



Senator Shelley B. Mayer  
Chair, Committee on Education  
Legislative Office Building, Room 509  
Albany, NY 12247

March 6, 2019

Dear Senator Mayer:

The Education Law Center works to advance the legal rights of all schoolchildren in New York State to receive a sound, basic and quality education. Class Size Matters is an advocacy organization dedicated towards improving equity in NYC public schools through reducing class size. NYC Kids PAC is a citywide parent action committee founded to improve the conditions and parent voice in the governance of NYC public schools. The Alliance for Quality Education works to achieve a high quality public education for all students regardless of zip code.

We support your efforts to increase foundation aid to high needs districts as required to fund a constitutional education for all children. However, it is imperative for the Legislature to strengthen the language of the Contract for Excellence (“C4E”) law to ensure that these funds are spent to secure essential educational resources necessary to provide the opportunity for a sound basic education.

After over a decade of experience with the C4E law, we have identified several areas which require revisions in order to effectuate the intended goals of the statute.

In 2003, in the landmark Campaign for Fiscal Equity case, New York State’s highest court concluded that NYC students needed smaller classes to receive their constitutional right to a sound basic education. This explains why the Contract for Excellence law, passed in 2007, included a specific provision for New York City to require the NYC Department of Education to reduce average class sizes in all grades.

There is abundant research to show that small classes provide important benefits to students in terms of learning and engagement, leading to higher test scores, better grades, higher graduation rates, fewer disciplinary problems, and less teacher attrition, among other improvements. These benefits are especially meaningful for students of color and in poverty, who make up the majority of students in NYC schools. This is why class size reduction has been shown to narrow the achievement gap between racial and economic groups.<sup>1</sup>

The C4E law mandates that New York City schools lower class size in all grades by implementing a class size reduction plan. Though the NYC Department of Education did submit such a class size reduction plan that was approved by the state in the fall of 2007, the plan was never implemented, in clear violation of the statute.

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<sup>1</sup> See Summary of Class Size research at: <https://www.classsizematters.org/wp-content/uploads/2017/01/Summary-of-Class-Size-Reduction-Research-NY.pdf>

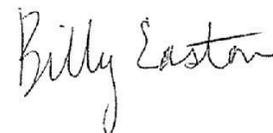
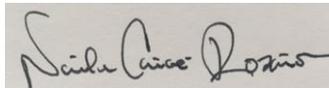
As a result, class sizes are significantly larger now compared to when the CFE decision was made, particularly in the early grades.<sup>2</sup> As of the latest available data, NYC class sizes remain far larger than when the Contracts for Excellence law was first passed, and are 15-30 percent larger than in the rest of the state.<sup>3</sup> Accordingly, our proposed revisions will better ensure that the City abide by law's class size requirements.

In addition, though the C4E statute mandates that Contracts for Excellence in all high-needs districts be developed with community input, often the hearings in New York City that allow for such input are not scheduled until after the school year has begun and the C4E funding has already been allocated and spent, thereby thwarting the intent of the law. Our suggested amendments also correct this problem, by requiring that the public hearings be held before the C4E plan is implemented, instead of afterward. We believe that these proposed revisions will also lead to enhanced transparency in the reporting of C4E approved plans, spending, and student outcomes.

We urge the Legislature to strengthen the Contract for Excellence law by requiring more accountability and transparency in the spending of these essential funds, so that New York City children are finally provided with an equitable chance to learn by receiving the resources that they need and deserve. In addition, these proposed revisions would better ensure that there is the opportunity for parents and other members of the public to participate in the development of these plans, as the law intended. Our suggested language to do so is attached.

Please consider adopting these revisions to the C4E law and we are happy to answer any questions you might have.

Yours sincerely,



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<sup>2</sup> See NYC class size trend and data at <https://www.classsizematters.org/wp-content/uploads/2019/02/class-size-trend-in-NYC-with-2018-results.pptx>

<sup>3</sup> State and city class size data is posted here: <http://www.p12.nysed.gov/irs/pmf>