



Legislation Text

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Res. No. 1119

Resolution in support of efforts for a referendum on class size reduction in New York City's Public Schools.

By The Speaker (Council Member Miller), and Council Members Weprin, Jackson, Quinn, Recchia Jr., Liu, Gioia, Barron, Boyland, Clarke, Fidler, Gennaro, Gentile, Gerson, Gonzalez, James, Perkins, Rivera, Sanders Jr., Seabrook, Stewart, Vann and The Public Advocate (Ms. Gotbaum)

Whereas, New York City's public schools are in dire need of smaller class sizes and have the largest class sizes in the state, exceeding statewide averages by 10% to 60%; and

Whereas, Research has shown that smaller class sizes generate substantially higher levels of student achievement, particularly for minority and inner-city school children, as was demonstrated in numerous longitudinal studies of class size reduction programs in Wisconsin, Tennessee and elsewhere throughout the country; and

Whereas, In September 2004, the United Federation of Teachers filed more than 11,000 grievances for classes that exceeded limits of 34 in a class; and

Whereas, The Court of Appeals, New York State's highest court, found in a decision issued on June 26, 2003 in Campaign for Fiscal Equity v. State of New York, that there was "measurable proof, credited by the trial court, that New York City schools have excessive class sizes, and that class size affects learning"; and

Whereas, As a result of that lawsuit, the City will be receiving substantial funds from the state for education; and

Whereas, On July 8, 2005, a coalition of parents, civic organizations, labor unions and educators called New Yorkers for Smaller Classes (the "Coalition") filed petitions with the City Clerk containing over 70,000 signatures and calling for a referendum on changing the City Charter to require the use of a portion of those

funds for class size reduction in the City's public schools; and

Whereas, The Coalition, represents a wide-ranging spectrum of voices from across the city and includes: ACORN, Advocates for Children, Alliance for Quality Education, Asian-American Communications, Central Brooklyn Churches, Chancellor's Parent Advisory Council, Class Size Matters, Community Service Society, District 3 Presidents' Council, District 6 Presidents' Council, District 25 Presidents' Council, Dominican Foundation Culturarte of NY, Educational Priorities Panel, Goddard Riverside Community Center, Greater NY Labor-Religion Coalition, Harlem Congregations for Community Improvement, Hispanic Federation, NYU Institute for Education and Social Policy, NYC Central Labor Council AFL-CIO, NYC Chapter of National Coalition Parents of English Language Learners, NY State Conference of NAACP, Parents as Primary Teachers, Parent to Parent, People for the American Way, United Federation of Teachers, United Parents Associations, Women's City Club of New York and Working Families Party; and

Whereas, In August, 2004, the Mayor created a Charter Revision Commission, but despite this overwhelming demonstration of public support for a class size reduction ballot initiative, the Mayor's Charter Revision Commission failed to even consider the issue; and

Whereas, Instead, the Mayor's Commission proposed two ballot questions regarding minor administrative matters, effectively bumping the class size reduction proposal off of this year's ballot; and

Whereas, Given the minor nature of the matters the Charter Revision Commission chosen for this year's ballot as well as the timing of its creation, the Mayor's Charter Revision Commission actually appears to have been created to intentionally bump the class size reduction initiative from this year's ballot; and

Whereas, Under state law, a ballot initiative that is bumped by a Mayoral Charter Revision Commission question must appear on the next year's ballot; and

Whereas, However, the Mayor was not satisfied with merely bumping the class size reduction initiative onto next year's ballot; and

Whereas, Indeed, he is seeking to ensure that the Coalition's class size reduction initiative never reaches

any ballot and is never brought before the public for a vote; and

Whereas, After the Coalition filed its petition to include the class size reduction question on the this year's ballot, the City Clerk replied that despite the fact that the coalition had followed all the rules for submission of a petition, the proposed question was legally invalid and that he would therefore not certify the proposed question for any year's ballot; and

Whereas, The City Clerk admittedly based his decision on an opinion he had received from the Corporation Counsel; and

Whereas, The Corporation Counsel's August 4, 2005 opinion advising the City Clerk to invalidate the proposed ballot question appears specious both as to the relevant provisions of law relating to adoption of the City's education budget and certain provisions of the proposed ballot question; and

Whereas, Mayor Bloomberg has repeatedly obstructed efforts to reduce class size in the City's public schools and denied the voters of the City of New York an opportunity to be heard on this issue; and

Whereas, In August 2003, the Coalition filed petitions with the City Clerk with over 100,000 signatures calling for the creation of a Charter Revision Commission to decide whether a question regarding class size limits should be put before voters in a referendum; and

Whereas, The Mayor similarly fought that petition and prevented the class size referendum from going before the voters by creating his own Charter Revision Commission whose ballot question on nonpartisan elections took precedence for placement on that year's ballot; and

Whereas, The voters rejected that Charter Revision Commission's proposal, and the Mayor's abuse of the Charter revision process, by a margin of 70 percent to 30 percent; and

Whereas, The purpose of the Charter Revision Commission is to deal with the structure of city government, not to further the Mayor's personal legislative agenda, nor should it be used to frustrate the will of the public; and

Whereas, The Mayor has repeatedly revealed his lack of commitment to reducing class sizes by stating

he would devote only two percent of the monies from the Campaign for Fiscal Equity lawsuit to class size reduction; and

Whereas, The State Comptroller's office is currently auditing the department of education to ensure that over \$100 million in class size reduction funds are being spent appropriately, since, under the Mayor's leadership, discrepancies have arisen between reports from the Independent Budget Office and the department of education on its class size reduction efforts; and

Whereas, If the Mayor continues to block efforts to hold a referendum regarding class size reduction for New York City public schools, then the Council will explore other options including the possibility of submitting the question to the public in a special election; and

Whereas, If the Mayor's latest actions blocking the ballot initiative are challenged, the Council of the City of New York hereby states its intention to file an *amicus* brief with the court to support the class size reduction initiative's placement on the 2006 general election ballot; now, therefore, be it

Resolved, That the Council of the City of New York supports efforts for a referendum on class size reduction in New York City's public schools.

RN
08.12.05