its first borough hearings, as the law requires. Hundreds of parents, advocates and elected officials turn out to tell DOE they must begin to reduce class sizes so that students can receive their constitutional right to a sound basic education.

July 16, 2007 – DOE submits a Contracts for Excellence plan to NYSED, which eventually rejects it for its failure to allocate sufficient funding to low-performing schools and lack of focus on reducing class size.⁵

July 24, 2007 NYC Council holds hearings on the DOE’s C4E proposal, in which it renamed its pre-existing Fair Student Funding proposal as its C4E plan. In the words of Patrick Sullivan, member of the Panel for Educational Policy, it is “essentially a repackaging of what they had always intended to do.”⁶ There is no more than a one year projected timeline for lowering class size, allocates no specific funding for that purpose, and assumes that class sizes will only be reduced by about .3 to .8 student per class. In addition, the city wants to spend \$13 million of C4E funds for standardized tests, categorizing that expenditure under the heading of expanding Time on Task. There are many other problems with the DOE’s proposed class size reduction plan, according to parents and elected officials.⁷

August 6, 2007 - Class Size Matters faxes a letter to Commissioner Mills, with the signatures of over 200 parents, PTA presidents, Community Education Councilmembers, education advocates, and other key leaders, including Robert Jackson, Chair of the NYC Council Education committee and the original CFE plaintiff, urging the state to reject the city's class size reduction proposal and to withhold C4E funding until and unless the city prepares an actual, enforceable five year reduction plan, as mandated by law.⁸

September 13, 2007: There is still no word from Commissioner Mills as to the status of NYC’s C4E plan.⁹ Assemblyman Ivan Lafayette, then Deputy Speaker, writes a letter to the Queens Times, complaining

³ <http://codes.findlaw.com/ny/education-law/edn-sect-211-d.html>

⁴ http://www.p12.nysed.gov/mgtserv/C4E/htm/C4e_class_size_reduction_NYC_2.htm

⁵ <http://www.nytimes.com/2007/11/20/nyregion/20schools.html>

⁶ <http://nycpublicschoolparents.blogspot.com/2007/07/panel-for-educational-policy-votes-on.html>
<http://nycpublicschoolparents.blogspot.com/2007/07/concerns-on-nycs-contract-for.html>

⁷ <http://insideschools.org/blog/item/61-contracts-for-excellence-plan-draws-critiques-from-council-public>;
<https://groups.yahoo.com/neo/groups/nyceducationnews/conversations/messages/4531>

⁸ <http://nycpublicschoolparents.blogspot.com/2007/08/response-is-unanimous-withhold-state.html>

⁹ <http://nycpublicschoolparents.blogspot.com/2007/09/still-no-approval-from-state-on-nycs.html>

that despite awarding NYC an additional \$714 million in education funds in April, “Six months later, Chancellor Klein is still giving the State Education Department the runaround” and refusing to reduce class sizes or build enough schools to alleviate overcrowding. “Chancellor Klein’s foot-dragging will not only cost the city money, but also cheat the children out of a quality learning experience.”¹⁰

September 18, 2007: It is reported that there is a “standoff” between the city and the state over how to spend \$258 million in new C4E funds, risking Governor Spitzer's promise to "inject greater accountability" into the process. Assemblyman Lafayette says, "We're offering all that extra money, but the city refuses to use it as they're requested to do. They're like petulant children." Merryl Tisch, then Vice Chancellor of the Regents is quoted as saying, ""If you don't like the rules, you just don't pick up your marbles and walk away. The mayor and the chancellor are such responsible leaders that they would never adhere to 'I'm picking up my marbles and walking away. ""¹¹

November 4, 2007- DOE finally submits a revised CSR and C4E plan to NYSED, promising citywide reductions in average class sizes in all grades over 5 years, to no more than an average of 19.9 students per class in grades K-3, and 22.9 students per class in grades 4-8 and HS, with annual reduction targets to be achieved in the interim. DOE also promises to make specific reductions in class size in a state-approved list of 75 low-performing schools with high class sizes. Subsequently, the high school class size goal is changed to 24.9 students per class.

The DOE also claims to be re-allocating more C4E funding to low-performing schools, though a leaked memo marked “confidential” suggest they merely shifted around categories of spending to make it appear that they have added more funding to these schools. ¹²

In any case, the DOE promises to spend more than 50 percent of its initial C4E funds or \$130 million specifically to “support class size reduction strategies at our schools” and ensure “preservation of early Grade Class size reduction programs” as well as “reprioritization of existing funding.” They say they have already added new co-teaching positions in overcrowded schools, for a total of 1400 new teachers with C4E funds, plus another 500 teachers using supplemental Children First funding, to achieve reductions in class size of an average of nearly 3% citywide.

November 19, 2007: NYSED approves DOE’s revised plan, after months of delay and negotiations.¹³ They post the NYC five-year class size reduction plan as below.¹⁴

¹⁰ As quoted here: <http://nycpublicschoolparents.blogspot.com/2007/09/assembly-leader-lafayette-klein-is.html>

¹¹ <http://www.nysun.com/new-york/city-schools-funding-contract-said-to-irk-state/62831/>

¹² <http://www.classsizematters.org/leaked-doe-c4e-nov-4-2007-memo-w-2007-plan/>

¹³ <http://www.regents.nysed.gov/common/regents/files/documents/meetings/2007Meetings/December2007/1207emscvesidd5.doc> also: <http://www.nytimes.com/2007/11/20/nyregion/20schools.html>

¹⁴ http://www.p12.nysed.gov/mgtserv/C4E/doc/nyc_class_size_reduction_plan/2008_2009/NYCDOE_CSRP_5YR_YR_2_09012_FINAL.pdf and http://www.p12.nysed.gov/mgtserv/C4E/2008-2009_nyc_class_reduction.html

NYC DOE Class Size Reduction Plan						
	FY 07 Baseline	FY 08 Target	FY 09 Target	FY 10 Target	FY 11 Target	FY 12 Target
Average Class Size						
K-3	21.0	20.7	20.5	20.3	20.1	19.9
% change (y-o-y)		(1.4%)	(1.0%)	(1.0%)	(1.0%)	(1.0%)
% change (cumulative)		(1.4%)	(2.4%)	(3.4%)	(4.4%)	(5.3%)
4-8	25.6	24.8	24.3	23.8	23.3	22.9
% change (y-o-y)		(3.1%)	(2.0%)	(2.0%)	(2.0%)	(2.0%)
% change (cumulative)		(3.1%)	(5.1%)	(7.1%)	(8.8%)	(10.8%)
9-12	24.9	24.3	23.9	23.6	23.2	22.9
% change (y-o-y)		(2.4%)	(1.5%)	(1.5%)	(1.5%)	(1.5%)
% change (cumulative)		(2.4%)	(3.9%)	(5.3%)	(6.7%)	(8.1%)
Pupil to Teacher Ratio						
	13.8	13.4	13.1	12.9	12.6	12.4
% change (y-o-y)		(2.9%)	(2.0%)	(2.0%)	(2.0%)	(2.0%)
% change (cumulative)		(2.9%)	(4.8%)	(6.7%)	(8.6%)	(10.4%)

November 21, 2007: NYSED Senior Deputy Commissioner of Education Johanna Duncan-Poitier reports that she will be implementing a C4E monitoring plan to ensure districts spend the funds appropriately, including in NYC, by randomly selecting approximately 128 schools for review.¹⁵

December 7, 2007: Weeks after the Nov. 15 deadline for reporting, the city finally releases class size data for the current year, showing that the DOE has missed all its class size targets, especially in grades K-3, in which class size are reduced by only half a percent. In 4-8th grades and in high school, class sizes are lower by an average of 2 percent.¹⁶

February 1, 2008: Mayor Bloomberg proposes citywide school budget cuts last week that include, \$180 million in the current fiscal year, effectively immediately and \$324 million in cuts for the next year.¹⁷

April 28, 2008: The UFT issues a report showing that nearly half of 390 elementary and middle schools receiving C4E class size funds this school year did not lower class size. In addition, class sizes grew at 34% of the 75 targeted schools, and in 43% of elementary and middle schools citywide.¹⁸

June 2008: NYC submits its C4E proposal for an additional \$378 million in Contract for Excellence funds, to be spent during the 2008-9 school year, with \$150 million of the new funding specifically earmarked for class size reduction. However, they have already started making big cuts to schools for staffing etc. – likely violating the provisions in the state law forbidding supplanting.

July 2008: In the second year of C4E borough hearings, public comment is offered by many elected officials, parents and advocates, protesting the failure of DOE to comply with its first year plan of class size reduction, pointing out the weaknesses of the DOE CSR plan for the following year, and urging the state to require a better plan.¹⁹ The hearings are well-attended by representatives from ACORN, the

¹⁵ <http://www.regents.nysed.gov/common/regents/files/documents/meetings/2007Meetings/December2007/1207emscvesidd4.doc>

¹⁶ <http://schools.nyc.gov/NR/exeres/ABAC905B-331F-4128-B13A-FB87C1FB89CB.frameless.htm?NRMODE=Published>

¹⁷ <http://www.nytimes.com/2008/02/01/nyregion/01principals.html>

¹⁸ <http://www.uft.org/files/attachments/uft-report-2008-04-class-size-and-c4e.pdf>

¹⁹ <http://nycpublicschoolparents.blogspot.com/2008/07/c4e-redux-manhattan.html>

Coalition for Educational Justice, the Alliance for Quality Education, the UFT, City Council members, and PTAs. As a reporter notes,

*Legally, Contracts for Excellence funding must “supplement, not supplant” existing spending; several speakers expressed concerns that the money will be spent to close holes in the budget rather than create or expand programs. Others worried that the new funding would be used to make up losses due to budget cuts in low-performing schools, rather than expanding services for high-needs children in those schools. Complicating these issues, several speakers noted, the plan includes little oversight of whether principals spend the Contracts for Excellence money as intended.*²⁰

In addition, the DOE proposes to spend part of these funds for its pre-existing Leadership Academy and bonus pay for teachers linked to student test scores.²¹ Meanwhile, \$100 million will go to reducing teacher-student ratios through team teaching, while only \$46 million will go to creation of additional classes for actual class size reduction.²²

I offer 40 reasons that the state should reject the plan, primarily because it has no specific class size targets for any specific schools, and the city refuses to spend any C4E funds in its citywide or targeted initiatives to reduce class size:

“Though the DOE’s current proposal retains as its ostensible goals twenty students per class in grades K-3 and 23 in other grades, to be met over four years, it has provided no convincing evidence that its proposal as written is likely to meet these goals, nor even that it is designed to achieve them. Indeed, based on the poor performance of the last year, and the questionable assumptions the proposal is based upon, this is extremely unlikely to occur.”

I also point out how the class size memo sent by DOE to principals and Superintendents only a few weeks before had a decidedly negative tone. Instead of urging them to reduce class size, or reminding them of their obligations to do so, Garth Harries of DOE emphasized that “implementing reduced class size requires complex tradeoffs and decisions” and they should weigh “the benefits and constraints associated with class size reduction as you develop your overall education plans and priorities.”²³

In addition, the city is cutting back on its allocations to schools through the Fair Student Funding formula.

In NYC, this is last time DOE holds borough hearings for six years, despite numerous complaints from elected officials and parents, as well as the clear mandate in the C4E law.

²⁰ http://www.chalkbeat.org/posts/ny/2008/07/31/c4e-overview-draft/#.V_k2GCQ5tWA

²¹ www.chalkbeat.org/posts/ny/2008/07/30/tonight-final-contracts-for-excellence-public-hearings/

²² <http://www.chalkbeat.org/posts/ny/2008/07/31/heres-the-does-proposed-contracts-for-excellence-plan/#.WADp9vQ5tWA>

²³ Garth Harries, 2008-09 Class Size Reduction Guidance Memo, May 28, 2008 at: http://schools.nyc.gov/NR/rdonlyres/66F06927-78D8-43C2-9873-F9427F44FAD4/0/class_size_memo.doc

September 8, 2008 - Deputy Commissioner Johanna Duncan Poitier reports to the Board of Regents that while NYCDOE increased the number of classroom teachers by 1,892 and made some progress toward the citywide targets, they did not fully achieve class size targets promised during the previous school year.²⁴

NYC Average Class Size				
Grade Level	Baseline 06-07 (October 2006)	C4E Target from approved November 2007 Plan	2008 Interim NYC DOE Report	Preliminary Citywide Reported Change
K-3	21.0	20.7	20.9	-0.1
4-8	25.6	24.8	25.1	-0.5
9-12 ¹	28.3	27.7	27.8	-0.5

In 70 schools that received over nearly \$20 million in class size reduction funds, both class sizes and student/teacher ratio increased. The state concludes that the city would be **“required to improve implementation of the second year of its class size plan.”**²⁵ This corrective action plan will include better reporting, and an improved plan showing how many additional classrooms would be created in the particular schools that receive CSR funds, sufficient to achieve its citywide targets: *“To receive approval, NYCDOE must demonstrate that the elements of its plan will result in NYCDOE achieving its 2008-2009 average class size and pupil-to-teacher ratio targets.”*²⁶

In addition to requiring the DOE provide class size data for all schools, NYSED also asked for a detailed accounting of how Contracts for Excellence money was spent at the 70 schools that received more than \$100,000 for class size reduction last year but experienced an increase in class size.²⁷

Ten days later NYSED sends off a press release, entitled ‘*STATE EDUCATION DEPARTMENT COMPLETES “CONTRACT FOR EXCELLENCE” MONITORING; VAST MAJORITY OF DISTRICTS IMPLEMENTED CONTRACT PROVISIONS, BUT EXCEPTIONS MUST BE CORRECTED*’ the last time that SED calls attention to DOE’s failure to reduce class size to appropriate levels – even though it is also the last year that DOE achieved lower class sizes in all grade ranges.²⁸

October 2, 2008: The State approves the C4E plans for 26 of the 39 school districts, but not NYC’s plan.²⁹

²⁴ <http://www.regents.nysed.gov/common/regents/files/documents/meetings/2008Meetings/September2008/0908emscd4.doc>

²⁵ See NY State Education Department, “State Education Department Complete Contracts for Excellence Monitoring; Vast Majority of Districts Implemented Contract Provisions, but Exceptions Must be Corrected,” Sept. 15, 2008; also NYSED, “Contracts for Excellence—Monitoring Report,” Sept. 8, 2008, <http://www.oms.nysed.gov/press/C4EMonitoring.htm> also: <http://www.regents.nysed.gov/2008Meetings/September2008/0908emscd4.htm>

²⁶ See <http://www.regents.nysed.gov/common/regents/files/documents/meetings/2008Meetings/September2008/0908emscd4.doc>

²⁷ <http://www.chalkbeat.org/posts/ny/2008/10/02/doe-funding-plan-fails-to-win-first-round-state-approval/#.WADoMiQ5tWA>

²⁸ The press release, no longer on the SED website, is archived here: <https://beta.groups.yahoo.com/neo/groups/nyceducationnews/conversations/messages/9832>

²⁹ <http://www.chalkbeat.org/posts/ny/2008/10/02/doe-funding-plan-fails-to-win-first-round-state-approval/#.WADikSQ5tWA>

November 1, 2008 - State Education Commissioner Richard Mills announces he will resign in June. He is subsequently replaced as Commissioner by David Steiner, a Hunter College dean.

November 10, 2008: NYC is now one of only three districts out of 39 whose C4E plans have not been approved.³⁰

December 12, 2008: When the city's class size data for 2008-2009 is released nearly a month after the legal deadline, it is clear class sizes have increased sharply, *by the largest amount in a decade* and in all grades K-8, except for fourth. The increases in grades K-3 are so large as to wipe out nearly five years of gradual decline. In nearly half of the 75 priority schools, class sizes have also risen, as well as nearly half of the 765 schools that received \$150 million in C4E class size reduction funding. Overall, there are 143 fewer general education and inclusion classes in grades K-3 and 183 fewer classes in grades 4-8th than the year before.³¹

It is reported in the media that *"In the battle over whether to make class sizes smaller, the city appears to be scoring a win against the state... the Department of Education... has repeatedly dismissed the goal of reducing class sizes as a pipe dream that will not improve education."*³² Yet there is silence from NYSED about the city's failure to reduce class size and no corrective action plan follows.

January 28, 2009: While testifying before the State Senate, Chancellor Klein reveals that state and the DOE has finally agreed on its C4E plan for the current school year. "They were tough but they were cooperative," Klein said about NYSED officials.³³ Though the approved plan is like that proposed in July, it no longer includes spending on teacher bonuses included in the July plan.

April 2009: After two years of big funding increases, the State freezes the C4E funding at the previous year's level, rather than continuing to increase funding as previously planned. The city continues its cuts to school budgets, planning to lose an additional 1,440 teachers through attrition.³⁴

³⁰ <http://www.chalkbeat.org/posts/ny/2008/11/10/new-york-city-a-straggler-in-getting-states-spending-approval/#.WADjjiQ5tWA>

³¹ See <https://www.classsizematters.org/wp-content/uploads/2017/05/testimony-on-C4E-10.13.09-plus-fact-sheet.doc>; also charts in Space Crunch report for LT trend in class size, figures 22 and 23. <https://www.classsizematters.org/wp-content/uploads/2014/06/SPACE-CRUNCH-Report-Final-OL.pdf>

³² <http://www.chalkbeat.org/posts/ny/2008/12/15/despite-spending-infusion-city-is-not-meeting-class-size-targets/#.WAArjyQ5tWA>

³³ <http://www.chalkbeat.org/posts/ny/2009/01/28/halfway-through-the-year-state-approves-does-spending-plan/#.WADjhyQ5tWA>

³⁴ <http://www.ibo.nyc.ny.us/iboreports/Mayreport2009.pdf>

June 30, 2009: According to a NY Times analysis, while the number of out-of-classroom positions has grown by over 10,000 in the city's public schools since 2003, the number of classroom teachers has shrunk by more than 1600.³⁵

August 11, 2009: It is noted that the city skipped any borough hearings this year. The state says they will allocate the funds to NYC anyway. When asked why the hearings had been delayed, a NYSED spokesman responded, "Why don't you ask NYC?" DOE says they are skipping them because of budget uncertainties, and they are "working with the State to finalize a new Contracts for Excellence timeline."³⁶ There are to be no more borough hearings until 2015, after a judge orders them to so in 2014.

September 9, 2009: NYC Comptroller Thompson issues an audit showing DOE has been violating its C4E plan by not using the Early grade class size reduction program to lower class size, despite promising to do so.³⁷ He concludes that \$46.8 million was improperly used to pay for teacher positions that would have existed without the EGCSR program. In response to the audit, the DOE writes that the "Early grade class size reduction program no longer exists."³⁸

September 2009: Senior Deputy Commissioner Johanna Duncan-Poitier sends a memo to Chancellor Klein and the superintendents of C4E districts, making clear that supplanting is prohibited for districts to use "funds to provide services that the district provided with non-Contract funds in the prior year." Clearly this has happened in NYC, where the DOE cut back sharply its funding to schools for staffing and other programs in the previous school year.³⁹

She also insists that the earlier state funding for staffing made through the Early Grade Class Size Reduction program must be continued, even though this program was folded into Foundation Aid: "Because this grant was folded into Foundation Aid, and is included in the Foundation Aid base amount, using the increase in Foundation Aid (that is restricted for new or expanded programs, as per C4E requirements) to fund programs previously paid for through such grant would be an example of supplanting and is not allowed. Districts will need to evaluate all revenue sources that were folded into Foundation Aid and determine if any of their current C4E programs were once paid for by such sources. If so, they may not supplant with Contract for Excellence funds."

October 8, 2009: As part of the C4E public comment, CSM, along with Michael Mulgrew, President of the UFT, NYC Public Advocate Betsy Gotbaum, Bronx Borough President Ruben Diaz Jr., NYC Council Education chair Robert Jackson, four NYC State Legislators and more than twenty parent leaders send a letter to Commissioner Steiner, pointing out how the public process has been deeply flawed, that the city only holds hearings in the fall after the C4E funds have already been spent, that the DOE now claims

³⁵ <http://www.nytimes.com/2009/07/01/nyregion/01budget.html>

³⁶ <http://www.chalkbeat.org/posts/ny/2009/08/11/city-skipped-mandatory-public-hearings-on-spending-plan/#.WADigCQ5tWA>

³⁷ See NYC Comptroller, "Audit Report on the Department of Education's Administration of the Early Grade Class Size Reduction Program, "FM09-113A, September 9, 2009. At: <http://comptroller.nyc.gov/reports/audit-report-on-the-department-of-educations-administration-of-the-early-grade-class-size-reduction-program/>

³⁸ http://www.chalkbeat.org/posts/ny/2009/09/09/thompson-says-doe-spent-class-size-reduction-money-elsewhere/#.V_lP2yQ5tWA

³⁹ www.p12.nysed.gov/mgt/serv/C4E/pdf/September_2009_Packet_To_Superintendents.pdf

the Early grade Class Size Reduction program no longer exists, and that they have failed to make their class size targets two years in a row. We ask for a corrective action plan, including requiring specific class size reduction goals by school and district; that the city should be required to assign teachers on absent teacher reserve (ATR) to regular classrooms; that they should be obligated to revise the school capital plan so that there is sufficient space to reduce class size, and the Commissioner should hold back any further C4E funds until that occurs.⁴⁰

October 22, 2009 – The new Commissioner of Education David Steiner writes a letter to Chancellor Klein, saying that NYSED has reviewed DOE’s draft proposed CSR plan for 2009-2010, and that his staff has *“advised me that the current economic climate requires some changes to your contract and the original class size reduction plan created in 2007. In particular, it is critically important that your class size plan clearly shows what the current state of class sizes is in New York City in a form that will be accessible to all interested parties, including a summary no longer than 4 pages.”*

He adds “In light of the significant reduction in the number of schools in need of improvement (SINI), I approve your plan to continue C4E funding at last year’s level for each school.” But he demands that DOE file a C4E audit statement no later than Jan. 1, 2010, and a creates a system showing how their budget is linked to C4E expenditures.

In addition, DOE would have to submit by Nov. 23, 2009 a plan for reducing or ***maintaining*** 2008-9 class sizes in the 75 schools with the largest class sizes and lowest scores by the 2010-2011 school year. The DOE must also produce cost estimates for the “full phase in of the five-year class size reduction plan target by 2011-2012 school year, and by Nov. 23, the steps you will take to identify class sizes larger than anticipated and the steps you will take to reduce them.”⁴¹

November 2009: DOE reports show that class sizes again have increased sharply in all grade ranges: K-3, 4-8 and HS. In grades K-3 the increases are even larger than the year before and wipe out nine years of gradual decline.

November 25, 2009: Commissioner Steiner replies to our letter, and insists that the city has “made progress in implementing the Contract for Excellence,” but that “due to economic conditions, the city has not met their annual targets”. He added that before approving the city’s plan, he would ask DOE to answer some questions, including to identify schools where class sizes are “significantly larger” than anticipated, and the steps that will be taken to reduce those class sizes.

January 5, 2010 UFT, CSM and other groups sue DOE in the NY State Supreme Court for openly flouting their class size reduction commitments, and sharply increasing class size instead.⁴²

February 23, 2010: Shortly after we file our lawsuit, Commissioner Steiner signs a secret agreement with Chancellor Klein, essentially absolving him of any obligations to reduce class size: “State Education Staff has completed the review of your proposed 2009-10 Contract for Excellence Contract and Class

⁴⁰ <http://www.classsizematters.org/wp-content/uploads/2016/10/Letter-to-Steiner-re-C4E-10.08.09.pdf>

⁴¹ http://www.p12.nysed.gov/mgtserv/C4E/doc/nyc_class_size_reduction_plan/2009_2010/Steiner_to_Klein_10_22_09.pdf

⁴² http://www.chalkbeat.org/posts/ny/2010/01/05/after-years-of-complaints-union-sues-city-over-class-size-dollars/#.V_lpYyQ5tWA
http://www.nytimes.com/2010/01/06/nyregion/06classsize.html?_r=0

Size Reduction Plan, and they advise me that the **current economic climate** necessitates changes to your Class Size Reduction Plan created in 2007.” (emphasis added.)

He adds that in the 75 priority schools, class sizes do not have to be reduced or even maintained but should only increase at 50% of the rate of overall citywide increases in class size. Other schools can increase class size to any level the DOE chooses. ⁴³

This letter, which appears to violate not only the class size mandate in the law but also the transparency required, is not made public until seven months later. In the letter, Steiner also requires Klein to post his approved “amended” CSR plan for 2010-2011 within two weeks of final allocations to schools. This posting never occurs.

April 2010: For unexplained reasons, the NY Legislature omits the Contracts for Excellence law in the state budget for FY 2011.

April 12, 2010: Our class size lawsuit receives its first hearing in court with Judge Barone of the NY Supreme Court. The DOE argues the lawsuit should be dismissed, on the grounds that the C4E law says the Commissioner should have the final right of review in determining if there have been any violations. We argue that taking away the court’s power to determine if the city has complied with the law is unconstitutional and that requiring us to submit a complaint to the Commissioner would merely delay the decision, since either side would likely appeal his decision anyway.⁴⁴

July 14, 2010: Judge Barone rules in our favor that the lawsuit should go forward. He agrees that requiring an appeal to the Commissioner first would cause undue delay and would “**irreparably damage the children who will during the course of these proceedings be relegated to learning in the overcrowded conditions which the legislature sought to alleviate.**” He also rules that the provision in the C4E law that the Commissioner has sole power to review violations is unconstitutional. The city says it will appeal this decision.⁴⁵

August 5, 2010: I submit a FOIL to NYSED, requesting that they send me last year’s state-approved NYC C4E plan for school year 2009-2010, along with any data and cost estimates the DOE provided in response to Commissioner Steiner’s demands.

August 30, 2010: DOE submits an amended CSR plan for 2010-2011, but makes neither the proposed amendment nor the plan public.

September 2010: The Independent Budget Office reports because of continuing cuts, more than half of schools had received less funds than the year before.⁴⁶

⁴³ <http://www.classsizematters.org/wp-content/uploads/2016/10/Steiner-secret-Contract-Approval-Letter-2.23.10.pdf>

⁴⁴ <http://nycpublicschoolparents.blogspot.com/2010/04/our-class-size-lawsuit-gets-its-first.html>

⁴⁵ <http://cityroom.blogs.nytimes.com/2010/07/15/lawsuit-over-city-class-size-can-move-forward/> .

⁴⁶ <http://ibo.nyc.ny.us/cgi-park/?p=222>

September 9, 2010 DOE presents a power point at CEC C4E meetings, which says they are allowing schools to use C4E class size reduction funds to maintain class size or “minimize class size growth”. Their presentations also say that that on Feb. 23, 2010, **“the State & DOE agreed to amend the Class Size Plan to focus on a selected group of schools, in which class sizes will increase by no more than 50% of the Citywide average increase for schools with similar grade configurations. We have submitted the amendment to the Class Size Plan to the State for review. We are confirming with NYSED the status of the amendment and will be posting it on the web shortly. Public comment on the amendment will be accepted for thirty days once it has been posted.”**⁴⁷ This amendment is never posted.

September 14, 2010: After I threaten to sue, NYSED finally responds to my FOIL, sending me what they say is the approved 2009-2010 CSR reduction plan for last year. It is a long, confusing document entitled “DRAFT”, dated Sept. 30, 2009. It starts this way:

*“The New York City 5-year class-size reduction plan is outlined below as it was envisioned on November 24, 2008. Over the course of the past year, NYC has delivered on the commitments outlined in the plan. However, in that same time-period, NYC Department of Education has suffered the repercussions of the international financial crisis. The DOE experienced significant budget cuts in FY08 which carried over and increased in FY09. Tax shortfalls and increases in operating costs generated a FY10 budget gap that was only partially filled by the allocated Recovery Act funding. The resulting budget shortfall already required an average 4.9% budget cut to most schools, and more cuts may be on the horizon.”*⁴⁸

The DOE adds: *“At this time, it is premature to project the impact of school budget cuts on overall class-size. A few more weeks will be required before school registers settle and teacher positions are fully filled. A few months may be required, before the financial picture becomes clearer for FY10 and beyond. Given these uncertainties, we can only commit to a plan to review our class-size plan early next year. After completion of the November class-size report, we plan to form a committee composed of DOE and SED staff members to further study the economic situation and determine the most realistic approach to maximizing our class-size investments. The deliverable for this group will be a revised class-size plan.”*

DOE also provided a separate spreadsheet which admits they will make none of their class size targets for 2009-2010.

September 17, 2010: NYSED apologizes that they sent me the wrong 2009-2010 plan – an earlier DOE draft that was NOT approved by the state. They promise they will send me the real one soon.

September 22, 2010- Someone other than DOE and NYSED sends me a copy of the Feb. 2010 secret letter from Steiner to Klein, absolving the DOE of any responsibility to comply with the C4E law when it comes to class size because of the “current economic climate” (even though most economists say the

⁴⁷<http://schools.nyc.gov/AboutUs/funding/c4e/2010-11ProposedCitywidePlan.htm>

⁴⁸ <http://www.classsizematters.org/wp-content/uploads/2016/10/DOE-DRAFT-5-Year-Class-Size-Plan-updatedfor-09-10.doc>

recession ended in June 2009).⁴⁹ I forward the letter to Juan Gonzalez of the Daily News, who blasts Steiner in his column.⁵⁰

October 1, 2010: NYSED emails me that they have now finally posted the city's state-approved 2009-2010 class size reduction plan on their website -- though they backdate it to Nov. 23, 2009, nearly a year before, presumably because this is when it was approved. This is the last state-approved DOE C4E plan posted on the NYSED website to this day.⁵¹

It includes a five-page narrative from the DOE, explaining that class sizes have grown because school budgets were cut by 4.9% and teacher salaries increased. Enrollment "may" also have increased (the DOE appears not to know two months after the school year had begun).

In response to the Commissioner's question as to what steps they will take to reduce class sizes in schools where classes are larger than anticipated, the DOE says that they had already "taken numerous steps...to mitigate the potential rise in class size" but there were no "available resources" to take further action, given the existing budget cuts to schools and another \$113 million mid-year budget cut to come. In addition, "Changing programming for students and overall instructional strategies three months into the school year can be very disruptive." They reported that in September, they "counseled schools receiving C4E funds to consider class size reduction as an appropriate strategy."

In response to the Commissioner's request for a cost estimate to achieve the five-year goals, they say that the cost of additional teachers would be \$358.4 million to achieve the average reductions in the plan. They also claim that there will be sufficient space in the capital plan to achieve these smaller classes: "All funding for the required buildings has either already been committed as part of the City's capital budget or is earmarked in the FY10-FY14 Capital Plan. Many of the buildings are already under construction or are at various stages in the process."⁵²

This is contradicted one month later during City Council hearings by Sharon Greenberger, then head of the School Construction Authority at City Council hearings who testifies that the capital plan would only provide enough space to achieve 20 students per class in K-3, 28 in 4-8, and 30 in HS, in response to questions from Council Member Lou Fidler:

CM Fidler: "What's the number 4 that you're looking to bring class size down to through the capital plan and your other measures.?"

*Ms. Greenberger: "It's 20 for K through 3, 28 for middle school and 30 for 9 through 12...."*⁵³

⁴⁹ <http://www.classsizematters.org/wp-content/uploads/2016/10/Steiner-secret-Contract-Approval-Letter-2.23.10.pdf>

⁵⁰ <http://www.nydailynews.com/new-york/education/city-money-aid-cut-class-sizes-packing-students-article-1.440426>

⁵¹ http://www.p12.nysed.gov/mgtserv/C4E/2009-2010_nyc_class_reduction.html

⁵² All documents are posted at http://www.p12.nysed.gov/mgtserv/C4E/2009-2010_nyc_class_reduction.html ; To achieve enough space in all schools, the DOE reported, would cost an estimated \$27 billion, or about \$24 billion over the funds already in the plan.

⁵³ Transcript of the Minutes of the NYC Council Committee on Education, December 16, 2009, Chairperson Robert Jackson.

October 27, 2010: at a meeting of Community Education Council District 2, Chancellor Klein explains that class sizes haven't been reduced because there were concurrent budget cuts and the C4E funds were "fungible."

November 10, 2010 – The UFT, CSM and NAACP meet with Steiner and King. I present some charts showing that class sizes had sharply increased before the state C4E funds flat-lined. I add that the lack of transparency of both the state and the city was unacceptable: the intent of the law was that all C4E proposed and approved plans would be made public, rather than kept secret. Yet NYSED did not disclose the city's approved C4E plan for 2009-2010 until a year after it was approved, and only when threatened with a lawsuit. Steiner had also made a secret agreement to allow DOE to amend its plan and negate any class size reduction commitments, making a mockery out of the public process required by law.

I conclude: In the future, stakeholders need to be included in these discussions. The city should not be able to cancel its obligations to reduce class size. Schools should be allowed to use all available funds (including School Improve Grants) to reduce class size – though the state rules had arbitrarily barred this.⁵⁴ Steiner acts somewhat apologetic; King is openly dismissive of our concerns.

November 15, 2010- NYC class sizes are reported to have grown at an even higher rate than the previous year. In grades K-3, class sizes are two students larger per class than in 2007 and are the largest since 1999. Class sizes in grades 4-8 have now grown to be the largest since 2004.

January 21, 2011 – CSM along with the UFT and NAACP write again to Commissioner Steiner and Chancellor Tisch, expressing our displeasure with the increases in class size and the refusal of NYSED to make NYC comply with the law.

March 2, 2011- In response to our letter, Steiner claims that "there is neither a statutory requirement for NYCDOE to file a Contract for Excellence for the 2010-11 school year nor a realistic expectation that funding will be available for the 2011-12 school year to reduce class sizes from current levels.

"Given the current fiscal circumstances, the NYCDOE and the State Education Department agreed that NYCDOE should focus its efforts during the 2010-11 school year on those 75 schools that have the highest class sizes and the lowest academic performance. On February 15, 2011, Chancellor Black reported that in the 75 targeted schools, average class sizes in 2010-11 compared to 2009-10 were reduced by 2% in elementary and middle level grades and 3% in high school grades. I find, therefore, that the New York City Department of Education has substantially complied with the agreement entered into between Chancellor Klein and me on February 23, 2010."

He adds: "I appreciate your desire that we work together to ensure that every New York City public school student receive [sic] the best possible education, and I look forward to our continued collaboration."⁵⁵

April 11, 2011 – A little more than one month later, Commissioner Steiner unexpectedly announces his resignation, and is quickly replaced by John King in May 2011.

⁵⁴ <http://www.classsizematters.org/wp-content/uploads/2016/10/Steiner-meeting-v3.ppt>

⁵⁵ <http://www.classsizematters.org/wp-content/uploads/2016/10/Steiner-letter-to-Dukes-Rodriguez-Haimson-Mendel-March-2011.pdf>

July 28, 2011 – In addressing our class size lawsuit, the Appellate court rules we must first file a C4E complaint with the Commissioner, though after he decides, we can appeal it to the court. In other words, they agree that the provision in the C4E law barring judicial review is unconstitutional. UFT President Mulgrew issues the following statement: *The UFT will continue the battle to reduce class size in New York City. The court has ruled that Contract for Excellence class size violations must be taken to the State Education Department. Lowering class size is a key issue for the parents and teachers of New York City and we intend to pursue it vigorously.*⁵⁶

Nevertheless, the UFT fails to submit a complaint to the Commissioner and takes no further action on class size.

September 2011: For the first time in about 20 years, the DOE stops complying with a side agreement with the UFT to cap class sizes at no more than 28 students per class in 1st – 3rd grades – though the official contractual limit is 32. The DOE decision to renege on this side agreement causes the number of students in classes of 30 or more in grades 1-3 to sharply increase.

October 12, 2011: UFT, CSM and NAACP write Commissioner King, to protest that both NYSED and DOE continue to flout the C4E law in that the state allocates the C4E funds to NYC before any plan is officially approved and even before any public hearings are held; and the DOE no longer holds borough hearings as specified in the law.⁵⁷

November 2011: Class sizes grow for the fourth year in a row, even though the recession is long over. Class sizes in K-3 increase by a full student on average; the largest class sizes in 13 years. Class sizes increase in 4th-8th grades to the highest levels since 2003.⁵⁸

December 2011: Eight Community Education Councils pass resolutions or write letters, and more than 100 parents submit comments as part of the C4E process, urging the state to reject NYC's proposed "non-class size reduction" plan.⁵⁹

March 26, 2012 – Councilmember Brad Lander releases a report showing that the number of elementary school students in classes with 30 or more pupils has more than tripled since FY09, and the number of 1st-3rd grade students in classes that large has increased tenfold.⁶⁰ 31,079 students in first through fifth grade are now in classes of 30 or more, compared with fewer than 10,000 in the 2008-9 school year. The report also notes that the mayor's preliminary budget for next year could would continue that trend, by cutting \$184.7 million out of the general education budget, leading to the loss of 1,117 more teachers through attrition.⁶¹

⁵⁶ <http://www.uft.org/press-releases/court-rules-against-uft-and-other-community-groups-class-size-lawsuit>

⁵⁷ www.classsizematters.org/wp-content/uploads/2011/10/Letter-to-King-re-2011-12-Contract-for-Excellence-10-12-.pdf

⁵⁸ <http://www.classsizematters.org/wp-content/uploads/2011/11/C4E-for-citywide-final.ppt>

⁵⁹ <http://www.classsizematters.org/comments-on-the-flaws-in-process-results-of-the-does-contract-for-excellence-plan/>

⁶⁰ <http://www.wnyc.org/story/302396-elementary-students-in-large-classes-tripled-report-shows/> and <http://bradlander.nyc/largeclasses>

March 27, 2012: In my testimony to the City Council, in addition to overall city cuts to school budgets, I link these increases in very large classes in the early grades to two specific decisions by the city: In 2010, the elimination of the Early grade class size reduction program, which the DOE had promised the state to retain; and in 2011, refusing to adhere to a “side agreement” with the UFT that had existed for about twenty years to cap class sizes in grades 1st -3rd to 28 students per class.⁶² I also point out how the DOE now has 12,000 fewer general education teachers than in 2007, while the full time non-pedagogical staff has increased, of 35 percent since FY 2011. Spending on testing, contracts, consultants, and charter schools have also risen sharply.

May 2012: To a Mayoral Commission on reporting, DOE proposes that they no longer should have to report class size data in the fall, as mandated by a law passed in 2005.⁶³ Later that year the Commission rejects the proposal to eliminate that reporting requirement, after scores of advocates, elected officials and parents urge them to retain it.

June- October 2012- The DOE fails to present its proposed C4E plan for the following school year either at borough hearings or CEC meetings for the first time since the law was passed in 2007. The state appears not to notice.

November 2012: Class sizes grow for the fifth year in a row; to 24.5 on average in grades K-3, nearly four more students per class since the C4E law was approved. Class sizes also continue to increase in grades 4-8.

January 1, 2013: Bill de Blasio takes office as Mayor and Carmen Farina is appointed Chancellor. De Blasio has pledged during his campaign to reduce class size to the original state-approved C4E levels set in 2007. ⁶⁴ Nevertheless, his Chancellor soon announces that she has no intention of fulfilling this promise.

January 8, 2013: NYC Council Education Committee chair Robert Jackson, an original CFE plaintiff, writes Commissioner King, asking where the state-approved C4E plans can be found for 2011-2012 and 2012-2013: *“The C4E law was to provide enhanced transparency, and yet there is no indication of the status of last year’s plan.”* In addition, he points out that there have been no borough hearings or even CEC presentations for this year’s plan: *“I urge you to hold New York City accountable to the public process demanded by the law, and if the City is to receive these funds, the DOE must show greater efforts in reducing class size, as the law requires. Anything less does a disservice to our public school students and their constitutional right to receive an adequate, equitable education.”*⁶⁵ The letter gets no response.

February and March 2013: DOE finally offers presentations of its proposed C4E plan for the current school year at CEC meetings, more than six months after the funds have already been spent. ⁶⁶

⁶² <http://www.classsizematters.org/city-council-hearings-and-csm-testimony-on-prelim-fy13-education-budget-more-cuts-to-schools-and-larger-class-sizes-next-year/>

⁶³ <http://www.classsizematters.org/wp-content/uploads/2012/10/Testimony-Class-Size-Reporting-5-11-12.pdf>

⁶⁴ <http://nyckidspac.org/wp-content/uploads/2013/06/NYC-Kids-PAC-Questionnaire-Bill-de-Blasio.pdf>

⁶⁵ <http://www.classsizematters.org/wp-content/uploads/2016/10/RJ-C4E-ltr-to-Commissioner-1.13.pdf>

⁶⁶ <http://schools.nyc.gov/AboutUs/funding/c4e/Public+Comment+2012-2013.htm>

March 5, 2013 – The Education Law Center sues DOE on behalf of parent plaintiffs and CEC members, to require that they comply with the law and hold borough hearings, which they had failed to do since 2008.⁶⁷

June 10, 2013 – Judge Moulton of the NYS Supreme Court rules that DOE is indeed breaking the law and must hold borough hearings; DOE says it will appeal his ruling.⁶⁸ No borough hearings are held that spring or summer.

August 2013: DOE posts their proposed 2013-2014 C4E plan. In some ways it is worse than the plans issued under the previous administration. The DOE now openly says schools can use the C4E funds to reduce class size, maintain class size, **or minimize class size growth**. The DOE also claims that on or about June 2, 2013, before any public hearings, SED had already approved their “amended” CSR plan focused on 75 schools, promising only that they will increase class size **to less than .5 students per class**, although on the next page there’s a conflicting claim: that these schools **will not increase by more than half of the citywide increase in class size**.⁶⁹ Clearly there is no longer any semblance of intention by DOE to even pretend to try to reduce class size.

November 2014: There are tiny decreases in class sizes, though at a rate it would take 24 -38 years to achieve the original C4E class size goals in grades K-8; meanwhile. Class sizes in high school are still increasing.

June 12, 2014: After much negotiation, DOE withdraws its appeal of Judge Moulton’s decision and holds its first borough hearings since 2008.⁷⁰ In its proposed 2014-2015 C4E plan, DOE says that on July 2, 2013, NYSED approved its amended CSR plan, focused on 75 schools with high average class size, low performance, and a building utilization rate of less than 100%, though it doesn’t name those schools. Perhaps they mean the 2012-2013 CSR plan, because then confusingly, the DOE adds that it is still “awaiting approval for the FY 14 plan.”

In an unspecified group of 75 schools, DOE makes no promise to reduce class size, or even maintain class size, but only to support “*these schools to help reduce class size and improve student performance.*”⁷¹

Though the C4E law requires districts to “supplement, not supplant” district funding, the DOE now claims that “*NYSED has provided guidance explaining that certain expenditures may be paid for with C4E funds even though these programs or expenditures were originally or typically paid for the district or by other grants.*” This guidance, if it exists, contradicts not only the law, but the earlier guidance on supplanting issued by NYSED after the Comptroller’s audit in 2009. The DOE also claims that “Updated

⁶⁷ <http://www.edlawcenter.org/news/archives/new-york/nyc-education-officials-sued-for-shutting-out-public-from-school-spending-plan.html>

⁶⁸ <http://www.edlawcenter.org/news/archives/new-york/court-ruling-vindicates-parents-right-to-have-input-on-nyc-doe-school-spending-plan.html>

⁶⁹ <http://schools.nyc.gov/NR/rdonlyres/42FE6927-66D0-487D-8257-79FC21A8E530/148914/2014C4EPlanCitywidePUBLIC8202014.pdf>

⁷⁰ <http://www.edlawcenter.org/news/archives/new-york/lawsuit-prompts-nyc-doe-to-schedule-borough-hearings-on-school-spending-plan.html>

⁷¹ <http://schools.nyc.gov/NR/rdonlyres/CC107727-59A2-4311-A7B2-6DCA0DB0AFE4/165836/2015C4EBoroughPresentationFINALrev61814.pdf>

information regarding a FY 15 Class size plan will be posted on the NYC DOE C4E website,” though this never occurs.

November 2014: Class sizes continue to increase at the high school level; while slightly decreasing in grades K-3 and 4th-8th grades.

December 10, 2014: John King resigns as Commissioner. Six months later, MaryEllen Elia replaces him.

May 4, 2015: The DOE pledges to boost funding by \$68 million in 130 struggling schools, including Renewal Schools, Community Schools, and Persistently Failing Schools, but only if they spend the funds on certain programs, such as hiring academic intervention teachers or guidance counselors, or adding college readiness programs. The option of hiring additional classroom teachers to reduce class size is not mentioned.⁷²

July 2015: In their proposed C4E plan for 2015-2016, DOE says that they will now focus class size reduction “planning efforts” on the 94 struggling schools in the “Renewal Program” -- though they mention no specific class size targets or goals.⁷³ They say for more information, to consult a page on the DOE website about the Renewal schools that does not mention class size.⁷⁴ Again they claim that SED has allowed them to supplant, and that any school can use their C4E class size reduction funds to maintain class size or minimize class size growth.

November 2015: According to our calculations, average class size in grades K-3 decreases slightly from the year before, but at a rate that would take 47 years to reach the DOE’s original goal of 19.9 students per class. Even more troubling, the number of students in these grades in class sizes of 30 or more has continued to grow, doubling since 2011. In grades 4-8, average class sizes remain the same as the year before. In high school core classes, average class sizes drop slightly by one tenth of a student, but at a rate that it would take 23 years to reach the C4E goal of 24.5 students per class.⁷⁵

Unsurprisingly, class sizes in the Renewal schools show no particular improvement, despite the fact that DOE had said they would focus their efforts on lowering class size in these schools. Thirty-eight percent of the Renewal schools do not reduce class size at all; and sixty percent continue to feature classes as large as 30 students or more. Only 7 percent cap class sizes at reasonable levels at the original C4E goals.⁷⁶

June 2016: For first time, in its proposed C4E plan for 2016-2017, NYC DOE claims that the original class size plan that was approved in 2007 and then put on hiatus in Feb. 2010, because of what Commissioner Steiner then called the “current economic climate,” has now officially “expired,” although the recession

⁷² <http://www1.nyc.gov/office-of-the-mayor/news/282-15/mayor-de-blasio-struggling-schools-will-receive-their-fair-student-funding-the>

⁷³ <http://schools.nyc.gov/NR/ronlyres/26881653-C4C8-4ACC-AD13-537D6B93B486/184676/2016C4EBoroughPresentation071515FINAL.pdf>

⁷⁴ <http://schools.nyc.gov/AboutUs/schools/RenewalSchool>

⁷⁵ <http://www.classsizematters.org/report-number-of-k-3-students-in-classes-of-30-or-more-risen-sharply-since-2011/>

⁷⁶ <http://www.classsizematters.org/wp-content/uploads/2015/11/Testimony-of-Leonie-Haimson-before-the-NYC-Council-Education-Committee.pdf>

has been over for at least six years and both the city and the state enjoy hefty budget surpluses.⁷⁷ Again they claim to be focusing their class size efforts on the Renewal schools, but as in the previous year's proposed plan, no specific goals or targets are mentioned.

August 8, 2016: Crain's estimates it would cost between \$171M and \$213M to reduce class size to an average of 20 in grades K-3, less than 1 percent of the annual DOE budget. ⁷⁸

October 12, 2016: NY Times reports that there are still fewer teachers in the NYC public schools than before the 2008 recession, despite the hiring of thousands new preK teachers and greater student enrollment overall. ⁷⁹

As of this month, there still are no approved C4E CSR plans for NYC posted on the NYSED or NYC DOE website since 2009-2010.⁸⁰

Summary by Leonie Haimson, Class Size Matters, 6/5/17.

Questions, comments or corrections please email us at info@classsizematters.org

⁷⁷ <http://schools.nyc.gov/AboutUs/funding/c4e/2017C4EBoroughPresentationFinal7-11-16>

⁷⁸ <http://www.crainsnewyork.com/article/20160811/NONPROFITS/160819961/most-city-schools-still-break-state-law-restricting-class-size>

⁷⁹ www.nytimes.com/2016/10/12/nyregion/bill-de-blasio-government-jobs.html

⁸⁰ http://www.p12.nysed.gov/mgtserv/C4E/nyc_class_reduction.html