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## Class Size Matters Testimony on Mayoral Control before the NY Senate Standing Committee on Education

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Thank you for holding these hearings today. My name is Leonie Haimson and I am the Executive Director of Class Size Matters, a citywide advocacy organization dedicated to providing information on the benefits of smaller classes. I am also the co-chair of the Parent Coalition for Student Privacy and on the board of the Network for Public Education.

I have opposed Mayoral control and have done so since its inception in 2003. Unlike others who have switched their positions depending on who is Mayor, I have been consistent in my views. Mayoral control as it exists in NYC is inherently undemocratic and provides no real checks and balances to autocratic rule. Unlike any other city agency, the City Council cannot make law when it comes to the Department of Education, except for legislation on reporting.

As a result, education policies and decision-making lack sufficient input from parents and community members and often result in damaging policies and unwise spending priorities. Our entire system of democratic rule, from the federal government on down, relies on a separation of powers. Can you imagine if the Governor decided to dismiss the State Legislature on the grounds that it was an inefficient governance system?

It is simply unacceptable and inherently racist that the only places where Mayoral control currently exists enroll mostly students of color. Suburban voters and voters upstate would never accept a system, and every poll that of NYC voters, as shown in our accompanying fact sheet, has shown that the majority of New Yorkers are in favor of the Mayor sharing power over our schools with another elected body.<sup>1</sup>

And we're not alone in this. In Chicago, where Mayoral control was first instituted more than twenty years ago, the legislature passed a bill to return to elected school boards.<sup>2</sup> The top two candidates for Chicago Mayor who will be in a run-off in April both support a return to an elected school board as

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<sup>11</sup> See for example <https://www.qu.edu/news-and-events/quinnipiac-university-poll/new-york-city/release-detail?ReleaseID=2225> and <https://poll.qu.edu/new-york-city/release-detail?ReleaseID=2459>

<sup>2</sup> <http://www.nbcchicago.com/blogs/ward-room/Illinois-House-Passes-Bill-for-Elected-School-Board-in-Chicago-370967541.html>

well.<sup>3</sup> Other districts where there is growing opposition to mayoral control include Boston and Washington DC.<sup>4</sup>

What is the record of Mayoral control here in New York City? Since Mayoral control was introduced in NYC, nearly 200 public schools have been closed, and our schools have been forced to share space with more than 150 charter schools. Overcrowding has worsened, especially at the elementary school level, and more than 550,000 students are crammed into overutilized schools.

We have analyzed the trend in achievement according to the NAEPs, the most reliable national assessments. When NAEP test scores are disaggregated by race, ethnicity, and economic status, New York City made less progress than any other school district other than Cleveland between 2003 and 2013.<sup>5</sup> Since then, under Mayor de Blasio, our NAEP scores have been flat or declining.<sup>6</sup> Though our graduation rates have increased, this has occurred in nearly every other school district in the nation, as a result of pressure on schools to inflate their rates, either via low-quality credit recovery schemes and/or by telling teachers they must pass a higher percentage of their students.<sup>7</sup>

The justification for mayoral control is that the previous system was scandal-ridden, with local school boards engaging in patronage. But the reality is the power for Community School Boards to hire personnel and award contracts was eliminated in 1996, years before Mayoral control was instituted.<sup>8</sup> Moreover, the waste and corruption that occurred under Mayoral control far outstrips what occurred previously.

Under Mayor Bloomberg, multiple, multi-million-dollar contracts awarded that turned out to be reckless and/or fraudulent. The data system known as ARIS cost more than \$100 million, was rarely used, and was finally eliminated in 2014.<sup>9</sup> The special education data system called SESIS cost more than \$130 million and now is to be replaced by another system, as yet unknown.<sup>10</sup> Several contracts have been awarded to corrupt vendors at hugely inflated amounts.<sup>11</sup> Yet never to my knowledge, has the Panel for Educational Policy voted to reject a single one.

One of the most egregious contracts was awarded to Custom Computer Specialists for internet wiring. As a 2011 report from the Special Investigator's office revealed, CCS was involved in a massive kick-back

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<sup>3</sup> <https://chalkbeat.org/posts/chicago/2019/03/07/educators-want-to-hear-more-from-mayoral-candidates-on-elected-school-board-under-enrollment/>

<sup>4</sup> [http://www.bostonherald.com/news/local\\_coverage/2018/01/return\\_to\\_elected\\_school\\_committee\\_being\\_explored](http://www.bostonherald.com/news/local_coverage/2018/01/return_to_elected_school_committee_being_explored)

<sup>5</sup> <http://www.classsizematters.org/wp-content/uploads/2015/05/NAEP-powerpoint-08-2014-final.pptx>.

<sup>6</sup> <https://chalkbeat.org/posts/ny/2018/04/10/yet-again-new-york-city-shows-no-gains-on-a-national-reading-and-math-exam/>

<sup>7</sup> [https://www.washingtonpost.com/news/education/wp/2017/12/04/u-s-high-school-graduation-rates-rise-to-new-high/?utm\\_term=.b887867fe5b6](https://www.washingtonpost.com/news/education/wp/2017/12/04/u-s-high-school-graduation-rates-rise-to-new-high/?utm_term=.b887867fe5b6) See also <https://nypost.com/2015/08/09/teachers-say-they-feel-pressure-to-meet-citys-pass-quota/>

<sup>8</sup> <http://www.gothamgazette.com/index.php/archives/1630-school-boards>

<sup>9</sup> <https://www.nydailynews.com/new-york/education/city-schools-dumping-95-million-computer-system-article-1.2012454>

<sup>10</sup> <https://www.chalkbeat.org/posts/ny/2019/02/22/sesis-special-education/>

<sup>11</sup> <https://www.classsizematters.org/wp-content/uploads/2011/10/testimony-on-contracts-10.31.11.pdf>

scheme that stole millions from the DOE.<sup>12</sup> As a result, the FCC excluded the DOE from more than \$100 million of annual E-rate reimbursement funds because of the resulting scandal.

Yet in February 2015, a new contract was to be awarded CCS, amounting to \$1.1 billion over five years, renewable to \$2 billion over nine years.<sup>13</sup> After I alerted reporters, the contract was hurriedly renegotiated and the payment cut in half to \$627 million, suggesting how inflated it was in the first place.<sup>14</sup> Yet the Panel for Educational Policy still rubberstamped the contract, 10-1, with only the Bronx representative voting no.<sup>15</sup> Luckily, because investigative journalists such as Juan Gonzalez continued to dig into the scandal, City Hall eventually cancelled the contract and forced DOE to rebid it, at a savings of between \$163 million and \$727 million.<sup>16</sup>

In June 2003, in the Campaign for Fiscal Equity case, the state's highest court wrote that the number of NYC children in overcrowded classes *"is large enough to represent a systemic failure"*, and concluded that that our students were deprived of their constitutional right to a sound basic education in part because their class sizes were too large.<sup>17</sup> In 2007, the Legislature approved the Contracts for Excellence (C4E) law, which required NYC to reduce class size in all grades. Yet class sizes increased sharply instead in all grades, and in grades K-3 and now are 14 percent larger than when the court issued their decision. The number of students in very large classes has also ballooned, and this fall, there were more than 336,000 students in classes of thirty or more.<sup>18</sup>

For the last four years, the DOE said in their C4E plans that they would focus their class size reduction efforts on the Renewal schools.<sup>19</sup> Of the original 94 Renewal schools, 14 have been closed, nine have been merged with other schools, 21 have improved and graduated out of the program. Of the remaining 50 schools, 36 percent have not reduced class size by even a fraction of a student since 2014, and fewer than half decreased average class size by even one student. Nearly three quarters continue to have maximum class sizes of 30 or more.<sup>20</sup> Instead, the DOE has spent more than \$800 million on this

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<sup>12</sup> <http://www.nycsci.org/reports/04-11%20Lanham%20Rpt.pdf>

<sup>13</sup> <http://nycpublicschoolparents.blogspot.com/2015/02/was-company-due-to-receive-125-billion.html>

<sup>14</sup> <http://www.nydailynews.com/new-york/education/dept-ed-contract-sketchy-tech-firm-not-compute-article-1.2128207>

<sup>15</sup> <http://nycpublicschoolparents.blogspot.com/2015/02/last-nights-approval-of-huge-computer.html>

<sup>16</sup> <http://www.nydailynews.com/new-york/education/gonzalez-nyc-backs-huge-school-contract-saves-163m-article-1.2474357> and <http://nycpublicschoolparents.blogspot.com/2015/12/how-class-size-matters-helped-city-save.html>

<sup>17</sup> Court of Appeals decision, Campaign for Fiscal Equity, Inc., et al. v. State of New York, et al., 100 N.Y.2d 893, 911-12, June 2003.

<sup>18</sup> See <http://www.nydailynews.com/new-york/education/nyc-students-overcrowded-classes-study-article-1.2442810> and <http://www.classsizematters.org/nyc-class-size-data-released-average-class-sizes-still-increasing-according-to-doe-number-of-k-3-students-in-classes-of-30-or-more-risen-sharply-since-2011>

<sup>19</sup> The 2018 "plan" is here: [https://infohub.nyced.org/docs/default-source/default-document-library/fy19\\_c4e\\_cec\\_ppt\\_08-15-18\\_final.pptx?Status=Temp&sfvrsn=99a6d67b\\_4](https://infohub.nyced.org/docs/default-source/default-document-library/fy19_c4e_cec_ppt_08-15-18_final.pptx?Status=Temp&sfvrsn=99a6d67b_4)

<sup>20</sup> <https://nycpublicschoolparents.blogspot.com/2018/12/letter-to-chancellor-carranza-urging.html>

largely ineffective program, which they say will now end, intending to move towards a “more fluid” if undefined program of support, with no mention of reducing class size in their plans.<sup>21</sup>

In 2018, nine parents as well as Class Size Matters and the Alliance for Quality Education sued NY DOE for not complying with the state law and failing to reduce class size, as required by the C4E law. We were about to file an appeal in that case, with the help of the Education Law Center. Unfortunately, the NY State Senate and Assembly has eliminated the C4E language out of their proposed budgets. Along with AQE and the Education Law Center, we are urging the Legislature to restore the C4E language or our lawsuit will be moot.

The major education accomplishment of this administration, the expansion of PreK, was a laudable goal but was implemented poorly. The DOE insisted on placing excessive numbers of pre-K children in elementary schools that were already overcrowded and in many schools that had waiting lists for Kindergarten. As documented our recent report, *The Impact of PreK on School Overcrowding in NYC*, PreK classes were created in 352 schools that were at 100% utilization or more, thus contributing to worse overcrowding for about 236,000 elementary school students.<sup>22</sup>

At the same time, so many PreK students were pulled out of existing CBO-run centers that many of these centers now report they are on the brink of financial collapse. The DOE also spent \$811 million building their own stand-alone Pre-K Centers, including for a PreK class of 18 students in a former Dunkin Donuts below a parking garage that cost more than \$6 million to build.<sup>23</sup> Many of these DOE PreK centers are now reported to be half empty.

So, what should be done? The mayor’s number of appointees on the Panel for Educational Panel needs to be diminished, as the PEP has been shown to be unable or unwilling to provide effective countervailing balance. Community Education Councils should be given the authority to approve school closings and co-locations, as they now do with rezonings. A DOE Ombudsperson should be appointed to address parental concerns and complaints and provide regular reports on how education services can be improved.

Finally, the DOE should be made subject to city law as are other city agencies. Why should our public schools have fewer checks and balances than any other part of our city government, especially when it comes to something as important as our children’s education?

Thank you for your time, and I’d be happy to answer any questions you might have.

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<sup>21</sup> <https://chalkbeat.org/posts/ny/2019/02/26/de-blasio-renewal-school-turnaround/>

<sup>22</sup> <https://www.classsizematters.org/wp-content/uploads/2018/12/PreK-report-12.17.18-final-final.pdf>

<sup>23</sup> <https://nypost.com/2016/06/09/city-spends-6-5m-to-fix-up-this-pre-k-school-for-18-kids/>