



THE NEW YORK CITY DEPARTMENT OF EDUCATION

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**Testimony of
Chancellor Joel I. Klein
And
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Contracts for Excellence
Committee on Education
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Good morning, Chairman Jackson and members of the City Council Committee on Education. I am pleased to join you today.

Fourteen years ago, in 1993, the Campaign for Fiscal Equity filed a constitutional challenge to New York State's school finance system, arguing that the State short-changed the City's public schools and denied its students their constitutional right to a sound basic education. Robert Jackson remembers this well; he was one of the original plaintiffs. *Finally*, this April, our Legislature and Governor acted on the court ruling, deciding to send our City the first installment of the education aid it so desperately needs. This is due to the hard work of so many who fought for so many years. Today, we should congratulate all those whose vision and perseverance have achieved this victory for our children.

My colleague, Deputy Chancellor Dr. Marcia V. Lyles, will address the specifics of the proposal we recently submitted outlining our plans under the Contract for Excellence. Before she does so, I want to put our submission in its proper historical and practical context. Three points bear emphasis:

1. The Bloomberg Administration is already five years into the most comprehensive and successful school reform initiative in the nation. CFE, as important as it is, arrives at a time when our reform efforts are well

underway. The progress we've made already warrants celebration, whether we measure progress by graduation rates, increases in student achievement, or the substantial narrowing of the shameful achievement gap that has plagued us for decades. Because we are so clearly on the right path, our priorities are to integrate the CFE mandates seamlessly into our ongoing reform effort and to accelerate the promising course we are pursuing.

2. This priority is easily achieved for the simple reason that our reform strategy and the State's Contracts for Excellence strategy are in total alignment. Indeed, when I first read Governor Spitzer's announcement of his proposals, I was struck by how much our work had anticipated the Governor's direction, later embodied in the Contracts for Excellence legislation. Precisely the same core values are at the center of both DOE's reform agenda and Contracts for Excellence. These values are:

- a. A deep belief that, while more money is always a positive, to be effective it must be spent on reforms that research confirms actually work for children. The key is not more money, but more money spent well.
- b. A core belief that accountability is essential to the success of any reform agenda—accountability, first and foremost, for student results, but also accountability for being good stewards of funds

so that we ensure that they are spent on their intended purposes.

- c. A fundamental belief that our resources, energy, and efforts should focus heavily on those students for whom educational quality historically has been the most elusive—so called “high-needs” students: the economically disadvantaged, those who are still learning English, those with a history of persistent academic failure, and those with special needs.

3. The third point is a pragmatic one. At DOE, we have a school system to operate, with more than 1,400 schools serving 1.1 million children. The real-world requirements of managing this system are indifferent to the legislative calendar. Budgets need to go out; teachers need to be hired; books need to be bought and distributed. The Contract for Excellence legislation became law in April. Despite the State Education Department’s heroic efforts and its tireless assistance, it has still not finalized the implementing regulations and guidance. Our submission was due on July 15 and the quantity of data it requires assures that we will still be refining it until mid-August, days before school opens in September. Input from community and advocacy groups is still flowing in, and needs to be carefully considered. Independent of all this, we distributed school budgets in early May, the last possible date that would give principals and school communities sufficient time to build and implement

their educational plan for the fall. While, as noted, there is a near perfect symmetry between the substance of our reforms and CFE, we must all acknowledge the practical timing challenges related to fulfilling the mandate of the new legislation this first year.

Let me elaborate on these points.

When the Mayor gained control of the schools five years ago, we knew that New York City schools were failing far too many students. And, what's worse, we knew that the majority of the children who were most under-served were the children who most needed our help—the poor, the African American, the Latino students who were more likely to struggle in school were drawing the shorter straw time and time again. We faced an educational crisis of staggering dimensions.

Under these circumstances, it obviously would have been wrong to simply wait for the CFE suit to wend its way to its final resolution. And we did not. The Mayor and all of us at the Department of Education are now in our fifth year of executing the most ambitious set of school reforms in any city in America.

Starting in 2002, we began working to fix our schools so that they could provide all of our 1.1 million students with the opportunities, the support, the skills, and knowledge they needed to graduate from high school ready to lead

successful, productive lives. We stood with the CFE plaintiffs, fighting for additional resources and support from the State. But we knew that until we received new funds—and in preparation for the day this matter was eventually settled—we would have to rethink the way we were spending what we had.

Since 2003, we cut about \$350 million from the bureaucracy and redirected it to our schools where it could do our children the most good. We held a spotlight to our successes and failures, school by school, with the most sophisticated and consequential accountability systems any school system has ever seen. Every parent will now know how his or her child's school stacks up against others in the only thing that matters—how well are children learning. We have marked more than 65 low-performing schools for closure and have opened more than 200 new ones, where graduation rates are rising to unprecedented levels. Every school is given the funds and authority to choose the support system that best enables it to meet its ambitious achievement goals and then held strictly accountable for meeting them. We are doing everything in our power—from tenure reform to improved training and mentoring—to ensure that there is an effective teacher in every classroom. We have increased the number of applicants for teaching positions, eliminated uncertified teachers from our schools, created incentives to attract shortage area teachers in such critical areas as math and science to New York, adopted a Lead Teacher program that sends some of our finest teachers to high-needs schools, provided unprecedented

levels of training to our educators at every level, and instituted a bonus system to reward our most successful principals. We have launched a capital plan that is creating more than 60,000 new classroom seats and enhancing our successful efforts to lower class size at every level. And we are correcting the shameful funding inequities that forced many schools, too often those serving our neediest children, to make do with less than their fair share. The list goes on and on.

As we developed and executed this comprehensive plan, Children First, front and center in our mind were high-needs students—precisely those that CFE lawsuit sought so valiantly to help. For me, personally, as somebody who knows first hand the difference education can make, this work has been more than just “organizational reform,” but a moral imperative that would change the lives of children, and, indeed, the future of our City.

That is why, this spring, as we waited for regulations governing the Contract for Excellence funds, we developed a budget that directed more than \$138 million to schools that have traditionally been shortchanged. The overwhelming majority of the students in the schools that received these funds are among our highest needs students. Now, those schools are using funds to help create programs for these students, so that they can have more of the opportunities they need and deserve. We also sent an additional \$230 million to all schools, the vast majority of which schools can spend on additional teachers,

instructional materials, and services of their choosing. Not one cent of these latter funds derive from the Contract for Excellence legislation—but it is a telling parallel that the amount of new dollars we gave to schools to further their educational success is roughly equal to the amount subject to the Contract for Excellence “menu.”

Today, because of the steps we have taken, our schools are fundamentally different: our children have better teachers, principals, curriculums, and opportunities than ever before, and our students are performing at a higher level than many people dreamed was possible. We are being recognized as a leader in urban education reform, most recently as one of five finalists for the third consecutive year for the coveted \$1 million Broad Prize for Urban Education. And, most importantly of all, the children our system has historically failed, the disadvantaged and those with specialized educational needs, are making progress at unprecedented levels.

The work we have done does not consist only of strategies and theories. Our work is making a difference for the kids who most need help.

In all, 50.8% of students in grades 3-8 are at or above standards in English and 65.1% are at or above standards in math, compared to 39.3% in English and 37.3% in math in 2002. And overall, according to the State, our graduation rate has increased from 44% in 2004 to 50% in 2006. At the new small schools we have created, more than 70% of

students graduated this year, compared to less than 40% at the schools they replaced. Those percentage points measure real human lives that are changed for the better because of the strategies we have pursued.

This is the backdrop against which to understand the infusion of new funds associated with CFE: a work in progress, a bold effort well underway, but with far, far to go before the job is done. We embrace the Contract for Excellence, not only because it brings critical new funds to the district and those children who need it most, but also because, effectively integrated into our existing reform effort, it has the potential to enhance it, to accelerate the positive path we are pursuing.

The new funds from the State represent an extraordinary opportunity to further the strides New York City has already taken. We are committed to the full and faithful implementation of the requirements of Contracts for Excellence not only because the law requires it, but because we embrace the bold educational agenda it embodies. If we can execute its mandates in a manner that enhances and accelerates the five years of reforms that pre-date it, if we can continue to balance resources with accountability, if we can sustain our focus on the most challenged students, if we can ensure that every new Contracts dollar is spent in one of the five permitted areas while preserving the ability of our great educators to make decisions on behalf of students, we will continue to change not just the means by which we

fund schools, but the lives of thousands of children who need education most.

Now, I'd like to turn it over to Dr. Marcia Lyles, my deputy chancellor for teaching and learning, to discuss the details of our Contracts and Class Size Reduction plans.

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Good morning, Chairman Jackson and members of the Education Committee.

Before I detail the New York City Contracts for Excellence proposal, I would like to offer my comments on our proposal from a teaching and learning perspective, which, I believe, is the heart of the matter. As a former teacher, principal, and, most recently, superintendent, I believe it is essential that we use these funds in ways that address the neediest students and have a demonstrated impact on student achievement. In order to accomplish that, we must empower and enable educators. This is not a compliance exercise for us. Because equity and excellence are guiding principles for Children First, we embrace the Contracts for Excellence, and our submission reflects that perspective.

To illustrate the impact we're having on New York City students, imagine an African American boy growing up in poverty somewhere in Brooklyn. Let's trace his course through our schools and see how it would be different today compared to when we started Children First.

He would have more opportunity at the very beginning of his education. Because early education changes outcomes for kids for years and years, we've created new opportunities for our youngest students, so there are now far more seats serving our youngest students in pre-kindergarten. Independent of CFE, we have invested millions more in Pre-K. In 2007, we spent \$271 million on Pre-K, up more than \$150 million from the \$109 million we spent in 2004. Since we started this work in 2002, we are now serving almost 8,000 more children each year in Pre-K classes.

In elementary school, his teachers and principal would set higher expectations and work with him to ensure that if he started to struggle he would receive the help he needed to stay on track. His principal would be better prepared—through mentoring or through our path breaking Leadership Academy, and his teachers would have the tools they need to quickly identify the problem and devise a targeted plan to help address it in class, after class, or in Saturday Success Academy.

And the number of students in his class would have dropped significantly. Again, independent of CFE, we are investing \$277 million this year towards early grade class size reduction efforts, and class size is down in every grade across the City.

If his school was under-funded relative to the educational needs of the students it served, it would have received a

dramatic infusion of new funds: more money for each English Language Learner, more for children persistently performing below grade level, and more for children with special needs.

His school would now have the freedom to avoid a “top down,” one size fits all mentality by spending its new resources on the supports it actually needs.

His school would have the technical capacity to identify which high-needs students are struggling in what areas for what reasons—and to tailor instruction accordingly.

If he dropped far behind by the third grade and was struggling to achieve proficiency in math or English, we wouldn't just allow him to proceed to the fourth grade. Because we know that ignoring failure exacerbates failure, we ended the senseless practice of social promotion. Today, we don't push struggling students who are unprepared for the next year's work ahead just because they “did their time” in a particular grade. We require students to master the material before jumping ahead to the next grade. This isn't about holding kids back. It's about teaching. And it's about learning.

When our student was ready for middle school, even if he moved to another neighborhood, he would have a high-quality curriculum because of the core curriculum we created across our five boroughs in math, English, and the

arts. (Today, we're creating similar core curricula in science and social studies, too.)

Plus, his teachers would be more qualified. We offered teachers unprecedented raises, so that it's more attractive for teachers to stay in our City schools. Today, we have seven applicants for every new teaching position, new teachers earn 43% more than when we started this work, we've made tenure an earned privilege rather than a default, and we've created powerful incentives that reward principals for performance and others, under which top-notch teachers can earn more if they mentor and teach in high-needs schools.

If our student fell behind in the middle school, he would be eligible for extended day programming. Teachers would work with him and his peers in small groups to help them get through their academic struggles and get back on track.

There would be *more* choices for him when he was applying for high school because of the more than 200 new schools we have created and *better* choices in light of the 65 schools we have identified for closure. Once in high school, he would receive more personalized instruction than ever before, and he would be more likely to graduate. But, if he fell behind, there would be more opportunities to get back on track, including 20 new Young Adult Borough Centers and 12 new Transfer Schools, plus the support of 39 new Learning to Work programs.

Empowering educators starts with ensuring that the decisions about how most of these funds be spent are made by principals, in consultation with their School Leadership Teams. These are the people who know schools and students best.

To that end, we provided 688 schools that did not have the resources to serve their students adequately with Contracts for Excellence funds so that they could purchase proven tools for success. Not surprisingly, these school leaders chose this year to focus on reducing class size. This is the largest expenditure in our Contracts for Excellence plan. Through Contracts for Excellence funds, our schools will hire approximately 1,300 additional teachers this year. This is just one effort DOE will launch through the Contracts and as part of our five-year plan to reduce class size across our City.

As our schools work to reduce class size, we know that even more crucial than reducing average class sizes is enabling our teachers to succeed in our classrooms with our students. We will use Contracts fund to enhance the efficacy of classroom time for all students, most of all, for our struggling students, by training teachers citywide to understand the causes of under-performance and by giving them the tools they need to recognize and effectively address low achievement before it is too late. As I will detail later, every single school in our system will select a program of formative assessments, designed entirely to help teachers understand each of their students' strengths

and weaknesses. Simultaneously, nearly 20,000 educators will receive our innovative, on-site Children First Intensive professional development this year, funded through Contracts for Excellence funds. Through this program, the most expert educators in our system will work directly with principals and teachers to use the formative assessments and all other available information to pinpoint the places where instruction has not fully succeeded with each child and to adjust that instruction to meet each student's particular needs.

Imagine 1,400 schools with reduced class sizes, principals, rather than far-removed administrators, making spending decisions, and each teacher designing a detailed plan for every student in the class. The Contracts for Excellence in New York City is a plan focused on teaching and learning, and on student achievement.

Of \$258 million in Contracts for Excellence funds, the DOE proposes spending \$120 million on citywide initiatives that directly impact high-needs students. The remaining \$138 million is being allocated directly to the 688 under-funded schools I mentioned before. These funds are being used predominantly to help the high needs students who most need our help.

This allocation to schools comes on top of other commitments to provide principals with new funds to better equip their schools for success.

Alongside empowerment must come accountability. After we allocated funds to schools, Senior Grant Officers worked closely with principals throughout the budgeting process to ensure that they were meeting the expectations set by the Contracts for Excellence, and to ensure alignment of all of the school's resources with its priorities and needs. Additionally, our finance department continued to vet school-level spending decisions throughout the month of June. We have been and will continue to be dedicated to ensuring accountability for how we spend these funds.

We are also accountable to the public. Once we had posted our initial proposal, my colleagues and I on the Senior Leadership Team spent a week in public hearings, briefings, and meetings, listening to the testimony and views of a wide range of concerned citizens. At the same time, we reviewed written testimony from across the City. In all, nearly 1,000 people participated directly in our public comment process. And while it was not stipulated in statute or regulation that we have hearings in each borough, and while the timeline on which we were working was incredibly tight, it was crucial that we engage the public in this fashion. We have not taken every suggestion we received. But we have considered all of them, and in the end, several prevalent ideas influenced our proposal.

Finally, I would like to emphasize that our ultimate accountability is to our City's children and their families. We are spending these funds in the way we believe best, for

their sake. In public hearings we heard a variety of ideas on how the money should be spent. Many of the ideas were thoughtful and valid; in an ideal world, we could implement many more of them than we will be able to this year. In the end however, we ask that we be judged not by the apparent validity of our ideas, but by the effectiveness of our actions. This is why we have gone beyond what other governmental entities have asked of us and have established a comprehensive, transparent accountability system that will lay bare the progress we have actually made with Contracts for Excellence resources. It is, after all, the achievements, dreams, and hopes of our students that are the true legacy of the Campaign for Fiscal Equity.

I will now outline the final proposal we submitted last week to the State Education Department. As you know, details about this are posted online at www.nyc.gov/schools, and we will, of course, answer any questions you have at the conclusion of our testimony.

Class Size Reduction

Between 2002 and 2007, average high school class size in the City dropped by nearly three students per class. At the same time, class size in kindergarten through ninth grade dropped 1.3 students on average. Our plan will build on this, through a combination of strategies, including establishing clear class size reduction targets for every school. These targets will be supported by policy changes, targeted initiatives, and new investments.

The City's investments in this area have been substantial. DOE's current Capital Plan will cost a record \$13.1 billion and will add more than 60,000 classroom seats. This year, the Department will also maintain an \$88 million State-funded, early grade class size reduction program, despite funding for the program being newly categorized as general Foundation Aid by the State. Moreover, the DOE has continued to contribute \$80 million of City tax levy funding and \$110 million of federal funding to support and sustain the State program.

Building on these investments, the DOE has developed a plan with the following components to guide us to reduced class size:

- **Increased School Funding:** School leaders and School Leadership Teams have scheduled \$66 million in Contracts for Excellence funds towards class size reduction, and schools have access to \$230 million of Children First Incremental dollars that the Chancellor mentioned earlier. These funds, as I noted earlier, will help schools hire at least an additional 1,300 classroom teachers this year.
- **System-wide Guidance:** DOE will launch a program to coach schools to class size reduction, starting with low performing schools that analysis shows have the greatest potential to reduce class size, including significant numbers of middle schools.
- **Policy Adjustments:** Key policy changes will strengthen principals' ability to execute and maintain

- reduced class size to the extent possible by honoring school-level decisions about class size.
- New School Construction: DOE will deliver major new construction plans to eliminate overcrowding and will deepen the alignment of capital resources with instructional goals like class size reduction in the next capital plan.
 - Collaborative Team Teaching: In accordance with the State's identification of "assignment of additional teacher(s) to a classroom" as a means of reducing class size, New York City will expand the Collaborative Team Teaching (CTT) and Autism Spectrum Disorder (ASD) programs. These programs provide learning models where students with disabilities have access to the general education curriculum and rigorous instruction. A \$40 million investment of Contracts funds will open over 400 CTT classrooms and \$5 million will grow the ASD program from 8 to 13 sites Citywide.

Student Time on Task

As you know, to increase the amount of instructional time the City's students receive, especially struggling students, the City negotiated a teachers' contract extending the school day by 37.5 minutes to provide targeted interventions in small group settings. This initiative comes with a \$50 million annual investment of tax levy funds for additional transportation costs alone.

The Contracts for Excellence proposal builds on these and other investments through efforts to both increase instructional time and to ensure that classroom time is focused and differentiated for struggling learners. Four hundred twenty-eight schools have scheduled \$40 million in time on task initiatives through the Contracts for Excellence, including tutoring programs, after-school programs, and weekend sessions.

Yet we also know that it is not just the amount of time, but also the quality of that time, which makes time on task a contributing factor towards student achievement. Improving student achievement depends both on understanding the needs of individual students and on developing differentiated strategies for supporting diverse needs in class room. Together with the DOE's Children First Intensive professional development program, the Department's Periodic Assessment model provides educators with tools they can use to learn about how well students are performing and where they need extra help. In noting the DOE's recent improvement in its graduation rate, the State Education Commissioner singled out the City's formative assessment program as a contributing factor. Also recognizing this powerful lever, the State Education Department wrote this combination of assessments and intensive focus on the use of formative data into the Contracts regulations as "time on task," exactly because it ensures that the time spent in classrooms is as valuable and productive as possible. DOE proposes spending \$14 million to launch this citywide initiative to

develop educators' understanding of struggling student performance.

Teacher and Principal Quality Initiatives

New York City has made teacher and principal quality a fundamental element of its Children First reforms.

Recognizing the quality and dedication of our teaching force, we have increased teacher salaries by a cumulative \$2.6 billion from 2003 to 2008, a cumulative 43% increase in teacher salaries. While the City used to struggle in recruiting teachers to its schools, five applicants on average now apply for each vacant position in the system.

We made similar strides with respect to principal quality. The City increased principal salaries by a total of \$200 million for 2004 to 2008, and this year, we created a bonus system that pays an annual maximum of \$50,000 for principals performing at the highest levels in the hardest-to-staff schools.

Through the Contracts for Excellence, we will build on these and other teacher and principal quality initiatives in two ways. Schools themselves have scheduled \$21 million in professional development. We likewise propose spending \$20 million for Children First Intensive, a yearlong cycle of professional development to embed the practice of evidence-based individualized instruction, self-evaluation, and continuous improvement in every school. Given the tools to understand student needs, our teachers

will be trained to reflect on their own practice and on what it will take to make sure all students move forward.

Nearly 20,000 principals, teachers, and collaborative networks of improving schools will receive large-scale, ongoing school-based leadership and development and support through Children First Intensive during the 2007-2008 school year.

Middle School and High School Restructuring

Improving middle schools and high schools is a longstanding priority for the Department of Education. In particular, we look forward this year to furthering our work with the Middle School task force convened by Speaker Quinn, and to drawing on the expertise of that committee as we work to better the educational opportunities for adolescents in our City.

The Contracts for Excellence establish “structural changes to middle and/or high school organization” as demonstrated drivers of student success. Since 2002, we have been national leaders in the restructuring of schools, closing dozens of low-performing schools, and opening more than 200 new schools, many of them replacing the failed schools before them. This can be a painful process. But done right, it can create new organizations, and can reverse the cycle of under-performance in failing schools.

This work and investment has paid off. On the high school level, this year's graduation rate for new schools exceeded 70% for the second consecutive year. More than two-thirds of students in this year's graduating class entered these new schools performing below grade-level, and more than 90% are African-American or Latino. This is a major factor in the overall increase of our graduation rate the Chancellor mentioned earlier.

As part of an effort to restructure additional failing schools, DOE will open 34 new middle schools and high schools this fall and proposes to use \$11 million in Contracts funds for start-up and operational costs. An additional 43 existing middle schools and high schools, serving more than 40,000 students, will restructure by making changes to schedules and curriculums as well, totaling \$8 million of Contracts funds.

Full-day Pre-kindergarten and Kindergarten

While the DOE contributed \$45 million to Pre-kindergarten programs in 2007, most funding for Pre-kindergarten comes from State and Federal sources, and most is for half-day classrooms only.

This year, several DOE schools proposed adding or augmenting full-day Pre-kindergarten programs through the Contracts for Excellence, for a total cost of nearly \$500,000. While this represents an encouraging trend, the investment is the smallest overall investment within the

Contracts for Excellence program areas. Most schools, even with the ability to make decisions with Contracts funds, did not receive a sum large enough to make full-day Pre-kindergarten, with a cost of roughly \$9,000 per student, a financially feasible option. We hope that the State will understand how and why this option was closed off to many of our schools this year and will respond by working to free funds currently designated only for half-day programs so that they can be used for the development of more full-day programs.

This is one change that will strengthen the Contracts for Excellence. But I'm confident that in the future, Contracts for Excellence will be an ongoing part of the discussion of school quality and improvement across not just governmental agencies but also School Leadership Teams and Community Education Councils.

We look forward to working with schools and school communities; with the Governor, the State Legislature, and the State Education Department; and with advocates and concerned citizens across the City to strengthen all of our efforts in the years to come. Through Children First we have developed a plan that works for children, and the Contracts for Excellence represents a crucial opportunity to build on what has already been accomplished.

We thank you for the opportunity to present our proposal and will be happy to answer any questions you might have.

**Testimony
of
Michelle Bodden,
Vice President for Elementary Schools
of the
United Federation of Teachers**

**on
Meeting the State's
'Contract for Excellence' Requirements**

**before the
New York City Council
Education Committee**

July 24, 2007

Good morning. I am Michelle Bodden, Vice President for Elementary Schools of the United Federation of Teachers. Thank you for inviting us to testify before you today.

I am disturbed by the history of mistrust and bad faith that underlies New York City's plan to comply with the state's Contracts for Excellence.

Let's start with class size. Here in the city, class size reduction has been on the educational front burner for at least five years. There have been petitions, lawsuits, testimonies, task forces and just an astounding amount of battling—right up through last week--over something that should not be that controversial.

Let me say--once again--that in terms of student achievement, class size reduction is one of the three basic strategies that work. Research has shown, and teachers will tell you, that lowering class size does more to help students—especially students who come into the system with some type of educational deficit or learning issue—than anything else you can do. Class size reduction, when combined with high-quality early childhood programs and skilled teaching, changes children's educational lives.

That is why the UFT and its partners, including Chairman Jackson and many other legislators in this chamber, fought so long and hard to ensure that the CFE money went to class size reduction. And that is why the State Legislature and Governor agreed this reform must be part of state education policy.

According to the state, it is no longer a question of whether class size gets reduced — it is how. That is where the DOE's plan still falls short — they still believe principals should decide "whether," not simply how. Good teachers tell us that class size reduction, school safety and administrative support are the three essentials of their working lives. When the Department of Education, at the 11th hour—really, it's more like the 13th hour now—tries to claim that it is lowering class size by "empowering" principals, or that holding schools accountable for test score improvement will somehow hold them accountable for class size reduction, or that class sizes will be reduced by mainstreaming special education students into CTT classes, we are no longer willing to give them the benefit of the doubt.

The state's Contract for Excellence is not an ambiguous document. It requires that New York City use the new CFE money for programs that can be shown to improve student achievement. It must reduce class sizes in grades preK-3, 4-8 and 9-12 every year over five years in every school district. It must show how the reductions will be achieved. Priority must be given to students with the greatest educational needs, including LEP and ELL students, students in poverty and students with disabilities. And the class size plan must be aligned with the capital plan.

Yet DOE proceeded as if class-size reduction was one of a menu of options, not a mandate. They failed to set any class-size targets or develop any sort of implementation strategy. This is why the advocacy of parents and teachers is so important. The UFT and our partners in New Yorkers for Smaller Classes have fought DOE at the state level, then at the city level and held a series of meetings in which we have criticized and fought for changes to just about every aspect of their class size plan.

And to DOE's credit, and thanks to our work, they moved off their original position. They now plan to have class size targets in every school and they have made it clear to principals that they will enforce the five Contracts requirements in school budgets. We also believe that amongst some DOE leaders there is a new understanding of the importance of class size reduction.

But their plan is now attempting to reconcile principal empowerment with class size mandates in ways that seem unworkable--and border on the surreal. The DOE's new Contract for Excellence intends to "coach" 72 principals on how they might, if they feel it is appropriate, reduce class sizes. As UFT President Randi Weingarten said, "It's akin to saying, 'pretty please with sugar on top' with no procedures in place to back it up."

There isn't a plan to go to scale. The number of target schools rises to 275 at the end of five years. This is a system of 1,450 schools, schools which have on average 10-60 percent larger classes than the whole rest of the state.

Their plan directs just \$66 million of \$258 million in additional foundation aid to class size reduction in Year One. In addition, they have included another \$40 million in new Collaborative Team Teaching dollars as part of class size reduction. We welcome the new investment in CTT, but that does not constitute class size reduction. That is a mainstreaming initiative in which special education students may easily wind up in larger classes with fewer adults.

There are not even reliable benchmarks to tell us where class size is now. For example, DOE's revised plan claims the average class size in high schools is 26.7, when by their own report to the Council last fall there isn't a single high school core academic class at less than 27.1 and most average 28 or more. The only possible explanation is that they averaged special education classes into the count, and given that special ed classes are capped at 12 or fewer, it means that general education classes are still very oversized.

Let me talk briefly about some other components of the state's Contracts mandate: full-day pre-K, more time on task, and middle and high school restructuring.

The DOE has dedicated less than \$1 million to enhancing pre-kindergarten programs. We know that full-day pre-Ks often require more physical capacity than schools have available right now. But it should not be news to the DOE that full-day pre-K is an essential piece in improving student achievement. Giving children an earlier start

on learning has wide support among educators, parents, economists, business people and child development experts, and it is extraordinarily cost-effective. Research tells us that a dollar invested in good preschool programs yields between \$7 and \$17 in saved educational and social costs over the lives of the children. The CFE also expressly mandated this as a key educational remedy, but it is not addressed in any serious way in the DOE plan.

DOE claims that the new periodic assessments or interim tests—five additional classroom tests a year for every student—fall under the Contracts guideline of “increased time on task.” This flies in the face of what educators know about time on task, which refers to strategies to expand individualized instruction, tutor and help students who are in danger of falling behind. Not give more tests.

The DOE seems to have adopted the Council's Middle Schools Task Force, chaired by Speaker Quinn, as its own. We welcome their embrace. But here the devil is in the details — and we will only know the answer when the speaker issues the report, and if the recommendations are adopted.

We have already heard from one State Regent, who said of the DOE's plan, frankly “this just is not going to fly.” We expect other Regents and state legislators will also reject or criticize the DOE's plan. This will be an embarrassment for the DOE, but more importantly, it will delay the implementation of critical, research-based school improvements in favor of greater corporatization of the school system.

The UFT and our partners in New Yorkers for Smaller Classes have spent many hours analyzing class size and ways to reduce it in our large and complex school system. I will not go into detail about our proposals. My purpose is to show that while they have chosen to ignore it, the DOE has gotten extensive and thoughtful input from parent and teacher groups about how to accomplish reduced class size. We showed them how they could target the neediest schools and students first, then build towards a system-wide reduction over five years. We proposed ways they could reduce effective class size where space was not available. We urged them to review the capital plan because it currently does not have enough additional seats.

We acknowledged that there was not sufficient time this year to work through all the elements of the state's new Contracts for Excellence. We understand that some elements of the plan will have to be in the form of promises or stated intent rather than fully fleshed-out strategies. But we still should have gotten a sincere effort to address the state mandates.

Even as we acknowledge that the DOE has moved toward making class size reduction a spending priority, we are not satisfied that will actually happen. That is why accountability for the Contracts for Excellence is so important, and why hearings like these that Chairman Jackson is holding are so important. Our clear sense is that many advocates, parents, educators and legislators are not going to find this plan acceptable, and we hope and expect to see further, substantive changes going forward.



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

**STATEMENT BEFORE THE NYC COUNCIL COMMITTEE ON EDUCATION
OVERSIGHT HEARING ON THE DEPARTMENT OF EDUCATION'S
CONTRACT FOR EXCELLENCE SUBMISSION**

July 24, 2007

Good morning, I am Patrick Sullivan, Manhattan member of the Panel for Educational Policy. I am presenting testimony on behalf of Manhattan Borough President Scott M. Stringer. Thank you Chairman Jackson and members of the committee for holding this oversight hearing concerning the Department of Education's Contract for Excellence plan to the New York State Education Department. While I share in the excitement about the pending arrival of vital new funding, I have serious concerns about the current Contract for Excellence.

There are serious issues regarding the Fair Student Funding formula and class size reduction as laid out in the plan. One true weakness of the plan is its reliance on an unproven funding mechanism. The Contract for Excellence is intended to focus on students with the greatest educational need. An original finding of the CFE judgment was that the city's schools were deficient in class size, retention of teachers and instrumentalities of learning. While Fair Student Funding will place new money as well as decision-making authority into some schools, it does nothing for about half of the city's schools. In Manhattan Districts 4 (East Harlem) and 5 (Central Harlem) the proportion is actually much higher -- 2 of 3 schools are considered "unfairly over-funded" by DOE. For these students, the DOE offers simply "accountability" -- more testing -- yet no substantive educational programs. Fair Student Funding is a new and unproven approach to budgeting. Its effects are still unclear and poorly understood. Reliance on it for allocating the new state money is inappropriate. There must be a more tangible dividend from Campaign for Fiscal Equity for all our schools.

In place of tangible benefits, the DOE offers "accountability initiatives" such as the McGraw Hill contract for interim tests, new staff positions called Senior Achievement Facilitators, Data Inquiry Teams and the like. Excessive standardized testing, supercomputers and bureaucratic staff positions will not help teachers provide differentiated instruction as DOE claims. Our teachers need smaller classes to better focus on the needs of each student.

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The law requires class size reduction to specifically target "low performing and overcrowded schools." In drafting the law, the state legislature reflected common sense – resolve overcrowding by focusing on the weakest schools first. The DoE's allocation formula, Fair Student Funding (FSF), considers neither overcrowding nor poor performance in determining the allocation of funds to schools. While the state has identified 380 city schools in need of improvement or restructuring, 47% of the identified schools will not receive new funding under the FSF and therefore will have no class size reduction plan.

Most important, the plan offers no alignment of physical capacity or capital budget for new seats with the class size reduction plan. Principals may be given more funds under FSF but in most cases will not have space to add classes. DOE has provided a document purporting to show alignment of the capital budget with class size reduction but there is nothing more than "placeholders" of number of seats plugged in at the district level and no investment to reduce class size beyond the third grade.

The absence of a coherent plan demonstrates a lack of willingness to be held accountable for overcrowding. No one wants the Mayor and Chancellor to fail in their efforts to improve our schools. However, if they continue their refusal to plan for and spend new state funding as intended, the state must hold them accountable. I look forward to working with the committee and the Department of Education on using new funding to improve our schools.



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**Campaign for Fiscal Equity
Testimony Before the New York City Council
On Meeting the State's Contract for Excellence Requirements
Robert Jackson, Education Committee Chair
July 24, 2007**

Overview

I am Geri Palast, Executive Director of the Campaign for Fiscal Equity (CFE). We want to thank Education Committee Chair Robert Jackson for conducting this important hearing, and for all his initiative and leadership throughout the 14 year effort to bring adequate resources to New York City's school students.

CFE leads a coalition of parents, students, education advocates and the public working to ensure the constitutional right of the opportunity for a "sound basic education" for every public school student in New York. This right was established by the New York State Court of Appeals in *CFE v. State* after 13 years of litigation. CFE worked closely with the Governor and the legislature to enact the 2007-2008 Education Budget and Reform Act that provides over \$700 million to New York City schools in 2007-2008, with a total commitment of \$3.2 billion over four years. New York City is required to add an additional \$2.2 billion over four years, providing \$5.4 billion in new money to ensure this right becomes reality. **In keeping with the constitutional mandate, all of this new money is intended to raise the overall school budget so that the neediest students in low performing schools can make academic progress, graduate high school, and become civic participants who can compete in the global economy. As part of the ongoing dialog with the New York City Department of Education (NYCDoE), CFE will work to ensure that all of the new funding and accountability measures are implemented so as to make this right a reality.**

Contracts for Excellence

The new law places additional accountability on Foundation Aid, funds distributed by the State expressly on the basis of need. New York City is required to develop both a citywide Contract for Excellence (Contract) and 32 Community School District (CSDs) Contracts that demonstrate that the new resources are predominately targeted to the neediest students, and invested in five specified strategies that work, along with a five-year class size reduction plan. Further, the law requires that the Contracts provide strong accountability, transparency and meaningful public participation. In 2007-2008, NYCDoE Contracts for Excellence (citywide and for 32 CSDs) must provide specific plans for \$258 million to be spent in the five specified areas: class size reduction; full day pre-k; teacher and principal quality initiatives; middle and high school

restructuring; and more time on task. Of these funds, \$228 million must go to new or expanded programs, and, in this first year only, \$30 million may go to maintain existing contract programs.

It is critical that NYCDoe work in partnership with CFE and the coalition that brought these needed funds to the City, to ensure that the policies, programs and accountability measures anticipated throughout the litigation, legislative and regulatory processes are fully integrated into the City's planning and implementation. We have come too far to accept anything less. For the 2007-2008 Contracts, while we understand the time constraints in this first year of planning, and appreciate that public hearings were held in every borough, the public was given neither time nor adequate details to provide meaningful comment. The Contract plan provided on the NYCDoe website raises more questions than it answers. The following comments present CFE's major concerns and questions based on the information we have received thus far, and our preliminary analyses based on limited information. We look forward to working with the New York City Council and NYCDoe on the further development of these Contracts, as well as working closely with the State Education Department (SED) in its review process.

Comments

NYCDoe proposed citywide Contract provides primarily broad-brush policy proposals, and lacks the specificity and transparency necessary to enable the public to understand where and how the money will be spent. Further, there are no CSD plans. In response to public hearings, NYCDoe supplemented the proposed contract with additional school based summary information organized by strategic investments or "buckets" by CSD on the full \$258 million, adding \$30 million for "maintenance of effort" to the original proposal for \$228 million. While we appreciate the additional information, it is still summary data. To hold the system accountable, both the law and the regulations pursuant to Education Law Sections as added by Chapter 57 of the Laws of 2007, specifically Section 100.13 regarding contract requirements directs that NYCDoe must provide baseline data and specificity in describing the targets, schools, programs and students served in all five program areas.

1. **CFE funds must serve the neediest students – especially those students who are not receiving a "sound basic education".** NYCDoe has proposed spending \$258 million of the Contract dollars on 857 schools. While a large portion of the funds are going to needy students and low performing schools, there are a substantial number of students and schools receiving funds that do not fit this profile. We have conducted a rudimentary analysis with limited information. Thus far, we found that almost 40% of the 619 schools with available 2007 ELA data receiving Contract dollars were performing at or above the city's overall ELA performance level of 56%; and 42.6% of the 101 high schools receiving Contract dollars with available four year graduation rates met or exceeded the New York State Graduation Rate of 55%. These findings raise serious concerns given that Contract dollars are intended to specifically ameliorate the conditions preventing the neediest students in low performing schools from attaining a sound basic education. (See **Addendum—Analysis of \$258 M Contract for Excellence Dollars**)

There are also needy students and low performing schools not included in this list. The information provided regarding the funding of underperforming schools is confusing, and raises concerns about prioritizing the neediest. For example, we are told in the DOE's initial

Contract that 41% of the funds are going to underperforming SINI/SRAP and SURR schools. We are then told that 60 underperforming schools are to be closed. We are also told that 20 SINI/SRAP schools are to be closed, and there is a plan to develop 40 new schools to replace these and other failing schools. It is not clear how all these figures relate. We need a clear explanation on how the neediest are served with simple school based accounting.

Further, the NYCDoe is also required to provide a specific narrative on how the proposed contract addresses the needs of English Language Learners (ELL) that has not as yet been included in the proposed plan. As such, we do not know how many program dollars in each of the 5 areas will serve these students whether it is to hire or train new English-as-a-Second Language Teachers, provide extended instructional opportunities and materials, or implement other relevant programs.

2. **A Meaningful 5-year Class Size Reduction Plan.** NYCDoe states it will spend \$141 million on class size reduction, \$66 million as part of Fair Student Funding (FSF), \$30 million for the continuation of the current Early Grade Class Size Reduction program, \$40 million for Collaborative Team Teaching (CTT) -- a special education program, and \$5 million for Autism Spectrum Disorder Classrooms. Notwithstanding the merits of these latter two programs, we do not believe they fit the definition of class size reduction provided not only in the law but also in the regulations. Even NYCDoe's Web Page Contract entitled "Contract Program Areas" defines Class Size Reduction as: *Creation of additional teaching classrooms; Reduction of teacher-student ratio in schools that do not have sufficient space to create new classrooms.* The creation of 400 to 430 CTT classrooms (with an equivalent number of teachers) is included in the 1,300 teachers to be hired. These 1,300 teachers are being hired for a variety of purposes, not simply to reduce class size. With a minimum of 400 CTT teachers included in this total, that translates to 900 additional general education classrooms in a city of over 1,400 schools and 1.1 million students. That hardly seems adequate to make a real difference.

In the explanation of the proposed spending for new CTT Classrooms, it emphasizes that the money will be spent on SINI, SRAP and SURR schools. However, the CTT chart shows that some of the largest amounts of funding are going to some of the city's highest performing districts including CSDs 2, 26, 24 and 31. While many middle class parents may welcome the concentrated attention offered in CTT classrooms, this is not the intended purpose provided in the legislation or regulations.

The regulations specify:

Section 100.13 (c) (1) (v): in the city school district of the city of New York, include a plan that meets the requirements of clause (a) of subparagraph (i) of paragraph (2) of subdivision (d) of this section, to reduce average class sizes within five years for the following grade ranges:

- (a) pre-kindergarten through grade three;
- (b) grades four through eight; and
- (c) grades nine through twelve.

Such plan shall be aligned with the capital plan of the city school district of the city of New York and include continuous class size reduction for low performing and overcrowded

schools beginning in the 2007-2008 school year and thereafter and also include the methods to be used to achieve proposed 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.

NYCDoE class size reduction goals are built on system-wide averages based on downward enrollment trends supported by coaching to principals on how to reduce class size. NYCDoE does not tell parents and the public how class size will actually be reduced in low performing and overcrowded schools. The proposed plan provides no specifics regarding required targets in particular schools. NYCDoE has agreed to provide this information by August 15th. We call on the State to hold final approval until this information is made public and can be reviewed.

It appears that the targeting of 71 low performing schools with 95% utilization or more for intensive class size reduction efforts and 5-10% reduction targets is a step in the right direction. However, we are again concerned that 12 of these schools meet or exceed the City's overall ELA performance level of 56%. Overall, consistent with the law and the regulations, we need specific school and class baseline data so that we can ensure that the lowest performing and overcrowded schools are targeted, and that we can measure real progress. We want to partner with the Department in determining how that baseline and targets should be determined.

We agree that the change in policy regarding honoring overall grade-level enrollment projections as well as respecting decisions by principals regarding class size reduction in considering where to co-locate schools are also positive steps. We also want to ensure that sufficient provision is made for full day pre-K in class size planning. Finally, NYCDoE did provide new information regarding the capital plan based on CSD, but there must be a more specific detailing of where each of the new schools will be built, facilities created and who they will serve and how the new schools will impact neighboring schools as required in the law and the regulations.

3. **Middle Schools are the weakest link, and must be addressed.** Less than half of NYC's 8th graders can read, write and do math at the state standard. In East Brooklyn, Harlem and the South Bronx, fewer than one in four students can read and write on state standard. There is a 45 point achievement gap based on income. In middle schools that serve the most students in poverty, only 29% of students meet state standards in reading and writing, compared to 74% of students in schools that serve the highest-income students. More than half of the 50 lowest-performing middle grade schools are receiving no new FSF money. The 50 lowest-performing middle grade schools are receiving, on average, only \$66,000 in new FSF money. NYCDoE states that \$13 million will be used to support additional operating costs in the start-up of 40 new schools. Again, we need further information on where those schools are and how they will serve the neediest students. The \$7 million for program also needs further explanation regarding targeted schools and students. From what we can discern, it appears that the money in this "bucket" is targeted at the needy and low performing schools. Still, we cannot account for all the dollars, so more information is necessary. We acknowledge the progress made in this proposal in NYCDoE's commitment to establish the position of Director of Middle School Initiatives, and to honor the

commitment to implement the recommendations of the City Council Middle School Task Force. We want to underscore the importance of working in at least 50 schools.

4. **More Time on Task.** The \$40 million for programs appears consistent with the legislative and regulatory intent; however, further specificity is required on how the programs will be targeted to low performing schools and high need students. Baseline data is needed here as well.

CFE is concerned that the \$17 million allocated for “periodic assessments” may be an inappropriate use of the funds on two grounds. First, the regulations do not include periodic assessments among the allowable activities. They are included only as one of four elements that make up a specifically defined “Response to Intervention Program”, regulations Section 100.13(a)(7)—Definitions. Further, independent of their appropriateness in the first instance, there is, again, no specificity regarding the targeted schools and students.

5. **Full Day Pre-K.** Research leaves no doubt that full day pre-K leads to improved outcomes, and is beneficial for both students and parents. New York City has trouble filling half day slots. The Mayor and the Chancellor have repeatedly stated that full-day pre-K is a priority. We appreciate their efforts in taking steps with the new pre-K formula and other funds. We are deeply concerned that only two CSDs are spending a mere \$300,000 to expand this program. We seek a long-term strategy to fund full day pre-K for the neediest students as part of the Contract.
6. **Accountability on the Total New Investment.** The CFE decision resulted in over \$1 billion new dollars for NYCDoE from combined state and city resources this year. CFE calls on NYCDoE to account for how the total new infusion of dollars satisfies the constitutional purpose.
7. **Public Participation.** We are gratified that NYCDoE held public hearings in five boroughs. However we are concerned that the proposed plan was released at close of business on Thursday, July 5, for hearings running July 9-12, with public comments due on July 14 and the City’s Contracts to be submitted on July 15, 2007. In this first year, we are operating under a short timeframe, but this process does not allow for real deliberation on issues of great import and complexity. CFE calls on NYCDoE to continue discussions to resolve these issues simultaneous with the State review process. Further, we would like to work with NYCDoE to establish a process and schedule for next year that begins early to incorporate public input at the front end of planning and provides ample time, a minimum of 30 days, for initial public review and comment and leaves ample time, a minimum of 60 days, for NYCDoE to revise the proposal and send back to the public for final review.

Conclusion

CFE and its coalition partners, along with the City of New York, spent 14 years to win these essential funds that must ensure the constitutional right of every public school child to a sound basic education. Now the responsibility is ours to ensure that the money is well spent and our goals are achieved. Other states and cities have won the legal and legislative battles, only to lose the war in poor implementation. The state of Maryland had a similar adequacy case that resulted

in the legislature requiring an independent evaluation of the effect of the increased state aid to local school systems. Unlike New York, districts were given the freedom to spend the new money on their own priorities. The initial report offered a cautionary tale highlighting that 55% of all new revenue under the Act was used for across the board salary increases; less than 1% of the new funds were used for professional development, and, instead of decreasing class size it reduced by half pupil-administration ratios. CFE urges NYCDoE to respond to the call for specificity and clarification articulated throughout our comments. The New York City Council can provide needed oversight in this process. CFE dollars must prioritize the neediest students in the lowest performing schools so that they have optimal opportunities for academic success.

Their success is our only success. We look forward to forging the necessary partnership between the Council, NYCDoE and the public to make the constitutional right a reality.

Campaign for Fiscal Equity Addendum

Analysis of \$258M Contract for Excellence Dollars

The lack of specificity and transparency has made it difficult to provide anything but a very cursory level of analysis of the Contract's strengths and weaknesses. The NYCDoE Contract for Excellence Excel spreadsheet by District and School submitted to the New York State Education Department (SED) on July 16, 2007 does summarize the distribution of the funds on the school level in the five Contract areas, but it does not provide detailed plans for how individual schools propose to spend their money on specific programs and students.

CFE conducted an analysis of the distribution of the \$258 million to 857 schools based on poverty and performance. Our preliminary findings raise concerns regarding whether the Contract dollars are being spent predominately on the neediest students in the lowest performing schools. We will share both our initial findings and concerns here.

Methodology

The Contract documents on the NYCDoE website do not contain the school-level distribution of the \$258 million based on poverty and performance. As a result, to conduct our analysis, we extracted data from various sources: for the poverty data we utilized the Excel document NYCDoE issued with the May 8, 2007 Fair Student Funding announcement and also used the New York State Report Cards; for the 2007 ELA results we utilized both the New York State Education Department website and the ELA results on the DOE website; for graduation rates we utilized the 2005-06 New York State Report Cards. Since NYCDoE combined elementary, middle and high schools, and we do not have adequate information to separate the categories, we are calculating our results both against the total number of schools, as well as a comparison with schools for which we have similar data.

In our analysis we established the following thresholds for high performance for ELA results, High School Graduation Rates, and Poverty:

- **ELA** -- Schools that had greater than or equal to 56% of its students performing at Level 3 and 4. (The ELA performance target of 56% reflects the city's overall performance rate.)
- **High School Graduation Rate** -- Schools that had greater than or equal to 55% of its students graduating within four years. (The Graduation Rate performance target of 55% reflects the State Graduation-Rate Standard.)
- **Poverty** -- Schools that had less than or equal to 65% of its students eligible for free and reduced priced lunch. (The poverty rate closely approximates Title I.)

Of the 857 schools allocated Contract dollars, 619 had ELA data (Schools with Education Data—SWED); 101 had High School Graduation Rate data (Schools with High School Graduation Rates—SHSGR); 780 had Poverty data (Schools with Poverty Data—SPD); and 77 schools had no data at all. Thus, for our performance data analysis, 720 of the 857 schools had data.

Schools with 2007 ELA Results

The following table summarizes what we found:

Schools with ELA Data Available (SWED)	
All Schools Receiving Contract Allocations	857
Schools With ELA Data (SWED)	619
SWED with $\geq 56\%$ meeting ELA Standards	246
SWED with $\geq 56\%$ meeting ELA Standards as a % of All Schools receiving Contract \$\$ (246/857)	28.7%
SWED with $\geq 56\%$ Meeting ELA Standards as a % of SWED receiving Contract \$\$ (246/619)	39.7%

Schools with Four Year Graduation Rate Results

The following table summarizes what we found:

Schools with NYS HS Graduation Rate Data (SHSGR)	
All Schools Receiving Contract Allocations	857
Schools With HS Graduation Rate (SHSGR)	101
SHSGR with NYS HS Graduation Rate $\geq 55\%$	43
SHSGR with NYS HS Graduation Rate $\geq 55\%$ as a % of All Schools receiving Contract \$\$ (43/857)	5.0%
SHSGR with NYS HS Graduation Rate $\geq 55\%$ as a % of SHSGR receiving Contract \$\$ (43/101)	42.6%

Schools with Poverty Data:

The following table summarizes what we found:

Schools with Poverty Data (SPD)	
All Schools Receiving Contract Allocations	857
Schools With Poverty Data (SPD)	780
SPD with poverty rate $\leq 65\%$	223
SPD with poverty rate $\leq 65\%$ as a % of All Schools receiving Contract \$\$ (223/857)	26.0%
SPD with poverty rate $\leq 65\%$ as a % of SPD receiving Contract \$\$ (223/780)	28.6%



Council of School Supervisors & Administrators, New York City

New York State Federation of School Administrators

Local 1 American Federation of School Administrators, AFL-CIO

**TESTIMONY OF ERNEST LOGAN, PRESIDENT
THE COUNCIL OF SCHOOL SUPERVISORS AND
ADMINISTRATORS
TO THE CITY COUNCIL EDUCATION COMMITTEE
HEARING ON CONTRACT FOR EXCELLENCE
JULY 24, 2007**

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Good afternoon Chairman Jackson, distinguished members of the committee and respected colleagues. My name is Ernest Logan and I am the President of the Council of School Supervisors and Administrators (CSA). I want to thank each of you for your continued advocacy and support for public education. Specifically, let me thank you for the forward thinking that you showed by increasing the funding for the Executive Leadership Institute (ELI), which provides professional development opportunities for our Principals, Assistant Principals and Education Administrators throughout the five boroughs. I also appreciate the opportunity to present testimony on behalf of my members, who are the leaders of New York City public schools. By working together, we are making a difference for the children of this city.

Today's topic, "Meeting the State's Contract for Excellence," creates a blueprint for success. Clearly, we all agree that improving our children's performance must be our goal. This is not a new concept. In fact, CSA has always been committed to maximizing student performance.

We applaud the governor's call for a transparent aid formula that distributes educational funding based on the needs of our children. It is now the job of the City to heed that call by distributing the \$228 million that is subject to the Contract for Excellence guidelines in an equitable and accountable way.

Class size reduction has been and should continue to be an essential priority of our educational system. As you know, the Department of Education has directed \$66 million of the Contract for Excellence funding towards directly reducing class size in the 693 neediest schools. In the DoE's proposal however, it is not clear if resources will be dedicated to supporting initiatives that will make class size reduction truly beneficial. It is also not readily apparent how the funds designated for class size reduction will be disbursed, and how schools and districts will be held accountable for class size reduction.



In order to achieve success, the reduction of class size must be complemented with an increase in capacity, and the hiring and training of quality personnel. I am concerned that that the short-term plan to reduce class size will not benefit from the committed and continuous effort to build new classrooms through school construction that will create more capacity in the long term. If school leaders are forced to eliminate art studios, science labs, and other valuable instructional spaces in order to lower class size, we will fail in our goal of providing a sound education to all students.

If principals are forced to hire less than the best personnel to lower class size, then we will be doing an injustice to our students. Class size reduction will add new teachers, and therefore must be tied to professional development training for all educators in our system.

The DoE claims that they will "provide general guidance to all school leaders" on class size reduction. Who will provide this guidance? What funds are going directly to schools, and how much will be spent on the central support system for this initiative?

I agree with the DoE that when given the opportunity school leaders have always strived to lower class size. Under the current plan, principals have the green light to allocate their funds to four other initiatives besides lowering class size. What will ensure that class size is indeed lowered? The DoE states that they will strengthen principal's ability to maintain reduced class size by making changes to enrollment and placement policies that will honor school-level decisions about class size. What will these changes be? Will principals be truly empowered to make these decisions? CSA has always supported the increase of accountability, however the methods used for holding school leaders accountable, and the criteria on which they will be assessed must be clearly identified and made known ahead of time.

The DoE has also designated \$40 million for Collaborative Team Teaching (CTT) initiatives with the dual goal of integrating special education students into regular classrooms and reducing student /teacher ratios for both the general education population and for special education students. CTTs have always been used, when appropriate, as the best option for some special education students. It is my fear that if CTT is now stressed as an opportunity to lower class size, then special educational students would be inappropriately recommended for the program. CTT is not right for every student, and should not be emphasized as a tool in class size reduction. We must continue to create new space and hire additional quality personnel so that class size can truly be reduced.



I commend the Governor and the DoE for recognizing that professional development for our teachers and school leaders is critical in achieving the highest level of success. Under the Contract for Excellence the DoE has set aside \$44 million to improve teacher and principal quality by expanding professional development opportunities citywide. They have also provided an additional \$20 million that will be directed to the aforementioned 693 under-funded schools. It is not clear who will be providing this professional development, and specifically to whom it will be available. It is absolutely essential that relevant training is provided by experienced professionals who have a record of success. It is also critical that professional development opportunities are accessible to those who need it the most. It is not enough to acknowledge the importance of improving teacher and principal quality. We must allocate our limited resources towards professional development programs that have been proven to get results.

It is widely agreed that effective pre-school education improves the ability of children to succeed when they begin school. We were pleased to see that universal pre-kindergarten is one of the five main areas that Contracts for Excellence funding must be dedicated. UPK will help close the enormous achievement gap that is still facing poverty stricken children and will be a building block for the long-term social and economic health of this city.

Unfortunately the \$300,000 set aside under the Contract for Excellence seems paltry given the need for and given the importance of full-day universal pre-kindergarten. There is an additional \$213 million in the DoE budget, outside the accountability criteria of the Contract for Excellence set aside for school-based growth in pre-kindergarten and public charter schools. What percentage of this money is actually intended for pre-kindergarten, and what will go to charter schools? For what reason is Pre-K grouped with charter school funding?

We need to know what the DoE plans to do to expand full-day universal pre-kindergarten and how much of the billion dollar funding increase will actually be dedicated to UPK. We cannot let the issue of full-day universal pre-kindergarten be grouped with other initiatives, and consequently under funded and ignored.

The middle years of a student's education represent a critical stage in their development, and for too long New York City's middle grade students have had an unacceptable level of academic achievement. The City Council Middle School Task Force, of which I was a member, has recently released a report detailing initiatives that can be taken to meet the needs of middle school students. Many of these



recommendations can be fulfilled through the money set aside for the Contract for Excellence.

According to the findings of the Task Force, nearly sixty percent of principals in schools with middle grades have less than three years of experience. I strongly urge the Department of Education to allocate professional development funds to programs specifically targeted toward middle school principals, assistant principals, and teachers. The Department of Education should also ensure that high-needs middle schools are included in the expansion of CTT in order to benefit the many special needs middle school students who could thrive in a mainstream classroom under the right conditions.

The influx of money to the New York City school system is sizable. It is recognized by all parties that as much of this money as possible should be channeled directly into our schools. The DoE does not make it clear how much of this money is going towards bureaucratic costs. What are the bureaucratic and consulting costs associated with school based growth, charter schools, and restructuring initiatives? We must hold the DoE accountable for truly attempting to put as much money back into the schools as possible. To do that, all expenses of our public education money must be fully transparent, and not hidden behind a veil of shadowy generalities.

Thank you again for the opportunity to testify before you today. I hope that my suggestions will help our schools and school leaders meet the State's "Contract for Excellence."



class size matters

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Hello, my name is Eugenia Simmons-Taylor, I'm the president of the President's Council in District 4 East Harlem, but today I'm speaking primarily on behalf of Class Size Matters, on whose board I sit.

NYC's proposed contract for excellence is a violation of state law in several respects, especially when it comes to class size. Despite the fact that the law requires the city to submit a five year plan showing continuous reductions in class size in all grades, and a capital plan for school construction aligned with this plan, there is nothing in the city's submission that projects smaller classes beyond next year.

The city's proposal has no real benchmarks, no goals, no timetables, not enough resources to the schools that need them most, and not enough space.

Even as a one year plan, this proposal falls far short. It projects a reduction in size of only .3-.8 of a student, yes, one third to four fifths of a student – which is so small it may not even be measurable, given the errors in NYC's class size reporting.

There is no specificity about how any of the additional teachers will be deployed, and how many of them will be used to reduce class size. There is no mention of how many new general education classes will be created and in what schools. It does say that 430 teachers will be hired to staff new CTT classes, and others to staff new autism classes, but in neither case will this reduce class size. In fact, for special education students, this may lead to an increase in class size rather than a decrease.

Finally, few of our low-performing or overcrowded schools – those that were supposed to receive smaller classes first, according to law – will

have the resources or the space to be able to reduce class size, even if their principals had this as their highest priority.

Half of all our schools will receive no extra funding through the “fair student formula” to reduce class size ***including 47% of the city schools on the state’s failing list*** – even though the city is supposed to create smaller classes in our low-performing schools first.

As to my own district, and I’m now speaking as the President of the President’s council in D4 in East Harlem, seven out of our eight failing schools will receive no extra funds through this formula – and the one that does will receive only \$22,000 – not enough to pay the salary of a single teacher to reduce class size. Moreover, many other failing schools do not currently have the room to lower class size and will not in the future if the city doesn’t create more space.

According to DOE’s own statistics, half of the failing schools with large class are severely overcrowded, at 100% capacity or more. And yet the city’s capital plan creates room only for smaller classes in grades K-3, rather than in all grades, as the law requires.

Our Mayor was given enhanced accountability for running our schools, and the Chancellor under his direction should stand up and take responsibility to ensure that class sizes are substantially reduced, starting next year and thereafter. This is their mandate under the law.

Instead, they are attempting to short-circuit this process, by shifting their own responsibility onto the shoulders of principals, without providing them with either the resources or the capacity to make this possible.

Finally, according to the law, the city must contribute at least \$2.2 billion of its own funds to our schools over the next four years – with the top priority for those funds being smaller classes. There is nothing in this proposal or any other which shows that the city has committed a single penny towards these goals.

We hope that you, on the City Council, will join us in urging the State to make New York City amend its proposal, and for the Mayor and the Chancellor to be held accountable for the quality of education in this city, by delivering the smaller classes to our children that are required by law – and that the state's highest court concluded would be necessary to receive their constitutional right to an adequate education.



THE COALITION FOR ASIAN AMERICAN CHILDREN AND FAMILIES

**Hearing on NYC Department of Education Contracts for Excellence Proposal
New York City Council, Education Committee
Testimony of Vanessa S. Leung, Deputy Director**

July 24, 2007

My name is Vanessa S. Leung, and I am the Deputy Director of the Coalition for Asian American Children and Families, the nation's only pan-Asian children's advocacy organization.

According to the 2000 Census, Asian Pacific Americans are by percentage the fastest growing group in New York City, nearly doubling every decade since 1970. Currently, APAs constitute well over 12 percent of the City. In fact, there are more Asian Pacific Americans in New York City than there total are residents in San Francisco. Of the approximately 953,000 Asian Pacific Americans living in New York City's five boroughs, 78 percent are foreign-born, 28 percent speak little or no English, and 53 percent are born into poverty. Asian Pacific Americans represent over 40 ethnic groups and speak an even greater number of languages and dialects.

Background

In New York City public schools:

- Asian Pacific American students make up 13 percent of the student population.
- 1 out of 5 English language learners are Asian Pacific American.
- 1 out of 4 Asian Pacific American students fail to graduate on time or at all.
- About 4 percent of the teaching staff is Asian Pacific American.

English Language Learner students are one of the most vulnerable populations and have historically received the least funding. The Contract for Excellence Proposal outlines a general idea of some positive programmatic changes to be supported by the funding as well as performance accountability that sound promising.

However, the Contract for Excellence Proposal fails to specifically demonstrate how the needs of ELL students will be met with the increase in funding to reduce class size, restructure middle and high schools, improve teacher and principal quality, and increase school days and school years.

It is imperative that the Department of Education releases the details of how they plan to meet this high needs population. They must put into a place a rigorous accountability plan to ensure that the increase in funds to schools meet the needs of ELL students. The Department must also make all monitoring information publicly available.

Recommendations

1. **Reducing class size.** With partial funds going towards the hiring of additional teachers, the DOE must explicitly include in their plans:
 - a.) an increase in certified ESL and bilingual teachers to help meet teacher shortages. The DOE must specify the amounts of certified bilingual and ESL teacher to be part of the hiring of at least 1,300 new teachers.

- b.) specific efforts to ensure representation of the diverse NYC student population, especially Asian Pacific Americans. The Asian Pacific American community, especially students and families, can benefit greatly from an increase in the number of Asian Pacific American teachers and administrators. School staff should reflect the communities they are in, and Asian Pacific American staff members can be helpful in bridging newer immigrant families to the school community.
2. **Restructuring Middle and High Schools.** The DOE needs to ensure that schools follow policy regarding enrollment of ELLs into schools, especially new small schools. In addition, support must be given to families to ensure their understanding of their children's school options.
 3. **Improving Principal and Teacher Quality.** The DOE needs to ensure that all administrative and teaching staff are fully aware of and prepared to meet the needs of ELL students. The DOE should provide training to all NYC public school teachers on proven ESL teaching methods. In addition, they must identify specific incentives, like pay differentials, to attract and retain highly qualified bilingual teachers.
 4. **Increasing Time on Task.** The DOE need to specify interventions and support opportunities for ELLs during extended schools days and school years. The interventions and support need to address not only academic needs, such as tutoring, but also those areas that support and impact academic achievement, including counseling, college and career guidance, and small group advising that are sensitive and supportive to the ELL population.

Testimony of Luis O. Reyes, Ph.D., Coordinator, CEEELL
Coalition for Educational Excellence for English Language Learners
New York City Council Education Committee Hearing on
The City's Contract for Excellence Proposal

July 24, 2007

Good afternoon. My name is Luis O. Reyes, Ph.D. I am the Coordinator of the Coalition for Educational Excellence for English Language Learners (CEEELL).

I would like to share my concerns about the Department of Education and the City's proposed Contract for Excellence and about its impact on the City's more than 141,000 English Language Learners (ELLs). I concur with the New York Immigration Coalition that the **"Department of Education's Contract for Excellence proposal lacks clear mechanisms to ensure that new state funds are driven to students with the greatest need, particularly ELL students."**

The Department of Education New Fair Student Funding (NFSF) formula does recognize that ELL students have additional needs; but it is currently impossible to ensure that the \$258 million under the Contract for Excellence actually translates into more programs and services for ELL students.

A large part of new state dollars is funding the Department's proposed reorganization, while providing increased flexibility to principals over their funding. What is less clear is how the Department is monitoring over 1,400 schools to ensure that schools are actually using existing and new funds intended to help ELL students develop English proficiency and meet state learning standards. Also of concern is how the new state funding for small high schools (\$30M) and charter schools (\$60M) will serve ELLs, given DOE's recent record of diminished access.

Under the latest reorganization, DOE has eliminated more than 100 ELL specialist lines that supported teachers and administrators in the schools. Of great concern is who will provide these support, guidance and monitoring functions. Since school principals will make decisions to buy services from Support Organizations, there is no guarantee that the improvements made through the annual investment of \$20M in City tax levy funds in Children First ELL Initiatives will be continued. In fact, aside from the state money under the NFSF for the ELL weights, it is not clear at all what if any additional city investments there are for ELL students in the City's Contract for Excellence Proposal.

Like the Immigration Coalition, I am concerned that:

While schools are expected to use the NFSF to provide additional supports for specific students, including ELLs, and to meet the five programmatic areas under the Contract for Excellence, the DOE did not provide any information on how each of the five programmatic areas will meet the needs of ELL students.

I urge the Department of Education to flesh out much more specifically how the City's Contract for Excellence Proposal will serve the needs "predominately" of high needs students like ELLs, students with disabilities and low-income students as required by the New York State Approved Budget. DOE officials have indicated they will forward a more specific Plan of how the city's schools will use an influx of new state money to the State Education Department by August 15, 2007 with school-by-school data. DOE will provide to SED baseline information and targets under 75 different metrics, as required by the State Education Department, for each of the 1,400 NYC public school.

DOE officials promise that the public will be able to see how the new funds are to be used under

each of the 5 program areas specified under the Contract for Excellence (full-day pre-kindergarten and kindergarten; class size reduction; student time-on-task; teacher and principal quality initiatives; and middle and high school restructuring). There will be more specific information on how the funds are being targeted to "high-needs students" (i.e., low-income students, students with disabilities and ELL students) as required by the approved State budget language.

I have reviewed the most recent DOE documents sent to SED on Tuesday, July 17th. **I found no specific details re ELL students** and how the City's revised Contract for Excellence Plan will serve ELLs in any programmatic or services sense. I understand that DOE has specific financial numbers for each of the 5 program areas specified under the Contract for Excellence (full-day pre-kindergarten and kindergarten; class size reduction; student time-on-task; teacher and principal quality initiatives; and middle and high school restructuring). However, nothing in the revised plan suggests how much funds will be used to serve ELLs given that the Fiscal Policy Institute in Albany has documented that **DOE has received \$140M in new state funds generated by the City's ELL students**

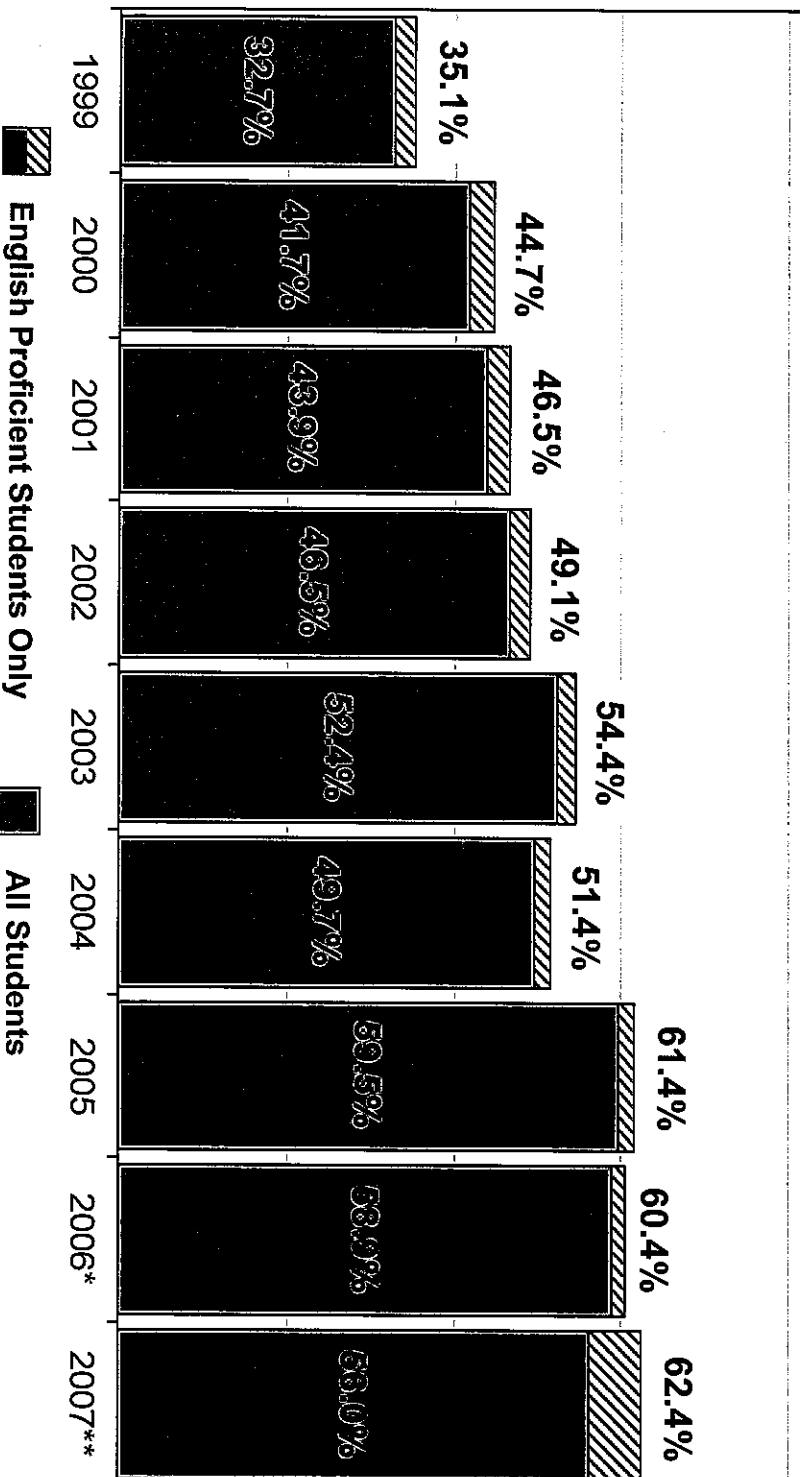
A meeting that three ELL/Immigrant advocates had with DOE officials on Tuesday seems to have produced some good dialogue and DOE promises for more details on August 15th.

However, **I believe we must communicate our concerns about the lack of such specificity re ELLs in the present "revised" Contract for Excellence Plan to SED, the Regents and elected officials.** Let's keep the pressure on in public and private while continuing the dialogue with City and Albany officials.

1999-2007 NEW YORK CITY RESULTS ENGLISH LANGUAGE ARTS Students in Performance Levels 3 + 4 Grade 4

One-year change:		
English Proficient Only	+9.6%	+1.8%
All Students	+9.0%	+2.2%
	+2.6%	+5.3%
	-3.0%	+10.0%
	-2.7%	+9.8%
	-1.0%	-0.6%
	+2.0%	-2.9%

PERCENT
OF STUDENTS
IN PERFORMANCE
LEVELS
3+4
Grade
4



* In 2005-2006, the New York State Education Department expanded the ELA and mathematics testing programs to Grades 3-8. Previously, state tests were administered in Grades 4 and 8 and citywide tests were administered in Grades 3, 5, 6, and 7. State tests at Grades 3-8 include both multiple-choice and extended response questions. Citywide tests were composed of multiple-choice questions only.

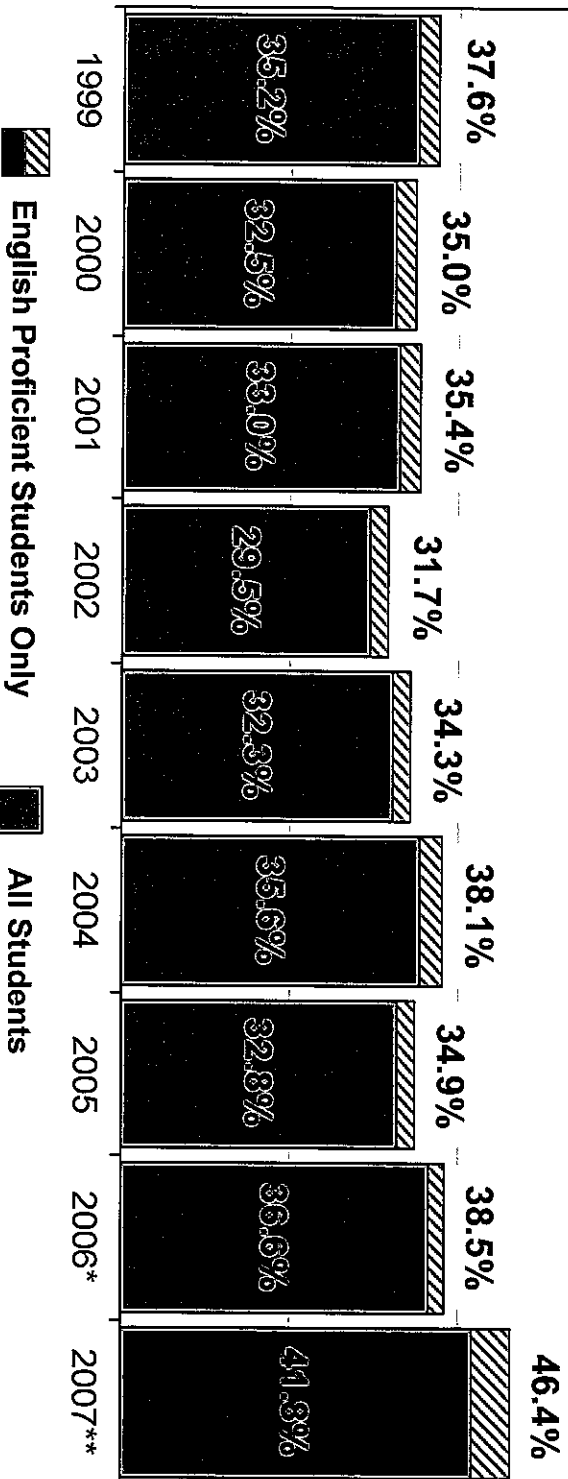
** In 2006-2007, the New York State Education Department updated its testing policy for English Language Learners. ELLs who have attended school in the US for more than one year must take the ELA exam. Previously, ELLs in an English Language School System for less than 3 years (or qualified for a 4th or 5th year extension of services) were exempt from taking the ELA.

1999-2007 NEW YORK CITY RESULTS ENGLISH LANGUAGE ARTS Students in Performance Levels 3 + 4 Grade 8

One-year change:								
English Proficient Only	-2.6%	+0.4%	-3.7%	+2.6%	+3.8%	-3.2%	+3.6%	+7.9%
All Students	-2.7%	+0.5%	-3.5%	+2.8%	+3.3%	-2.8%	+3.8%	+5.2%

PERCENT
OF STUDENTS
IN PERFORMANCE
LEVELS

3+4
Grade
8



* In 2005-2006, the New York State Education Department expanded the ELA and mathematics testing programs to Grades 3-8. Previously, state tests were administered in Grades 4 and 8 and citywide tests were administered in Grades 3, 5, 6, and 7. State tests at Grades 3-8 include both multiple-choice and extended response questions. Citywide tests were composed of multiple-choice questions only.

** In 2006-2007, the New York State Education Department updated its testing policy for English Language Learners. ELLs who have attended school in the US for more than one year must take the ELA exam. Previously, ELLs in an English Language School System for less than 3 years (or qualified for a 4th or 5th year extension of services) were exempt from taking the ELA.

1999-2007 NEW YORK CITY RESULTS

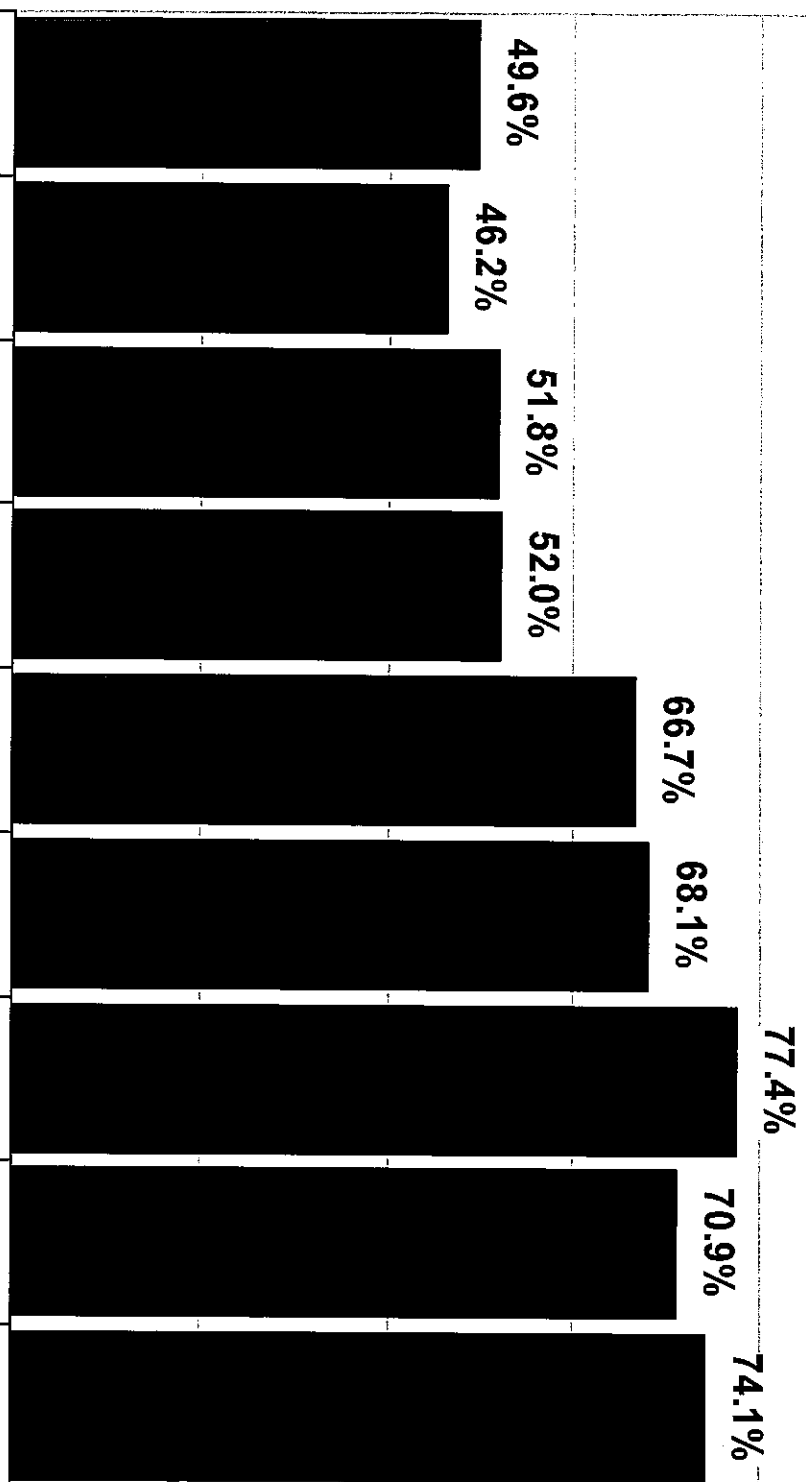
MATHEMATICS

Students in Performance Levels 3 + 4

Grade 4

One-year change:

-3.4% +5.6% +0.2% +14.7% +1.4% +9.3% -6.5% +3.2%



PERCENT
OF STUDENTS
IN PERFORMANCE
LEVELS

3+4

Grade
4

(All Students)

* In 2005-2006, the New York State Education Department expanded the ELA and mathematics testing programs to Grades 3-8. Previously, state tests were administered in Grades 4 and 8 and citywide tests were administered in Grades 3, 5, 6, and 7. State tests at Grades 3-8 include both multiple-choice and extended response questions. Citywide tests were composed of multiple-choice questions only.

1999-2007 NEW YORK CITY RESULTS **MATHEMATICS** **Students in Performance Levels 3 + 4** **Grade 8**

One-year change:

-0.5%	+0.5%	+7.0%	+4.6%	+8.0%	-1.6%	-1.9%	+6.7%
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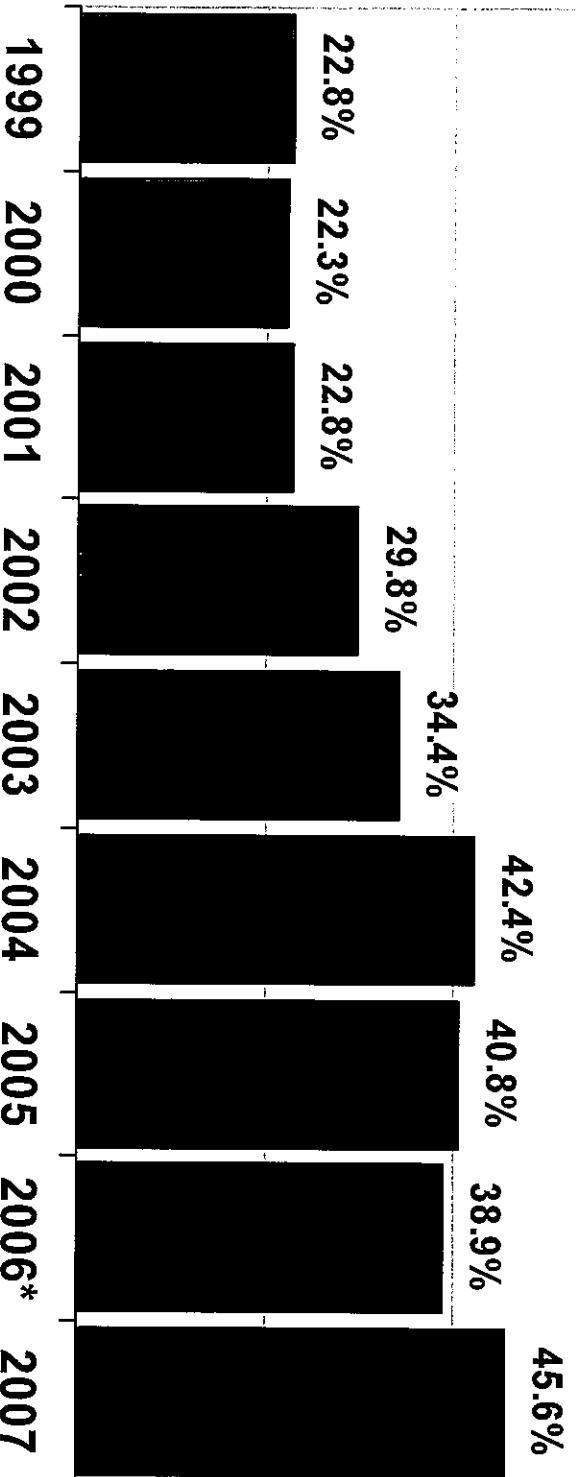
**PERCENT
OF STUDENTS
IN PERFORMANCE
LEVELS**

3+4

Grade

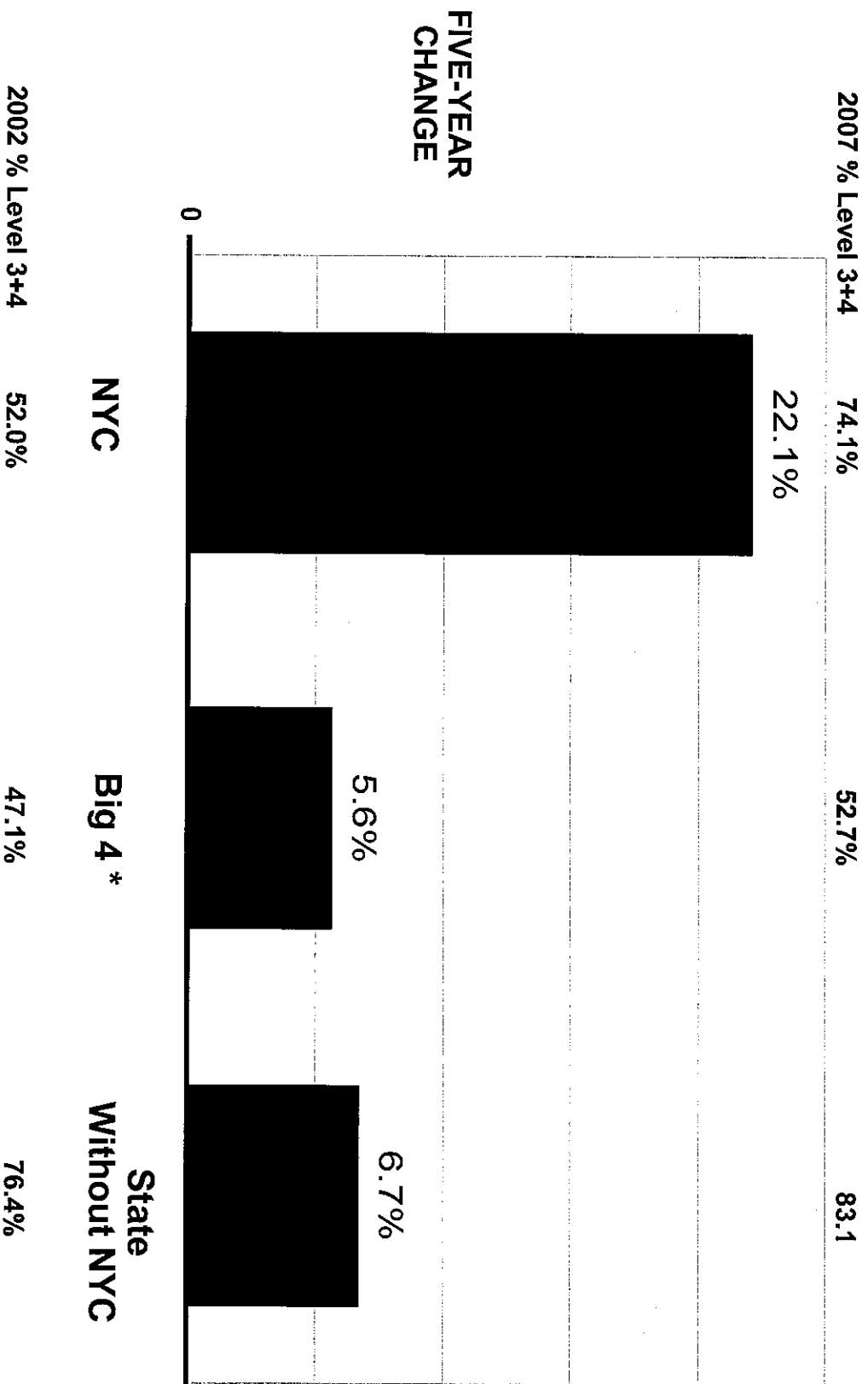
8

(All Students)



* In 2005-2006, the New York State Education Department expanded the ELA and mathematics testing programs to Grades 3-8. Previously, state tests were administered in Grades 4 and 8 and citywide tests were administered in Grades 3, 5, 6, and 7. State tests at Grades 3-8 include both multiple-choice and extended response questions. Citywide tests were composed of multiple-choice questions only.

NEW YORK CITY RESULTS **MATHEMATICS** **GRADE 4** **Performance Change at Levels 3 + 4**



* Buffalo, Rochester, Syracuse, and Yonkers

NEW YORK CITY RESULTS **MATHEMATICS** **GRADE 8** **Performance Change at Levels 3 + 4**

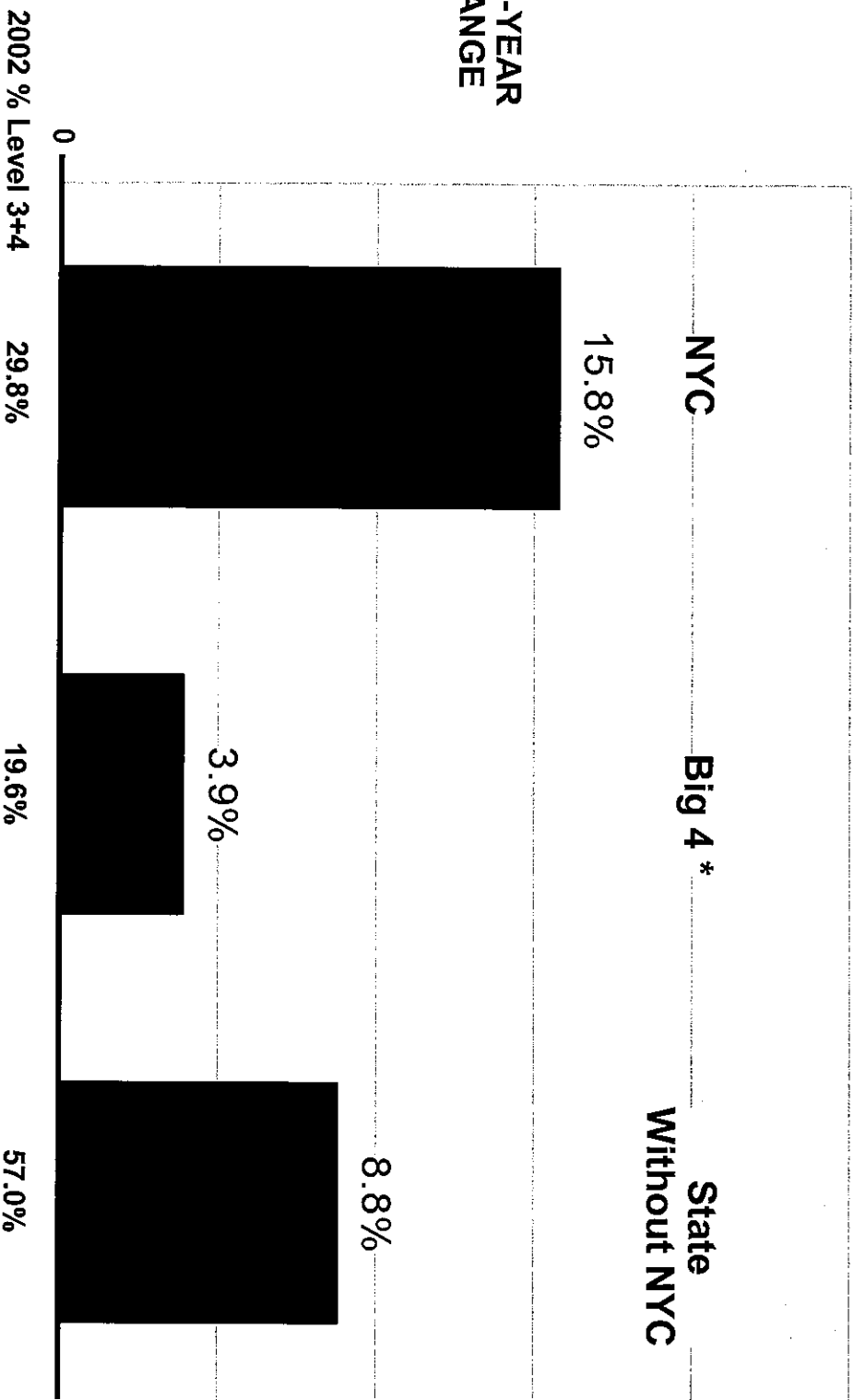
2007 % Level 3+4

45.6%

23.5%

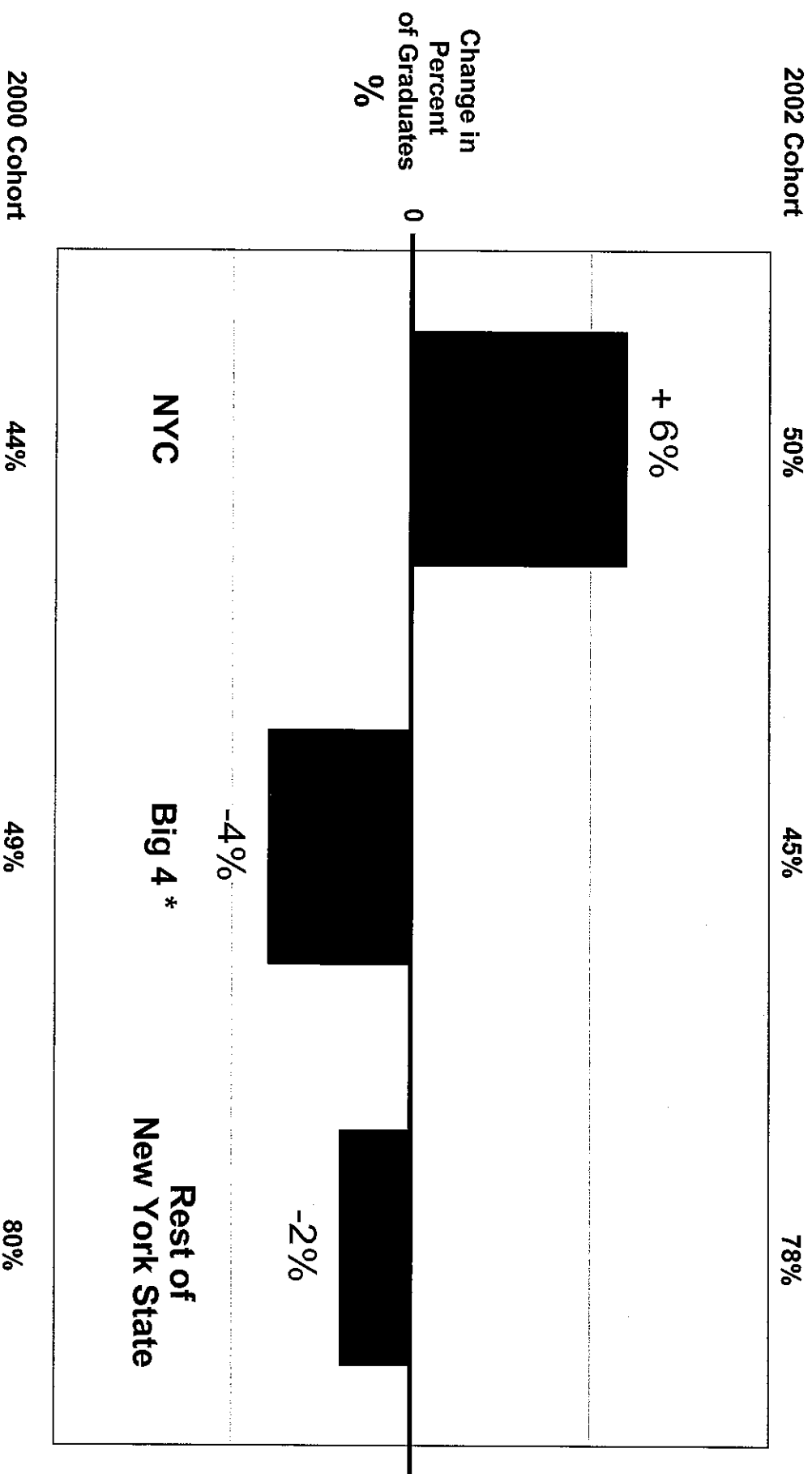
65.8%

**FIVE-YEAR
CHANGE**



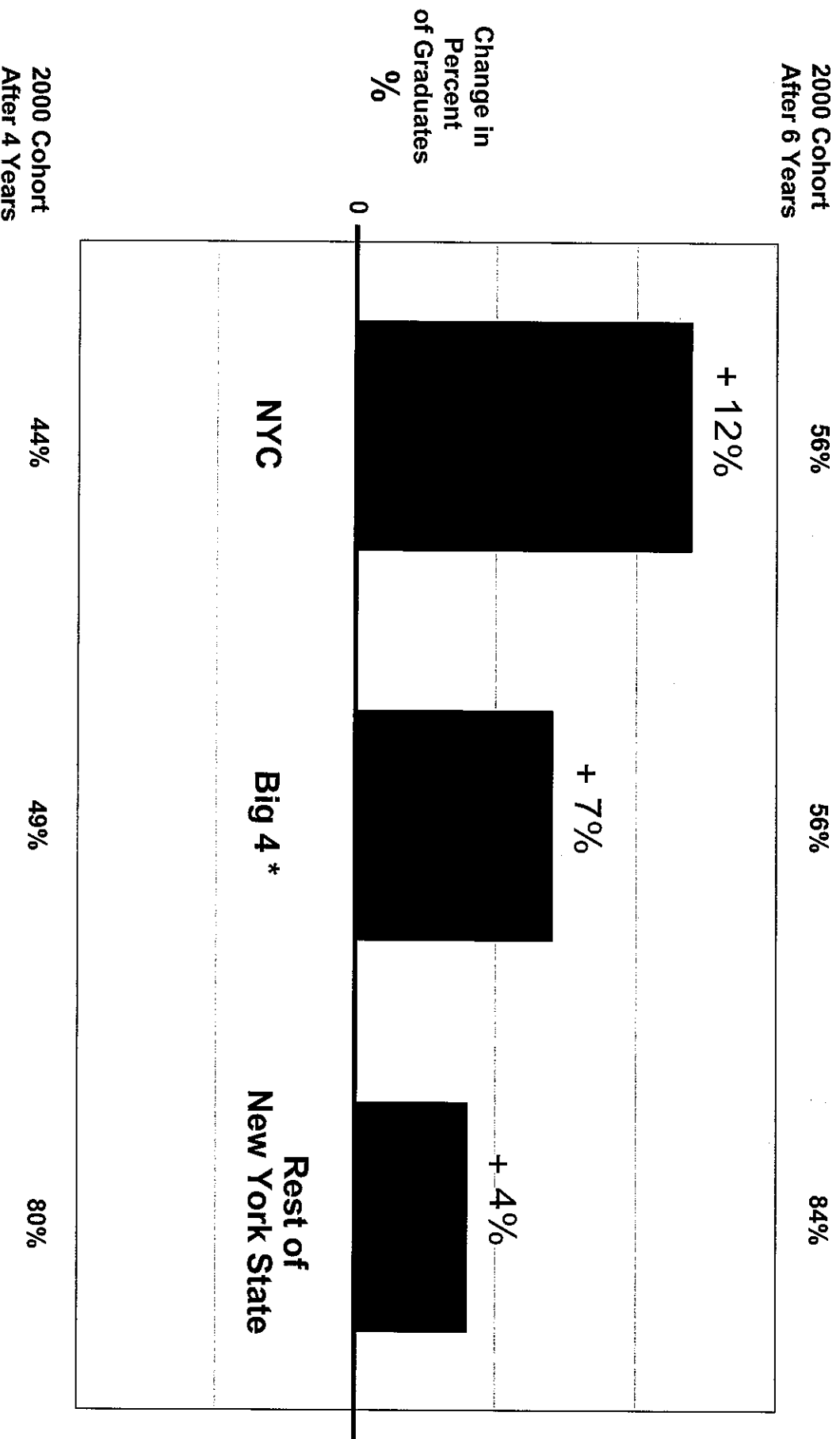
* Buffalo, Rochester, Syracuse, and Yonkers

NEW YORK STATE AND NEW YORK CITY GRADUATION RATES 2000 and 2002 Cohorts After 4 Years



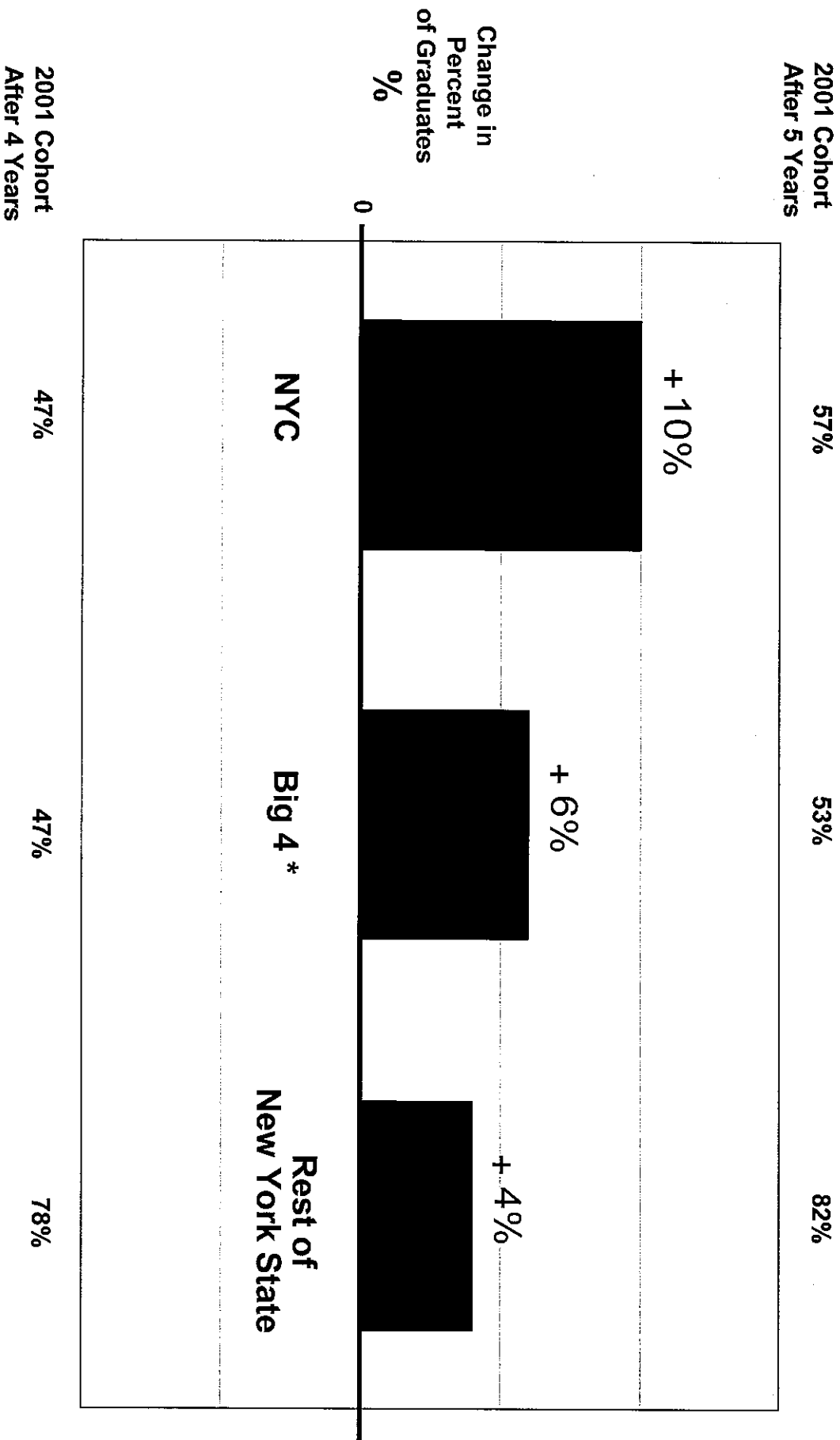
* Buffalo, Rochester, Syracuse, and Yonkers

NEW YORK STATE AND NEW YORK CITY GRADUATION RATES 2000 Cohort After 4 and 6 Years



* Buffalo, Rochester, Syracuse, and Yonkers

NEW YORK STATE AND NEW YORK CITY GRADUATION RATES 2001 Cohort After 4 and 5 Years



* Buffalo, Rochester, Syracuse, and Yonkers



THE NEW YORK IMMIGRATION COALITION

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Testimony of José Davila, Director of State Government Affairs for the New York Immigration Coalition, before the New York City Council Education Committee on the City's Contract for Excellence Proposal

July 24, 2007

Good afternoon. My name is José Davila, and I am the Director of State Government Affairs for the New York Immigration Coalition, an umbrella policy and advocacy organization for over 200 member groups throughout New York State that fight for justice and opportunity for our newest New Yorkers. Since Governor Spitzer committed to settling the Campaign for Fiscal Equity court case and reforming our state education funding system, the New York Immigration Coalition and our members and allies have advocated at every stage of this process including during the development of the Governor's Executive Budget, the State Legislative Budget process, the Regents Regulation process, and now on the City's Contract for Excellence proposal.

I am joined by several NYIC members, along with allies, including representatives from the Metropolitan Russian-American Parents Association, the Latin American Integration Center, the Coalition for the Educational Excellence of ELLs, the Coalition for Asian American Children & Families, and the Asian American Legal Defense & Education Fund. We are here to share our concerns over the city's proposed Contract for Excellence and its impact for the more than 141,000 New York City students who do not speak or understand English well and are classified as English language learners (ELLs) – one of the specific populations that this new aid is explicitly intended to predominantly serve.

Our first concern is that the Department of Education's (DOE) Contract for Excellence proposal fails to provide specific information on how ELLs, as well as students in poverty or with disabilities, will predominantly benefit from these new programs - as is required by new state law and Regents regulations. There is no information in the plan detailing how many of the proposed 1,300 new teachers will serve ELLs or be ESL or bilingual certified, nor any information about the number of ELLs that will benefit from increased time on task or teacher quality efforts. The attached written comments submitted to the DOE and the State Education Department outlines our detailed concerns with the City Contract for Excellence including key areas that were left out of the plan such as teacher recruitment and retention initiatives, translated learning materials, and student support and parent engagement services.

Second, and potentially more important, the city has not established a clear mechanism that ensures new state funds reach students with the greatest need, including ELLs. While we applaud the DOE for recognizing under the New Fair Student Funding (NFSF) formula that ELL students have additional needs in the form of a higher per pupil funding weight, it is currently impossible to ensure the any of the \$133 million under NFSF or the remaining \$125 million under the Contract for Excellence actually translates into more ELL programs and services. The concern lies with the recent DOE reorganization that provides increased flexibility to principals over school funding and does not mandate them to spend funds on ELLs or other at-risk kids. Our biggest fear is that the combination of DOE's principal autonomy policy and the lack of a centralized Contract for Excellence plan for ELLs may leave ELLs behind when it comes to new teachers, programs and resources, despite the Governor, State

Legislature, and the Board of Regents clearly requiring that ELLs and other at-risk kids must predominantly benefit from these new programs.

Third, we are extremely concerned that the city has eliminated \$20 million in tax-levy-funded ELL programs and positions – including over 100 ELL instructional support specialists. Aside from the state money under the NFSF ELL weights, we do not know of any additional investments for ELL programs and services for the coming school year – including no city tax-levy funds for new ELL programs and services. Our fear is that, despite \$1 billion in new state and city funds, ELLs may be losing more staff and funds than they are gaining.

Fourth, we are also concerned that, while the NFSF formula drives money to schools that have been traditionally under-funded, many other schools with ELLs, as well as students with disabilities and in poverty, will not benefit greatly from the majority of Contract for Excellence funds. This is particularly concerning for us given that schools with low numbers of ELLs have traditionally had the greatest difficulty in providing quality services for these students including most existing small high schools and the new schools that are proposed under the Contract for Excellence. ELLs in all schools – large and small – should benefit from the new state funds and not be excluded due to the NFSF plan.

Recommendations

Driving ELL Generated Funds to ELL Programs and Services

We still do not know how much, beyond the \$20 million, is going directly towards ELL programs/strategies from the \$1 billion in new city and state funds. The New Fair Student Funding (NFSF) formula is a small component, financially speaking, of what the DOE is planning to do with new state aid. Similarly, the \$20 million for ELLs under NFSF only represents 14% of new state ELL-generated funds. We recommend that at least 75% of new state ELL generated funds be solely used for ELL programs, while the remaining 11% can be used for overhead at schools with ELLs. In other words, for every new \$1 generated by ELLs at the state level, we would like to see at least .75¢ for ELL programs, .14¢ for ELL strategies under the NFSF, and .11¢ for overhead at schools serving ELLs.

Comprehensive Framework for ELL Accountability

We have identified four possible ways to set up a framework for ELL Accountability. First, the DOE has said that there would be a Chief Equality Officer (CEO) that would be looking into a new mechanism for projecting and tracking NFSF, we want to work with the CEO to figure out a mechanism for projecting and tracking where and how much is going towards ELLs. Second, we want to ensure that the new compliance office has adequate staffing and teeth for systematic monitoring and enforcement of required ELL programs and services. Third, we want to ensure that the SSOs, the borough support offices, and the Office of ELLs are fully staffed to provide training and support for schools on the budgetary, legal, and programmatic needs of ELLs. Lastly, in accord with the city's focus on outcomes, we would like to get a four-year plan delineating outcome goals for ELLs in terms of increased graduation rates, decreased dropout rates, ELL program exit rates, and math and ELA scores.

These recommendations were drafted in collaboration with the Equity Monitoring Project for Immigrant and Refugee Education (EMPIRE) and the NYIC Education Task Force.

THE NEW YORK IMMIGRATION COALITION

RECOMMENDATIONS TO NEW YORK CITY DEPARTMENT OF EDUCATION REGARDING THE CONTRACT FOR EXCELLENCE PLAN AND ENGLISH LANGUAGE LEARNER STUDENTS

The following analysis and recommendations are intended to ensure that Fiscal Year 2008 (FY'08) state education funding, including the large portion generated for New York City (NYC) by the new Limited-English-Proficient (LEP) Foundation Formula weight (0.5), will be used appropriately and predominately for English language learner (ELL) students and programs. This analysis also contrasts the NYC Department of Education (DOE) Contract for Excellence plan with the *Immigrant/ELL Success Agenda* – a set of strategies aimed at improving ELL outcomes that has been endorsed by over 70 organizations. We urge the NYC DOE to ensure the final Contract for Excellence incorporates these recommendations.

New State Education Law/Funding & English Language Learners

Under the historic FY'08 State Budget, funding intended for ELLs would increase by hundreds of millions of dollars, significantly higher than the FY'07 \$120.5 million (~\$87 million for NYC) in Limited-English-Proficient (LEP) Aid. Specifically, the new Foundation Aid formula assigns each LEP/ELL student a 0.5 weight or 50 percent additional funding. According to the Fiscal Policy Institute, when the new formula is fully phased in FY'11, ELLs will generate over \$700 million in funding for school districts, including over \$570 million for New York City. For this upcoming school year, ELLs have generated over \$140 million for NYC schools.

Unfortunately, with the consolidation of various funding categories into state Foundation Aid, including the loss of the separate LEP Aid funding category that was specifically tied to each ELL student, NYC and other school districts will receive increased funds based on ELL need but will not be required to spend those funds entirely on ELL students and programs. While we support LEP/ELL funds being exclusively used for ELL instructional programs, the FY'08 State Budget and the recently approved Board of Regents Emergency Regulations states that *Contracts for Excellence must affirm that new/expanded programs from Foundation Aid shall predominately benefit students with greatest educational need including, but not limited to, ELLs, students in poverty and students with disabilities*. This means that a **predominate share of programs and funds under the Contract for Excellence must serve ELLs** (along with other at-risk students) and, subsequently, **the State Education Department has required districts to include a ELL-specific narrative, along with the Contract, that verifies this ELL plan**.

Immigrant/ELL Success Agenda Must Be Incorporated In A Detailed ELL Plan

We urge NYC DOE to incorporate into the Contract for Excellence the full *Immigrant/ELL Success Agenda*, a comprehensive and strategic plan endorsed by a broad-based coalition of 70 immigrant and educational organizations, which will help all ELLs succeed. While some aspects of this plan may be in NYC DOE's current Contract for Excellence plan – additional teachers, extended day and professional development – there are **other important ELL needs that are not addressed under the plan**. The lack of details in the current plan does not even project the number of ELL teachers, extended day ELLs, ELL professional development hours or ELL/International Small Schools. Moreover, the plan only refers to schools receiving New Fair Student Funding (NFSF) and does not include information on how Contract funds will benefit ELL schools and students not receiving NFSF. **NYC DOE should outline estimated Contract expenditures and the number of students served for each of the below recommendations.**

The *Immigrant/ELL Success Agenda* consists of the following:

1) Improved ELL Teacher Quality and Increased ELL Instructional Choice

- **More English-as-a-Second-Language (ESL) Teachers**
 - Provide resources to hire hundreds of additional ESL-certified teachers to increase a school's capacity to offer preferred push-in or self-contained programs, as well as reduce ESL teacher portfolios. Also, additional teachers would increase the capacity of the growing number of small high schools to serve ELLs.

NYC Plan: Presumably included in projected 1,300 new teachers.

- **More Bilingual Teachers and Bilingual & Dual Language Programs**
 - Provide resources to hire hundreds of additional bilingual-certified teachers to combat the teacher shortage contributing to the closing of quality bilingual education programs, which violates ELL parent choice and State Regulations. Also, increase the number of dual language programs in various languages to expand a very successful model that leads to bilingual fluency for ELLs and English-speaking students.

NYC Plan: Presumably included in projected 1,300 new teachers, but no mention of new or expanded TBE or DL programs.

- **ESL and Bilingual Teacher Recruitment and Retention**
 - Provide incentives, pay differentials and loan forgiveness to recruit and retain more quality ESL and bilingual teachers to work in underperforming schools.

NYC Plan: Despite the projection of 1,300 new teachers, no mention of incentives, differentials or loan forgiveness to recruit and retain shortage-area teachers like bilingual and ESL teachers.

- **Professional Development for All Teachers Who Teach ELLs**
 - Provide resources to ensure bilingual, ESL and all subject teachers of ELLs receive increased, quality professional development to improve ELL outcomes.

NYC Plan: ELL-focused professional development presumably included in the Fair Student Funding Teacher and Principal Quality allocation as chosen by school principals. Despite a verbal commitment from NYC DOE that such efforts will be included, there is no plan for how many professional development hours will go toward improving ELL instruction.

2) Strengthened ELL Instructional Opportunities and Appropriate Assessment

- **ELL Extended School Day, Saturday Academy & Summer School**
 - Provide resources to ensure all schools provide additional instruction – through an extended school day, Saturday Academies and summer school – for ELLs to assist them in learning English and native language arts, as well as gaining additional credits to catch up to grade level and graduate on time.

NYC Plan: Extended day for ELLs presumably included in the Fair Student Funding Time on Task allocation as chosen by school principals.

- **Books and Learning Resources in Various Languages**
 - Provide resources to schools to purchase quality books and other learning resources that are commensurate to those provided to their English-proficient counterparts.

NYC Plan: No mention. Such allocations should have been included under curriculum enhancement or time on task activities.

- **Students with an Interrupted Formal Education (SIFE) Intervention & Instruction**
 - Provide resources to schools with SIFE populations to provide intensive intervention and instructional services to help them learn English and catch up to grade level standards.

NYC Plan: No mention. Perhaps included in the Fair Student Funding Time on Task allocation as chosen by school principals.

- **Capacity to Develop Appropriate Tests and Monitor Instruction and Assessment Implementation**
 - Provide the New York City Department of Education with sufficient resources to develop appropriate tests for ELLs and to monitor implementation of ELL-mandated instruction and assessment policies.

NYC Plan: No mention. Possibly included in the Periodic Assessment portion of the plan, although we do not support new state funds being used for this new assessment program at the expense of Time of Task activities such as an extended school day or year.

3) Expanded Immigrant/ELL Student Support and Parent Engagement

- **Guidance, Mentoring and Social Support Services for Immigrant/ELL Youth**
 - Provide resources to schools to establish or expand guidance, mentoring and social support services for immigrant and ELL youth to improve retention, navigate admissions requirements, and address non-school related obstacles that impede student success.

NYC Plan: No mention. Should have been included under experimental programs.

- **High School Readiness & Dropout Prevention Program**
 - Provide resources to establish school- and community-based high school readiness and dropout prevention programs to address the ELL dropout crisis by helping them get through the ninth grade successfully.

NYC Plan: No mention. Should have been included under experimental programs.

- **Immigrant/LEP Parent Engagement and Leadership Training**
 - Provide resources to schools to improve immigrant and LEP parent engagement through improved translation and interpretation services, as well as meetings and forums to address immigrant parent needs. Also, support parent leadership trainings to move immigrant and LEP parents into school leadership positions to ensure meaningful and representative parent involvement and decision making.

NYC Plan: No mention. Should have been included under experimental programs.

Additional Contract of Excellence Recommendations

- 1) In addition to the \$228 million for new programs under the Contract for Excellence, NYC DOE must **provide a plan on the use of the additional \$30 million for ongoing programs**. These ongoing programs must also correspond with the five allowable programs including class size reduction, time on task, teacher and principal quality, full-day pre-kindergarten, and middle and high school restructuring. Moreover, these programs and funds must also predominately serve students with the greatest need including ELLs.
- 2) NYC DOE's does not have an adequate plan to ensure that these new state programs and funds predominately benefit ELLs, along with other priority students, as required by state law. NYC DOE contends that compliance with SED Part 154 and city ELL regulations, as well as holding principals accountable for ELL performance growth is sufficient. Under the NYC DOE reorganization, the Chancellor has chosen to not direct principals on how they spend new funding and on which programs to benefit students. While we agree with these compliance and principal accountability goals, NYC DOE has not developed a sufficient mechanism to ensure that schools, districts or the city utilize new funds and programs to predominately benefit ELLs. **NYC DOE must direct schools to ensure and demonstrate how new funds and programs will predominately benefit ELLs, along with students in poverty and with disabilities.**
- 3) Under the middle and high school restructuring funding, NYC DOE has not projected a goal of how many ELLs will benefit from these new schools. In addition, there are millions directed to schedule and curriculum enhancements for current small schools without any details. Moreover, it is not clear whether state law permits school restructuring funds to be directed toward such projects without a commitment to serve additional students. **NYC DOE must provide additional details on how school restructuring funds to create more schools and enhance scheduling and curricula will benefit ELLs. This is particularly relevant as most small schools have not provided full access to ELLs.**
- 4) The current plan primarily targets schools receiving New Fair Student Funding (NFSF) and does not include a plan for the remaining half of the schools not receiving NFSF. **The NYC DOE must provide additional details on how Contract funds will benefit ELL schools and students not receiving NFSF.**
- 5) While the aforementioned recommendations focus on ensuring that Contract for Excellence funds and programs predominately benefit ELLs, **the NYC DOE should also provide a detailed plan for non-contract aid to affirm that all new and expanded programs and funds predominately go towards students with the greatest need, particularly ELLs.**

These recommendations were drafted in collaboration with the *Equity Monitoring Project for Immigrant and Refugee Education (EMPIRE)* and the *NYIC Education Task Force*. The following partners testified on these recommendations at the hearings on the Contract for Excellence held by the NYC DOE:

Coalition for Educational Excellence for English Language Learners, El Centro de la Hospitalidad, Haitian Americans United for Progress, Latin American Integration Center, Make the Road by Walking, and Metropolitan Russian-American Parents Association.