

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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October 13, 2009

Start: 10:00am

Recess: 1:48pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
ROBERT JACKSON  
Chairperson

COUNCIL MEMBERS:  
Maria del Carmen Arroyo  
Simcha Felder  
Lewis A. Fidler  
Helen D. Foster  
Daniel R. Garodnick  
Vincent J. Gentile  
Vincent Ignizio  
Melinda R. Katz  
G. Oliver Koppell  
Jessica S. Lappin  
John C. Liu  
Domenic M. Recchia, Jr.  
James Vacca  
Peter F. Vallone, Jr.  
Albert Vann

## A P P E A R A N C E S (CONTINUED)

Mary Kate O'Neal  
Chief of Staff, Chief Achievement Office for Special  
Education and English Language Learners  
Department of Education

Photo Anagatopolis  
Chief Operating Officer  
Department of Education

Stephanie Lawkins  
Head of Data and Reporting group, C3 liaison  
Department of Education

Brian Fleisher  
Auditor General  
Department of Education

Richard Farkus  
Vice President for Middle Schools and Junior High  
Schools  
United Federation of Teachers

Helane Durant  
Deputy Director  
Campaign for Fiscal Equity

Laney Henson  
Executive Director  
Class Size Matters

Eric Weltman  
New York City Advocacy Director  
Alliance for Quality Education

Marianne Hunkin  
Program Assistant  
Advocates for Children

Debra Barnes  
Community Member  
District 17

## A P P E A R A N C E S (CONTINUED)

Leonard Fasoli  
Owner and Chief Executive Officer  
Issues Council

Renee Holmes  
Secretary  
Community Education Council District 13

1  
2 CHAIRPERSON JACKSON: Good morning  
3 and thank you all for joining us. What's today,  
4 Tuesday, right? Columbus Day was yesterday. It  
5 was a beautiful day out. So we're here today to  
6 review the Department of Education's Contract for  
7 Excellence and basically the Contract for  
8 Excellence, also known as C4E is a plan that  
9 spells out how New York City will spend  
10 supplemental state funds for public schools that  
11 we receive as a result of the Campaign for Fiscal  
12 Equity.

13 But before I continue let me just  
14 introduce my colleagues that are present. Over to  
15 my right is Simcha Felder of Brooklyn, Regina  
16 Parita-Ryan is our finance policy analyst and  
17 Vincent Gentile of Brooklyn, he's not a committee  
18 member but he's here to speak on Billy's Law, Al  
19 Vann of Brooklyn, Helen Diane Foster of the Bronx  
20 and Jimmy Vacca of the Bronx and Jessica Lappin of  
21 Manhattan and Dan Garodnick of Manhattan.

22 This is an issue that is very close  
23 to my heart. When you talk about the Contract for  
24 Excellence and money because more than 16 years  
25 ago when I was the president of Community School

1  
2 Board 6 in northern Manhattan which includes  
3 geographical areas of Washington Heights and  
4 Inwood. I approached Michael Rabelle who was the  
5 school board's attorney back then about suing the  
6 state for under funding city schools. Together we  
7 launched a Campaign for Fiscal Equity lawsuit.  
8 Obviously I want to make sure that these funds are  
9 used appropriately and effectively to benefit all  
10 of New York City public school children,  
11 especially those with the greatest need.

12 If that does not happen, my efforts  
13 and those of many other parents and advocates over  
14 the past 16 years would have been wasted. This is  
15 the second hearing that the Education Committee  
16 has held on this issue. The first hearing was  
17 held over two years ago in July of 2007 when the  
18 Department of Education was just preparing to  
19 submit its first Contract for Excellence to the  
20 state.

21 Since then, the city has received  
22 the extra C4E funding for two years, \$257.8  
23 million in C4E funds and 2007/2008 and \$387.5  
24 million in 2008/2009. This year because of the  
25 economic downturn, the state was not able to

1  
2 increase the Contract for Excellence allocations  
3 as planned so the City of New York will receive  
4 the same amount as last year, approximately \$387  
5 million. Consequently, with no additional C4E  
6 funding this year, the Department of Education's  
7 2009/2010 plan does not include new or expanded  
8 programs.

9                   Instead, the Department of  
10 Education calls it a maintenance of effort of its  
11 2008 and 2009 plan. State law mandates that  
12 Contract For Excellence money be targeted to low  
13 performing schools, districts for specific  
14 programs proven to raise the achievement of  
15 children with the greatest educational needs.

16                   There are currently only six  
17 program categories on which C4E money can be spent  
18 including class size reduction, increased time on  
19 task for students, teacher and principal quality  
20 initiatives, middle and high school restructuring,  
21 model programs for students with limited English  
22 proficiency, full day kindergarten or Pre-K.

23                   NYC is required to submit a  
24 Contract for Excellence for the entire school  
25 system as well as one for each community school

1  
2 districts. AS you know, there are 32 community  
3 school districts in New York City. On September  
4 8, 2009 the Department of Education posted its  
5 proposed plan for spending its Contract for  
6 Excellence funds for the 2009/2010 school year on  
7 its web site for a mandatory 30-day public comment  
8 period before submitting it to the State Education  
9 Department for approval.

10 The Department of Education also  
11 asks community education councils, commonly known  
12 as CECs, to hold hearings on the C4E plans. But  
13 did not hold a public hearing in each borough on a  
14 citywide C4E plan as required by law. Every year  
15 with the release of the Department of Education's  
16 new proposed Contract for Excellence plan, the  
17 number of concerns raised by parents and advocates  
18 seems to grow.

19 This year, in particular, critics  
20 charge that the Department of Education has not  
21 complied with the state's public process which  
22 mandates. Since Department of Education failed to  
23 hold the hearing in each borough required in New  
24 York City. In addition, critics maintain that the  
25 Department of Education did not follow the state's

1  
2 Contract for Excellence timeline, which  
3 established dates in June and July for public  
4 comment periods and hearings to be held. Except  
5 the period from July 15 to September 15 for  
6 districts to submit Contract for Excellence to the  
7 state education commissioner for approval.

8 Another major concern of advocates is the lack of  
9 clarity and transparency in the Department of  
10 Education's Contract for Excellence plans.

11 The Department of Education's  
12 Contract for Excellence actually consists of a  
13 number of different documents posted on its web  
14 site, each of which must be accessed separately by  
15 clicking on various links. Advocates complained  
16 that there is no single document available that  
17 summarizes all component's of the city's C4E plan.  
18 Quite frankly, I made the same complaint at our  
19 last hearing on this issue more than two years ago  
20 and nothing has changed. There are so many  
21 different web pages and documents to go to. You  
22 even have to go to the State Education  
23 Department's web site to get information on some  
24 parts of the city's plan. It's much, much, much  
25 too confusing.



1  
2 Critics also contend that the DOE  
3 has not yet provided a number of reports that the  
4 state requires, especially actual C4E expenditures  
5 rather than just allocations. No having any audit  
6 reports been released for the past two years of  
7 C4E expenditures. This information is critical in  
8 determining whether C4E funds have been used only  
9 to supplement local funds as the law requires  
10 rather than supplant them.

11 A recent analysis by the Campaign  
12 for Fiscal Equity, commonly known as CFE, of the  
13 Department of Education's 2008 and 2009 C4E  
14 allocations found that the Department of Education  
15 used \$243 million of the \$388 million in C4E funds  
16 to supplant city funds. The area that continues  
17 to draw the most fire from parents and advocates  
18 is DOE's class size reduction efforts, which  
19 critics contend is totally inadequate. Not only  
20 critics agree but I also agree.

21 This is especially troubling given  
22 that New York City is the only district required  
23 by state law to use C4E money to reduce class size  
24 and prepare a five-year class size reduction plan  
25 for graded K through 12 because we have the

1  
2 largest classes in the state of New York. The  
3 State Education Department found deficiencies in  
4 the Department of Education's initial class size  
5 reduction efforts and required a number of  
6 corrective actions to be taken.

7 Last month in September of 2009,  
8 the City Comptrollers released an audit revealing  
9 that the Department of Education did not spend all  
10 of its early grade class size reduction funds in  
11 accordance with the state guidelines, reinforcing  
12 these concerns. In addition, reports by other  
13 organizations claim that the Department of  
14 Education is not living up to the state mandate to  
15 lower class sizes.

16 An April 2008 analysis by the  
17 United Federation of Teachers, UFT found that  
18 nearly 48.5% of 390 elementary and middle schools  
19 that receive state class size reduction funds did  
20 not lower class sizes. According to their  
21 analysis, class sizes actually increase at 34% of  
22 those targeted schools. The Department of  
23 Education's own data showed that despite receiving  
24 more Contract for Excellence funding last year  
25 than the year before, 2008/2009, citywide class

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2 size average has increased in every grade except  
3 the sixth grade where it remained unchanged. The  
4 fourth grade, where it decreased by 0.1% of a  
5 student. This is totally unacceptable to  
6 everyone. Maybe it's acceptable to the Department  
7 of Education but everybody else I know it's  
8 unacceptable.

9                   If we're receiving hundreds of  
10 millions of dollars to reduce class size, it's  
11 outrageous to see class size increasing. At  
12 today's hearing we will review the contents of the  
13 City's Contract for Excellence to determine  
14 whether they conformed to state requirements,  
15 including mandates regarding transparency,  
16 accountability and public participation as well as  
17 the requirement to supplement, not supplant local  
18 funds.

19                   The committee will also hear  
20 testimony from other witnesses and members of the  
21 public regarding the problems of the 2009/2010  
22 proposed contract as well as recommendations to  
23 better develop future Contract for Excellence.

24                   We will also be voting on proposed  
25 Intro 396-A. This is a local law sponsored by my

1  
2 colleague, Council Member Vincent Gentile of  
3 Brooklyn that would amend the New York City  
4 charter in relation to requiring the New York City  
5 Department of Education to report on the  
6 implementation of Billy's Law.

7 I'd like to remind everyone who  
8 wishes to testify today that you must fill out a  
9 witness slip which is located to my left at the  
10 Sergeant of Arms desk in the front of the  
11 chambers. To allow as many people as possible to  
12 testify, testimony will be limited to three  
13 minutes per person.

14 Without any further a due, I'd like  
15 to turn to my colleague, Vincent Gentile, who has  
16 a statement regarding proposed Intro 396-A,  
17 commonly known as Billy's Law. Council Member  
18 Gentile.

19 COUNCIL MEMBER GENTILE: Thank you  
20 Mr. Chairman and my thanks to you and the entire  
21 education committee for recognizing the importance  
22 of this bill to so many students and parents in  
23 this city. This is a happy Tuesday morning for  
24 New York City special needs students and their  
25 parents because today we're going to take a step

1  
2 toward making sure that children who need  
3 resources at an out of state educational and  
4 rehabilitative facilities are never out of our  
5 minds, even when they're beyond our city and state  
6 borders and out of site.

7           The passage of legislation t  
8 protect special needs youngsters who are sent out  
9 of state to a facility that is found to better  
10 meet their educational and/or physical needs has  
11 been a long journey for me as a legislator. Intro  
12 396-A, otherwise known as the local Billy's Law,  
13 will compliment a bill I introduce in the state  
14 legislature as a state senator in 2001 called the  
15 statewide Billy's Law, which was subsequently  
16 signed into law in 2005 after I left the Senate  
17 and was already a member of the New York City  
18 Council.

19           That legislation forced the state  
20 to evaluate and report back on facilities to which  
21 special needs children are sent. The cost  
22 associated with sending children to out of state  
23 facilities now need to be reported and a committee  
24 task with regular oversight was formed.

25           I was thankful to Assemblywoman

1  
2 Joan Millman and other legislators who carried the  
3 cause to completion after I left the Senate and  
4 passed into law the first comprehensive check on  
5 these out of state facilities.

6           This local version of Billy's Law  
7 brings that oversight closer to home. Currently  
8 New York City pays millions to send students to  
9 out of state facilities and then turns a blind eye  
10 to how those students are treated and/or  
11 education. Billy's Law on the local level would  
12 give us insight into the practice of educational  
13 and rehabilitation facilities. Just as the  
14 state's Billy's Law reports back to state  
15 legislators, the New York City Council and New  
16 York City rediseents will be empowered by Intro  
17 396-A to take meaningful steps toward protecting  
18 our most vulernable children from harm.

19           We can remain vigilant over the  
20 health and safety even when they're making use of  
21 resources hundreds of miles outside our state  
22 borders. Intro 396-A will require report  
23 submitted by DOE twice annually to the New York  
24 City Council that details the name and location of  
25 each out of state facility at which New York City

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children are placed as well as the number of New York City children placed there. Description of the general population served by that facility, types of services and therapies provided, the total amount spent annually by the Department to provide services to children at each of the out of state facilities and the number of children discharged from each facility annually and the information on facilities to which they are moved.

Also it requires information on any enforcement action taken against the facility by any entity from the state in which the facility is located and the outcome of any investigation into alleged abuse and neglect of children placed in that facility. Such information, also under this legislation, must be available to parents on the DOE web site.

This type of information can be instructive and invaluable to parents who must decide whether to send their child or young adult to a facility recommended by the DOE or by the state OMRDD. Parents often struggle with knowing the right and best thing to do for their special needs child.

1  
2 I must say the Department of  
3 Education should be commended for its willingness  
4 to facilitate this insight and oversight. On  
5 behalf of the New York City parents and students,  
6 I thank them. I also want to say thanks to you,  
7 our Chairman, Robert Jackson for his assistance  
8 and your leadership in bringing this bill to a  
9 vote today. Chairman Jackson, our conversations  
10 on this matter tell me that you understand and  
11 appreciate the severity of the situation and  
12 wanted to work as hard as I did to make this day  
13 happen and it did so I thank you.

14 I also want to thank and recognize  
15 two staunch allies, several staunch allies of mine  
16 who I consider compatriots with me in the  
17 continuing struggle to find a way to have some  
18 oversight on out of state facilities. I thank  
19 Lara Popa the assistant legislative director,  
20 policy analyst Joseph Mancino and Asia Seanberg,  
21 all who worked diligently to find a way to get  
22 this done and bring this to a committee vote  
23 today. To Joe and Lara and Asia, let me say,  
24 never gave up home on this bill because you never  
25 gave up trying to put it together. I thank you



1  
2 and New York City's special needs population and  
3 their parents thank you.

4 I lastly want to recognize and  
5 thank Mr. Vito Albanese, man from Bay Ridge in my  
6 district who first brought this issue to me almost  
7 nine years ago and have spent nearly the last two  
8 decades advocating for the safety of special needs  
9 students at educational and rehabilitative  
10 facilities. His son Billy, for whom this  
11 legislation and the state legislation was named,  
12 was placed in an out of state facility in the  
13 state of New Hampshire in the 1990s and sustained  
14 serious injuries at the hands of the staffers  
15 there. Had their been more regular oversight by  
16 city and state agencies, the abuse Billy suffered  
17 may not have continued for the years that it did.

18 I thank Vito for dedicating his  
19 time, energy and passion to the well-being of New  
20 York City's most vulnerable children. And in  
21 conclusion, Mr. Chairman, I ask for yours and my  
22 colleagues favorable vote on Intro 396-A.

23 CHAIRPERSON JACKSON: Thank you  
24 Council Member. We've been joined by additional  
25 colleagues, Maria del Carmen Arroyo of the Bronx

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2 directly in front of me, to her right is Council  
3 Member Oliver Koppell of the Bronx, Council Member  
4 Lou Fidler of Brooklyn, Council Member John Liu of  
5 Queens, Council Member Peter Vallone, Jr. of  
6 Queens and with that, I'd like to call on the  
7 Department of Education Mary Kate O'Neal from the  
8 New York City Department of Education, Lois  
9 Kessler and Judith Nathan, all three from the  
10 Department.

11 MARY KATE O'NEAL: Good morning  
12 Chairman Jackson and members of the education  
13 committee. Thank you for the opportunity to speak  
14 I support of Intro 396-A. I would also like to  
15 thank Speaker Quinn and Council Member Gentile for  
16 working with the Department to amend the bill to  
17 reflect our concerns about student privacy. My  
18 name is Mary Kate O'Neal and I'm the Chief of  
19 Staff to the Department of Education's Chief  
20 Achievement Office for Special Education and  
21 English Language Learners.

22 All New York City students with  
23 disabilities are important to the New York City  
24 Department of Education but we share your  
25 particular concern about those students whose

1  
2 educational needs are so severe that they require  
3 a 24 hour continuous program in a residential  
4 facility. These students have needs that require  
5 total supervision during activities and daily  
6 living, intensive programming beyond the school  
7 day to meet their educational goals, to maintain  
8 educational progress and to accommodate their  
9 physical and emotional disabilities.

10 Placement of a student in an out of  
11 state residential program is done only as a last  
12 option when an in state program could not be  
13 located. There are currently 294 students in New  
14 York City who are in out of state residential  
15 facilities. Given these students needs, we  
16 applaud the Council's efforts to ensure their  
17 safety and reduce their numbers.

18 This legislation adds an important  
19 link to help ensure that parents have information  
20 about out of state schools, consistent with  
21 federal, state, and local confidentiality  
22 requirements. The Department supports this  
23 legislation, which will provide the Council and  
24 the public access to information regarding the out  
25 of state residential school in which New York City

1  
2 students are placed. Including details on  
3 location of the facilities, student populations in  
4 these schools, the number of city students placed  
5 in each facility, information about discharges of  
6 city students, information about completed  
7 investigations of allegations of abuse and neglect  
8 and enforcement actions.

9           It's helpful to understand the  
10 process that leads to the placement of a student  
11 in an approved out of state residential program.  
12 If an individualized education program or an IEP  
13 team composed of various participants including  
14 school staff and parents, determine that there is  
15 no public placement appropriate in a community  
16 school to address the needs of a child. The case  
17 is then sent to the Department central base  
18 support team.

19           The central base support team is a  
20 centrally administered office within the  
21 Department that insists, identifying state  
22 approved private placements. If no appropriate  
23 in-state school can be located, the Department  
24 considers schools on that state's list of approved  
25 out of state schools. Schools can only be added

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2 to this list if they satisfy the terms of the  
3 state, Billy's Law.

4 Since the implementation in Billy's  
5 Law in 2005, the number of city children placed in  
6 out of state schools has sharply decreased. For  
7 the 2005/2006 school year, 515 students were  
8 placed in out of state facilities. Currently for  
9 the 2009/2010 school year 294 students are placed  
10 in out of state facilities. We are committed to  
11 implementing this new law, which seeks to further  
12 enact the goal. I'd be pleased to answer your  
13 questions.

14 CHAIRPERSON JACKSON: Thank you.

15 COUNCIL MEMBER GENTILE: Thank you  
16 for your assistance and your support in this  
17 legislation. I just had a quick question. When a  
18 center like the one in Massachusetts that has been  
19 such the topic of controversy, the Rotenberg  
20 Center where they actually do electrical shocks on  
21 the students. How does a center like that not get  
22 reviewed by the State Education Department or the  
23 city DOE as to being on any approved list to send  
24 New York City students?

25 MS. O'NEAL: I can say that--I'm

1  
2 not sure how to answer your question insofar that  
3 you're asking how does it not get reviewed. I do  
4 know that the state did review it and it is my  
5 understanding that JRC and the state are actually  
6 currently in litigation over that very issue about  
7 whether or not they--

8 COUNCIL MEMBER GENTILE:

9 [interposing] Electric shocks are an appropriate  
10 form of therapy?

11 MS. O'NEAL: No, actually my  
12 understanding is the litigation over whether or  
13 not JRC can stay on the approved list of state  
14 approved schools.

15 COUNCIL MEMBER GENTILE: I would  
16 think the controversy has erupted in Massachusetts  
17 where it's located.

18 MS. O'NEAL: Absolutely.

19 COUNCIL MEMBER GENTILE: And  
20 certainly there should be a basis of concern here  
21 as we have said over the last several years. The  
22 city Washington D.C. has taken JRC off their  
23 approved list.

24 MS. O'NEAL: We agree. In July  
25 2009 the state of New York made the use of

1

2       adversives illegal in New York state.

3                   COUNCIL MEMBER GENTILE:  Yeah, but  
4       we have, I believe almost 100 students still at  
5       the Rotenberg Center at Massachusetts receiving  
6       electric shocks as part of that aversive therapy.

7                   MS. O'NEAL:  We have approximately  
8       70 students who are currently at JRC and it is my  
9       understanding that the majority of those students  
10      are there because of litigation brought against  
11      the Department of Education by their parents.

12                  COUNCIL MEMBER GENTILE:  Thank you  
13      Mr. Chairman.

14                  CHAIRPERSON JACKSON:  Thank you.  
15      Thank you very much.

16                  MS. O'NEAL:  Thank you.

17                  CHAIRPERSON JACKSON:  I'm going to  
18      ask the clerk to identify himself and call the  
19      roll on Intro 396-A, commonly known as Billy's  
20      Law.

21                  CLERK:  William Martin, committee  
22      clerk, roll call on the Committee on Education.  
23      Council Member Jackson.

24                  CHAIRPERSON JACKSON:  I recommend  
25      an aye vote and I vote aye.

1  
2 CLERK: Fidler.  
3 COUNCIL MEMBER FIDLER: Aye.  
4 CLERK: Foster.  
5 COUNCIL MEMBER FOSTER: Aye.  
6 CLERK: Koppell.  
7 COUNCIL MEMBER KOPPELL: Aye.  
8 CLERK: Liu.  
9 COUNCIL MEMBER LIU: Yes.  
10 CLERK: Vallone.  
11 COUNCIL MEMBER VALLONE: Aye.  
12 CLERK: Vann.  
13 COUNCIL MEMBER VANN: Aye.  
14 CLERK: Arroyo.  
15 COUNCIL MEMBER ARROYO: Aye.  
16 CLERK: Garodnick.  
17 COUNCIL MEMBER GARODNICK: Aye.  
18 CLERK: Lappin.  
19 COUNCIL MEMBER LAPPIN: Aye.  
20 CLERK: Vacca.  
21 COUNCIL MEMBER VACCA: Aye.  
22 CLERK: Ignizio.  
23 COUNCIL MEMBER IGNIZIO: Aye.  
24 CLERK: Felder.  
25 COUNCIL MEMBER FELDER: Yes.



1  
2 CLERK: By a vote of 13 in the  
3 affirmative, zero in the negative, no abstentions,  
4 the item is adopted. Council Members please sign  
5 the committee report. Thank you.

6 CHAIRPERSON JACKSON: We're going  
7 to move forward on to the oversight hearing on the  
8 Contract for Excellence. We're going to hear from  
9 the Department of Education officials. Photo  
10 Anagatopalis and Jennifer Kay Bell Elwager, Brian  
11 Fleisher, Allison Arriya and Stephanie Lawkins,  
12 all from the Department of Education. Would you  
13 please identify yourself and your title with the  
14 Department of Education and whoever is going to  
15 lead the testimony may begin.

16 MS. ANAGATOPALIS: Great, thank you  
17 Chairman Jackson. Let me introduce my colleagues,  
18 we have the Auditor General, the title that I love  
19 here with Brian Fleisher--

20 CHAIRPERSON JACKSON: [interposing]  
21 Can you introduce yourself first?

22 MS. ANAGATOPALIS: This is Photo  
23 Anagatopalis, the Chief Operating Officer for the  
24 DOE. Jennifer Bell Elwanger, head of our research  
25 and our state relationship, Stephanie Lawkins head

1  
2 of our data and reporting group and our C3 liaison  
3 and Allie Aberra who works with me in the chief  
4 operating officer's office.

5 CHAIRPERSON JACKSON: And the  
6 gentleman again, I'm sorry.

7 MS. ANAGATOPALIS: Brian Flesher,  
8 the Auditor General.

9 CHAIRPERSON JACKSON: The Auditor  
10 General of the Department of Education?

11 MS. ANAGATOPALIS: The Department  
12 of Education, yes. As most of you know in 1993  
13 the Campaign for Fiscal Equity filed a  
14 Constitutional challenge to New York state's  
15 school finance system. Arguing that the state  
16 short changes city's public schools and denied its  
17 students their constitutional right to a sound  
18 basic education. I'd like to thank everyone  
19 involved in that battle, including Chairman  
20 Jackson. He was one of the original plaintiffs.

21 In April 2007, New York State's  
22 legislature and governor finally acted on the  
23 court ruling, sending our city an unprecedented  
24 increase in education aid designed to address  
25 decades long funding inequities. As a result of

1  
2 this severe economic downturn, the state  
3 unfortunately has been unable to fulfill its  
4 initial plan for annual increases in foundation  
5 aid is called for by the Fiscal Equity settlement.

6 This year the state extended its  
7 planned phase in period for that settlement from  
8 four to seven years, freezing foundation aid for  
9 the current and the next school year at levels  
10 awarded during the 08/09 school year. That means  
11 that over \$1.3 billion of promised additional  
12 foundation aid to New York City schools will now  
13 be delayed for at least two years.

14 Given that Contract for Excellence  
15 funding is a subset of foundation aid fund, there  
16 will be no new C3 funding this year or next year,  
17 as Chairman Jackson pointed out. Moreover, while  
18 the state awarded no increase in foundation aid  
19 for C3 funding this year, our non-discretionary  
20 costs continue to rise, driven by increases in  
21 teacher compensation due to the contracts,  
22 salaries, pensions and fringe and growth in  
23 mandated special education costs.

24 These rising costs mean that each  
25 C3 dollar will not stretch as far as it did

1  
2 previously. With decreased purchasing power and  
3 no increase in C3 funds, we have very limited  
4 capacity to fund any new programs with C3 dollars.  
5 Chairman Jackson, what I'd like to do is address  
6 your concerns that you outlined in your opening  
7 statement as I go through my testimony.

8           Before I outline this year's  
9 proposed plan for the C3 funds, please allow me to  
10 describe the public hearing and comment process  
11 related to the allocation of C3 dollars. As  
12 required by state law, the Department of Education  
13 held public hearings on its proposed 2009/2010 C3  
14 plan. Two factors drawn from last year's  
15 experience led us to schedule this year's hearings  
16 during September and early October rather than  
17 June and July.

18           First, it would have been premature  
19 to hold public hearings on the school's C3  
20 allocations in June given the highly volatile  
21 economic situation. Until May we were still  
22 facing potential cuts of up to 13% for some of our  
23 schools. Only after the City Council adopted the  
24 city budget in the middle of June could we  
25 finalize funding allocations to our schools.

1  
2 Thanks to federal stimulus funding, no school  
3 experienced a cut larger than 4.9%.

4           Through the end of the school year  
5 and into the summer, the majority of schools were  
6 reallocating some portion of their C3 funds  
7 between the eligible C3 program areas. As they  
8 work to minimize the negative impact of the budget  
9 cuts on their students. While the majority of  
10 school budgets were largely settled as of opening  
11 day in September, a large number of schools moved  
12 dollars between approved C3 program areas even  
13 during this past month.

14           Second, by holding public hearings  
15 in the fall when the overall budget picture was  
16 better to find, we also could enable more  
17 families, educators and other community members to  
18 participate in the public engagement process than  
19 if we had held the hearings during the summer.

20           In fiscal year 2009 we held  
21 hearings in June when school budgets remained  
22 unsettled. Those hearings proved unproductive  
23 when we ultimately scheduled a second round in  
24 response to public concerns about the timing being  
25 too early. That second fiscal year 2009 round was

1  
2 held during the summer and those hearings were  
3 poorly attended. By holding the hearings in the  
4 fall we were able to present a more accurate  
5 picture this year of the proposed use for C3  
6 funds, while also maximizing the opportunity for  
7 public participation compared with the summer  
8 vacation months.

9 To encourage greater attendance, we  
10 also expanded the number of public meetings from 5  
11 to 33 by presenting the c3 plans at the Community  
12 Education Councils in each district plus the high  
13 school CEC rather than holding only one in each  
14 borough. This not only created the opportunity  
15 for more people to attend a public hearing on C3  
16 allocations but also enabled the people who knew  
17 each district's schools and students best to  
18 review their particular district's plan along with  
19 the citywide C3 proposal.

20 Full details about our C3 proposal  
21 were also posted on the DOE web site including  
22 general details about the citywide plan, school  
23 and district level allocations, details about  
24 program additions and enhancements, student  
25 achievement performance targets, affected

1  
2 population group and a description of the process  
3 for submitting written comments.

4           It is important to know that by  
5 present the C3 Plans in each district, covering  
6 all five boroughs, our efforts for public  
7 engagement went well beyond the C3 regulations  
8 which require only one hearing in each borough.

9           We have also complied with the  
10 regulations governing the timing for public  
11 comment, which only require a 30 day public  
12 comment period after the plan is posted and before  
13 it is submitted to the state for approval. As  
14 well as public notice of the time and place of a  
15 public hearing one week before its scheduled date.

16           While the SED does publish  
17 recommended annual timelines for public comment  
18 and submission periods, those timelines are not  
19 mandated. Earlier this summer we discussed this  
20 fall timeline with officials from the State  
21 Education Department. AS planned during those  
22 discussion, we contacted the state to submit this  
23 year's C3 plan on October 9th.

24           If I may, I'd like to pause here  
25 and just respond to a few of your concerns. First

1

2 of all, it's very important to note people  
3 continuously talking about not having the hearings  
4 in every borough. We had hearings in every single  
5 borough. In fact, we had 33 hearings instead of 5  
6 hearings. So I find it somewhat nonsensical that  
7 we continue to get knocked for not having a  
8 hearing in every borough. We had a hearing in  
9 every borough. We had 33 of them, there were more  
10 than one hearing in every borough.

11 We also complied with the state  
12 timeline. There is no mandated dates within the  
13 C3 regulations as to when the public hearings must  
14 be held. We made a determination that to actually  
15 encourage public participation, it was better to  
16 have people actually in town and available as  
17 opposed to doing it during the summer again.  
18 There is no way to actually do these kinds of  
19 hearings until the City Council adopts the budget  
20 in the end because the volatility of the  
21 situation.

22 We all remember last year when the  
23 City Council at the end of June to which we're  
24 incredibly grateful put in another \$129 million.  
25 We did not know where we were going to end up at



1  
2 this point even up to the point where we had put  
3 out the school budgets in May. Those were  
4 tentative budgets we put out and at that point in  
5 time it was difficult even for the principals then  
6 to determine what they were going to be doing.

7           We continue to have principals  
8 moving money around as they're trying to handle  
9 what is a 4.9% budget cut. If you go back, that's  
10 on top of a 3% budget over the year and a half  
11 before. So this is a very difficult economic  
12 situation that remains volatile. To give the best  
13 information possible, which in itself wasn't  
14 steady state. We moved the hearings to the fall.

15           In terms of the transparency, we  
16 are more than happy to continue to work on the  
17 placement on the web site but if you go the  
18 Contract for Excellence page on the Department of  
19 Education web site you will find detailed  
20 allocations at the school level, at the district  
21 level and at the city level.

22           You will find the class size plan  
23 also referenced and then listed on a separate  
24 page. In terms of the expenditures and the audits  
25 that the Chairman referenced the expenditures have

1  
2 been submitted to the state. It is now up to them  
3 to get back to us with those. We have submitted  
4 an audit to the state also and we are waiting for  
5 that response.

6 I'd like to know go on to our  
7 proposed 2009/2010 C3 spending plan. The state's  
8 C3 provides specific both guidelines about where  
9 the C3 funds must be distributed and how they must  
10 be spent. Please note that our C3 plans for  
11 2007/2008 and 2008/2009 were both approved by the  
12 SCD, including the distribution of the C3 dollars  
13 between schools and the allocation of C3 dollars  
14 across eligible categories.

15 Nyc's total contract amount for  
16 2009/2010 is \$644 million, which includes \$256  
17 million from the 07/08 contract and \$387 million  
18 from the 08/09 contract, with no new funds for  
19 2009/2010 as indicated prior. The proposed fiscal  
20 2010 budget is outlined here in the chart. As you  
21 can see, the largest amount actually goes to the  
22 discretionary allocations to the schools of \$388  
23 million, which accounts for 60% of our Contract  
24 for Excellence funds. Those are under the control  
25 of the principal.

1  
2 We then have our targeted  
3 allocations, which largely account for the  
4 collaborative team teaching that helps us with our  
5 special education students and also with the  
6 general ed students that are in those classes.  
7 Then our district wide initiatives and then the  
8 maintenance of effort, which we're allowed.

9 Let me just address, this is not in  
10 the testimony, but your concerns about  
11 supplantation, Chairman Jackson that you mentioned  
12 in your opening statements. I think there's a few  
13 points we need to take into consideration. One is  
14 that we have at the same time that Contract for  
15 Excellence was being implemented we also  
16 implemented Fair Student Funding.

17 Fair Student Funding, actually if  
18 you look at the schools that benefit from that  
19 implementation of that new funding formula,  
20 correlate very highly with the same schools that  
21 benefit from the Contract for Excellence dollars.  
22 There, what we're doing is driving the highest  
23 dollar to the neediest student through fair  
24 student funding. The students that have the  
25 lowest academic performance and are in need of

1  
2 more help there, get a higher dollar weight.  
3 Special education students get a higher dollar  
4 weight as does English language learner students.

5 If you look at those three buckets,  
6 those are three of the same buckets in which the  
7 Contract for Excellence dollars are used to  
8 determined the needs indices. So when you look at  
9 that it's basically we are taking Fair Student  
10 Funding for the tax levy and we are putting in  
11 more Contract for Excellence dollars on top of  
12 what was already a needs based allocation, if you  
13 will, from our tax levy dollars. I think it's  
14 very important to understand that point.

15 Secondly is in all cases we did  
16 distribute our dollars according to the state  
17 regulations for C4E. The 75% of all C4E dollars  
18 must go to the 50% of the neediest schools so that  
19 has to dictate. First, we have to put out the C4E  
20 dollars according to the regulations and that has  
21 been done. That has also been approved by SED.

22 The third thing is last year when  
23 you referenced 08/09 and I'm assuming that's where  
24 you're talking about the supplantation and not  
25 09/10 with the drastic budget cuts. In 08/09 it

1

2 was the City Council agreement that allowed us to  
3 actually equalize the impact on the budgets across  
4 all of the schools. The City Council agreement  
5 actually reads that the DOE shall use such funds,  
6 and this was \$129 million, to eliminate reductions  
7 to school budgets for school year 08/09 to  
8 mitigate budget reductions, to direct school  
9 services and to provide direct services. And also  
10 goes on to say that we are to actually equalize  
11 the gaps on the budget cuts so that no school took  
12 a cut for that year.

13

14 It was to eliminate budget  
15 reductions for all schools for the fiscal 2009  
16 school year. So we were allocating our dollars  
17 according to what we are most grateful for, the  
18 agreement with the City Council last year in that  
19 case.

20

21 The other piece here is to  
22 understand what the definition is of the law. The  
23 regulations for C4E actually indicate that if you  
24 are in the situation for elimination or reduction  
25 in funding from other sources, that the definition  
of supplementation actually is that you can use  
the C4E dollars to make up for those sources. In

1  
2 that case it is not a supplant. One can not look  
3 at the definition of supplantation without looking  
4 at the economic situation of the district at that  
5 point in time.

6 At that point in time last year, we  
7 actually had to take a \$200 million cut to the  
8 rest of the Department of Education's budget.  
9 That was on top of \$180 million cut that was less  
10 than eight months prior to that. So in total we  
11 were taking over \$380 million out of the budget.  
12 We then were able, thanks to the City Council, to  
13 get the other \$129 million in. So if it was not  
14 for the \$242 million of C4E funds that we were  
15 able to put into the school budgets, we would have  
16 had to have even larger cuts. In that case we do  
17 not believe we supplanted. We actually, by the  
18 definition of the C4E regulations, supplemented  
19 what would have been a cut in that case.

20 Let me now return back to the  
21 testimony and talk about the 09/10 plan. We have  
22 always distributed C4E dollars between schools in  
23 accordance with the state regulations. As  
24 mentioned earlier 75% of the C4e dollars are  
25 distributed to 50% of the schools representing the

1  
2 neediest students according to the state's  
3 definition. As allowed by the C4E regulations, we  
4 maintained the amount of C4E funds for the first  
5 two years of C4E within each school's budget with  
6 only minor exceptions. This is why we called this  
7 a maintenance of effort program. We don't have  
8 any new funds to give out to the schools or to  
9 create any new programs at the central level that  
10 are of any significance.

11           This was done to avoid disruption  
12 to schools' instructional programs particularly  
13 given the significant budget cuts. All schools  
14 that receive targeted C4E allocations, funding for  
15 new CTT or autism classes, ELL, summer school or  
16 for full day Kindergarten classes. In 2008/2009  
17 we proposed to receive those same allocations  
18 again in 2009/2010 as long as they retain the  
19 populations necessary to maintain effort in that  
20 category.

21           In a small number of cases, schools  
22 that previously received these targeted funds lost  
23 populations necessary to support those particular  
24 programs. So for instance, that they did not have  
25 as many special education students in the school,

1  
2 we weren't going to give them as many CTT funds,  
3 obviously. We therefore proposed redistribution  
4 of those funds to other high needs schools that  
5 did gain eligible populations in 2009/2010.

6           Additionally, we're reallocating  
7 money from schools that closed in June 2009. This  
8 is a minor amount, about \$2 million. In total  
9 only \$23 million, or less than 4% of the total  
10 contract amount of \$644 million, is being moved  
11 between schools. And that's equivalent to \$10  
12 million movement between districts. This is to  
13 accommodate the shift in the eligible populations  
14 for the targeted programs between schools.

15           We have also required our schools  
16 to allocate their C4E dollars within the eligible  
17 program areas allowed under C4E law, which  
18 Chairman Jackson actually noted in his statement.  
19 The civic decisions about how to allocate funding  
20 within the six eligible program areas are  
21 determined by our principals. The principals  
22 consult their senior leadership teams to determine  
23 how best to meet the needs of their particular  
24 students with the goal of achieving the maximum  
25 positive impact on student achievement.



1  
2 This year most schools did have to  
3 move some portion of their C4E funds between  
4 eligible program areas as is allowed by the law,  
5 to optimize instructional programs to meet student  
6 needs while making the necessary budget cuts and  
7 handling the rise in teacher costs. As of October  
8 8, 2009, you have the chart here in terms of the  
9 distribution of the C4E funds across those  
10 eligible program areas.

11 This is the date of the data that  
12 we used in terms of the submission to the state of  
13 the C4E plan for 2009/2010. I won't bore you with  
14 reading through the chart but basically the  
15 largest amount of dollars that are going to the  
16 eligible programs are 45% going to class size  
17 reduction and another 27% to Time on Task.

18 Largely over the last month we have  
19 seen a net shift of \$17 million from class size  
20 reduction to Time on Task strategies as schools  
21 updated their budgets, including their C4E  
22 allocations. This shift largely occurred in  
23 situations where schools realized they can not  
24 afford to reduce class size school wide but they  
25 could prioritize more teacher time on subsets of

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students requiring extra support.

We saw that many principals were refocusing C4E resources on intervention programs for their highest need students as budget cuts otherwise decreased their capacity to deliver those valuable services to the students at greatest risk for failure. During this time period principals were also required to finalize their staffing plans in the context of hiring restrictions. While further analysis is needed, it's likely that the combination of budget cuts and rising costs created a situation where principals felt that other strategies would be more effective and achievable than the class size reduction.

This is unsurprising as principal's adjusted to reduced overall budgets with such strategies as consolidating some classrooms, reassigning educators from team teaching positions, reconfiguring their classes and adjusting scheduling.

This shifted resource away from class size reduction and largely into Time on Task initiatives accounts for most of the differences

1  
2 that you're going to see between the data that we  
3 pulled on October 8 for our submission to the  
4 state and the data that we presented a month ago  
5 at the public hearings. It's a very fluid  
6 situation. It would have been even more fluid if  
7 we had to try to do those hearings in June so I  
8 think its important to understand that these are  
9 snapshots in time, which is allowed by the C4E  
10 regulations themselves.

11 Under New York City's Contract for  
12 Excellence, New York City was required to develop  
13 and implement a five-year class size reduction  
14 plan. In 2009/2010 class size reduction remain  
15 the top priority for use of C4E funds with \$289  
16 million out of the \$644 million as mentioned  
17 before, devoted to this purpose. When school  
18 based allocations are combined with system wide  
19 funding towards creation towards more CTT or  
20 collaborative team teaching classes.

21 Class size reduction efforts  
22 represent 45% of the proposed C4E spending, a  
23 figure that well exceeds the 25% minimum required  
24 for class size reduction as specified in New York  
25 City's five-year class size plan. I'd like to

1  
2 take a moment to discuss what we experience in  
3 terms of class size last year.

4 First let me note that it's  
5 difficult to appropriately mix elementary and high  
6 school numbers when calculating system wide  
7 changes in class size so we're going to break it  
8 up. In high schools, we saw a decline in the  
9 average class size of .47 students. So it is  
10 important to note that there was actually a  
11 decline at the high school level in terms of class  
12 size. Across schools serving K through 8 that's  
13 where we saw the average class size increased by a  
14 modest .2 students in the 2008/2009 school year.

15 If one were to look at the  
16 different schools here, for those that use C4e  
17 dollars superficially for class size reduction, we  
18 saw a smaller increase of .1 students, compared  
19 with an increase of .3 students for schools that  
20 did not have C4E dollars for class size reduction  
21 purposes. It is important to understand that our  
22 five-year class size plan covers all city schools  
23 but more than one-third or 500 of our schools did  
24 not receive a sufficient C4E allocation to hire  
25 even one additional teacher.

1  
2 This includes 60% of those schools  
3 deemed lower need by the state's calculation.  
4 Unfortunately, some of those represent the schools  
5 with our highest class sizes. It is therefore  
6 unsurprising that class sizes have dropped more  
7 notably in schools allocating C4E resources  
8 towards class size reduction than in the system as  
9 a whole. Additionally, increased teacher  
10 compensation and unpredicted changes in student  
11 enrollment adversely impacted class size efforts,  
12 even in schools prioritizing the use of C4E funds  
13 for that purpose.

14 Keep in mind we allocate the  
15 dollars out in the spring. We have enrollment  
16 projections and then the kids show up in the fall.  
17 The enrollment projections are not perfect and as  
18 people move in and out of neighborhoods, the  
19 enrollment will not completely match the  
20 projections. Sometimes, as you experienced in  
21 your districts, you see spikes and there won't be  
22 the ability for the principal that year to  
23 completely adjust the class sizes.

24 To gain a more complete  
25 understanding of the class size situation, it's

1  
2 also important to look at the changes in class  
3 size at the school level. Last year over 60% of  
4 our schools either reduced the class size towards  
5 the target levels or maintained class sizes at or  
6 below target levels. So it's really important to  
7 break the category of schools down here. You had  
8 some schools that were above the class size  
9 targets that had been set and we've seen them  
10 bring down the class sizes. Then you had another  
11 group that had already brought their class sizes  
12 below target. In those cases they maintained  
13 their class sizes below target. They may have  
14 seen some increase in class size but they were  
15 below the target already at that point in time.

16 Another 25% of our schools saw  
17 class sizes increase but either achieved a  
18 decreased pupil teacher ratio, which is part of  
19 the class size reduction efforts in the C4E  
20 regulations. Or they already were so close to the  
21 class size targets that the use of additional  
22 dollars in that area would have taken them  
23 significantly below target level such that they  
24 chose not to spend their dollars towards that goal  
25 given tight budgets.

1  
2           So if you're really close to your  
3 class size target and you actually try to put more  
4 money in. In some cases you don't have enough  
5 students to go across the classes in a particular  
6 grade. The breakage is such that the principals  
7 decided in tough budget times it wasn't worth  
8 taking it down dramatically on that grade level.  
9 Instead they used their funding somewhere else and  
10 that's where we saw the shifts in funds.

11           In fact, the overall increase in  
12 class size citywide was driven by gains in only  
13 14% of our schools that experienced an outright in  
14 what we would call unexplained, although they have  
15 reasons, for increase in average class size. In  
16 fact, of those 166 schools that they were held  
17 aside, the rest of the schools in the city on  
18 average would have experienced no increase in  
19 class size.

20           So let me just stop there for a  
21 second. I think it's really important because  
22 there is impression out there that we have class  
23 sizes that are large across all of our schools and  
24 that is not the case. We would have seen no  
25 increase in class size across the city except for

1  
2 it being driven by 166 schools out of close to  
3 1,500 schools. I think it's very important to  
4 understand that. We're able then to target and  
5 work with those schools and try to get their class  
6 size down, which will over time obviously bring  
7 the class size down on average for the city.

8           The fact that class size has  
9 actually then remained relatively stable on the  
10 context of decreased budgets and annually  
11 increasing costs is evidence of New York City's  
12 continued attention to class size. For your  
13 reference and I'm not going to go through this  
14 chart here, there's a table highlighting the types  
15 of changes in class size that our schools  
16 experienced with some specific examples of schools  
17 here that you might find helpful. After the  
18 testimony today, if you have any questions on this  
19 I'll be more than happy to go back to that.

20           We must remember to consider our  
21 recent work on class size reduction and  
22 perspective over time. In the first year of  
23 Contract for Excellence funding, fiscal year 2008,  
24 year over year average class size change K through  
25 8 ranged from flat in second grade to a decrease



1  
2 of one student in seventh grade. So in the first  
3 year of Contract for Excellence funding we  
4 actually did decrease class sizes. Last year,  
5 with the growing budget crisis principals'  
6 behavior grew predictably cautious and we saw the  
7 year over year change in class size range from a  
8 .9 increase in third grade to a .1 decrease in  
9 fourth grade.

10 Even after the modest uptick  
11 experienced in most of our K through 8 grades last  
12 year. We know that that was coming from those 166  
13 schools. Class sizes decreased in every K through  
14 8 grade under this administration, ranging from a  
15 decrease of .2 students in Kindergarten to a  
16 decrease of 3.1 students in fifth grade, for an  
17 average decrease of 1.4 students since 2002.

18 So again, I would just like to  
19 emphasize, if you go from 2002 to 2009 you  
20 actually see a decrease as the smallest being .2  
21 in the Kindergarten to the largest decrease being  
22 3.1 students in the fifth grade. So over the  
23 seven years of this administration, class sizes  
24 have decreased. The small increase that we saw  
25 this past year was due to under 15% of our schools

1  
2 actually seeing a large class size increase. So I  
3 do think it's important to keep this in  
4 perspective.

5           It's also important to understand  
6 the potential cost in reducing class size in every  
7 city school to target levels. In total, achieving  
8 that goal would add roughly another \$600 million  
9 to \$700 million to our annual operating budgets  
10 per year. That does not account for the billions  
11 of dollars in related capital expenditures. We've  
12 receive \$644 million in total for C4E, we won't  
13 get any new C4E dollars next year and this would  
14 cost us over \$600 million to decrease class sizes  
15 to the target for every school going forward, on  
16 an annual basis.

17           In conclusion I would like to  
18 emphasize that the Department has worked closely  
19 with the state throughout the C4E planning and  
20 implementation process. In fact, you're looking  
21 at the group that has the weekly call with the  
22 state. In fact, we speak with them probably three  
23 or four times a week on these very subjects.

24           We are fully compliant with all  
25 aspects of the legislation, conforming to

1  
2 requirements about where the funds are spent and  
3 how they are spent. We have held annual public  
4 hearings in accordance with the law to gather  
5 feedback on our proposed plans. Our fiscal year  
6 2008 and fiscal year 2009 C4E plans were approved  
7 by the State Education Department. We are  
8 confident that this year's proposed plan will also  
9 be approved.

10 Most importantly, we are seeing  
11 results demonstrating that our use of C4E funds in  
12 the matters deemed largely by the principals is  
13 achieving the goal of Contract for Excellence  
14 legislation, improving student achieving,  
15 particularly among our highest need students and  
16 schools. Even in these tough times, our talented  
17 educators have motivated and prepared their  
18 students to achieve outcomes that few would have  
19 believed possible a decade ago.

20 Last year the city's four-year  
21 graduation rate rose again to 60.7%. Among fourth  
22 graders, almost 69% achieved proficiency in  
23 English and almost 85% achieved proficiency in  
24 math. To put that in context, our fourth graders  
25 are basically at parity with the rest of the state

1  
2 in mathematics, which was unimaginable at the  
3 outset of this administration. Meanwhile among  
4 eighth grade students, 57% achieved proficiency in  
5 English and 71% in math. In 2002, only 29.5% of  
6 eighth graders were proficient in English and only  
7 29.8% were proficient in math.

8           Whether you look at test results or  
9 graduation rates, our progress has outpaced New  
10 York City's other large cities in the state as a  
11 whole, in part because we've also narrowed the  
12 achievement gap. Thank you again for inviting us  
13 to address the committee and for your continued  
14 commitment to our students, families and schools.

15           CHAIRPERSON JACKSON: Thank you for  
16 your testimony. I look forward to asking you some  
17 questions about it. But let me turn to introduce  
18 additional colleagues. Dominic Recchia of  
19 Brooklyn is here in front of me and to my left is  
20 Vincent Ignizio of Staten Island and all the way  
21 to the end to my left is Melinda Katz of Queens  
22 and I'm going to ask to call the clerk on--I think  
23 I introduced Oliver Koppell before if I'm not  
24 mistaken--on 396-A.

25           CLERK: Katz.

1  
2 COUNCIL MEMBER KATZ: Aye. Thank  
3 you.

4 CLERK: Recchia.

5 COUNCIL MEMBER RECCHIA: Aye.

6 CLERK: Roll now stands at 15 in  
7 the affirmative.

8 CHAIRPERSON JACKSON: Thank you.  
9 Let's talk about the public process and the  
10 hearings that were supposed to be held. It's my  
11 understanding that the law says that there shall  
12 be public participation in hearings and that  
13 besides the five borough wide hearings that are  
14 supposed to be held by the Department of Education  
15 after a plan is developed so that people know what  
16 the plan is and have an opportunity to comment.  
17 There is supposed to be public hearings in each  
18 community school district by the CECs. That's  
19 what my understanding what the law is, isn't that  
20 correct?

21 MS. ANAGATOPALIS: No, the law  
22 actually when you read it, it's actually worded  
23 quite awkwardly. But the law calls for a hearing  
24 in each of the counties which are boroughs and it  
25 calls that there be a public meeting for each of

1  
2 the, basically, the CECs, the district. The  
3 public meeting in the borough last year accounted  
4 for the district. This year, we actually did each  
5 of the district hearings and the encompassed the  
6 borough hearings. It doesn't say you have to have  
7 both of those. You just have to cover them  
8 basically is what the law states.

9 CHAIRPERSON JACKSON: Is that your  
10 reading of the law or did you call for an  
11 interpretation from the state department of  
12 education.

13 MS. ANAGATOPALIS: We actually  
14 outlined the plan with the state department of  
15 education.

16 CHAIRPERSON JACKSON: Now, so you  
17 outlined the plan to the Department of Education.

18 MS. ANAGATOPALIS: They knew full  
19 well what we were doing. We outlined this for  
20 them. There was no pushback on this.

21 CHAIRPERSON JACKSON: When was  
22 that?

23 MS. ANAGATOPALIS: This was over  
24 the summer.

25 CHAIRPERSON JACKSON: So in

1

2 essence--

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MS. ANAGATOPALIS: [interposing]

4

This began when we had the discussions with them

5

in June, when we put the budgets out to the

6

schools on May 18. The budgets were due back in

7

from the principals on June 18 and we were in

8

discussions with the state in June.

9

CHAIRPERSON JACKSON: What was the

10

format of these hearings at each community

11

education council hearing? Walk me through a

12

hearing. Were you there? Were people from the

13

Department of Education?

14

MS. ANAGATOPALIS: Yes, the people

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from the Department of Education were there, the

16

superintendents actually presented along with

17

support from the IC staffs and some of the school

18

support organizations. The plan was presented.

19

The plan for each district is available online and

20

you also have the plan for the city is available

21

online. Both of those plans were presented at

22

each one of the hearings so every hearing had the

23

citywide and the district plan. Those were

24

presented and available for folks to comment.

25

There's also a 30 day comment

1  
2 period that people are allowed to send in their  
3 comments until we submit to the state.

4 CHAIRPERSON JACKSON: When were  
5 those CEC hearings done?

6 MS. ANAGATOPALIS: The CEC hearing  
7 began during the first week of school and actually  
8 went into the first week of October

9 CHAIRPERSON JACKSON: All of them  
10 have been held in the 32 community school  
11 districts?

12 MS. ANAGATOPALIS: All have been  
13 held.

14 CHAIRPERSON JACKSON: In essence,  
15 so what I'm hearing from the Department of  
16 Education is you don't feel it's necessary to hold  
17 a borough wide in each county, which means borough  
18 wide because there's only five counties in New  
19 York City. Because you've held individual  
20 hearings in each community school district.

21 MS. ANAGATOPALIS: Yes.

22 CHAIRPERSON JACKSON: That's what  
23 I'm hearing.

24 MS. ANAGATOPALIS: Yes because  
25 anybody could have attended any of those hearings.



1  
2 There was no reason to again add on the borough  
3 wide hearings. There was a hearing in every  
4 borough. In fact, there were more than one hearing  
5 in every borough except Staten Island since it's  
6 only one district.

7 CHAIRPERSON JACKSON: And at these  
8 hearings, who laid out what the situation was as  
9 far as CLERK:

10 MS. ANAGATOPALIS: The  
11 superintendent with the support of the ISC CFN  
12 folks.

13 CHAIRPERSON JACKSON: The I, what?

14 MS. ANAGATOPALIS: The Integrated  
15 Service Centers, the folks who are working with  
16 the schools on their budgets.

17 CHAIRPERSON JACKSON: What was  
18 given out? Was it citywide or was it only  
19 district wide?

20 MS. ANAGATOPALIS: Both.

21 CHAIRPERSON JACKSON: Both, okay.  
22 Were those hearings well attended?

23 MS. ANAGATOPALIS: Some of them  
24 were well attended and some were not.  
25 Unfortunately, if you look at any of our hearings

1  
2 that's the case, whether it's Contract for  
3 Excellence or panel meetings.

4 CHAIRPERSON JACKSON: How did  
5 notification go out to the general public and  
6 parents about these hearings?

7 MS. ANAGATOPALIS: The scheduled  
8 hearings were posted on the DOE web site with an  
9 announcement on the DOE web site. There was a  
10 press release announcing that the schedule of  
11 hearings would be on the web site. Then the CECs  
12 would do the public notice that they normally do  
13 for their meetings with their agenda.

14 CHAIRPERSON JACKSON: And do you  
15 know how much time, especially you said that the  
16 hearings began in the beginning of the school  
17 year, the first week.

18 MS. ANAGATOPALIS: Yes, there were  
19 five hearings that were held during the first week  
20 of school and we offered to the CECs that if they  
21 felt they would like an additional hearing because  
22 it was early in the school year we would  
23 accommodate them. None of them took us up on it.

24 CHAIRPERSON JACKSON: Do you know  
25 what the average attendance was of those hearings

1

2 the first week of school since the first week of  
3 school is a real hectic time?

4

MS. ANAGATOPALIS: Please keep in  
5 mind that the hearings in the first week of  
6 school, because the hearings were part of the CEC  
7 meetings, that is when the CECs had determined  
8 they were having their regular meetings.

9

CHAIRPERSON JACKSON: I understand  
10 but my question was do you know what the  
11 attendance was for those hearings?

12

MS. ANAGATOPALIS: I could not tell  
13 you what the attendance was. But again, if there  
14 was any concern on the part of the CEC, that they  
15 felt there was not strong enough participation we  
16 offered to go back.

17

CHAIRPERSON JACKSON: Was there a  
18 briefing by the Department of Education regarding  
19 the CEC dollars and going back from historical  
20 perspective or was there an assumption that they  
21 knew all of the details about the previous funding  
22 and what the situation was this year?

23

MS. ANAGATOPALIS: As we did last  
24 year, we talked about this year's situation and we  
25 would field any questions about the historical.

1  
2 In fact, if you look at the comments that we have  
3 received in terms of the public comment period, we  
4 have not really had any questions about the  
5 historical.

6 CHAIRPERSON JACKSON: When did the  
7 CEC get a briefing on C4E? I'm sorry. You need  
8 to come up to the table, identify yourself and  
9 then speak into the mic.

10 STEPHANIE LAWKINS: Hi, I'm  
11 Stephanie Lawkins from the Department of  
12 Education. We held briefings for all of the  
13 superintendents. We held one at the beginning of  
14 September prior to when the plan was actually put  
15 out so that they would be able to be available to  
16 answer questions as soon as the plan went public.  
17 And then we held an additional briefing that all  
18 superintendents attended in the first week of  
19 school, a conference call where we again answered  
20 questions from them and went over everything that  
21 was in the presentation that they were giving to  
22 their CECs.

23 CHAIRPERSON JACKSON: But there was  
24 no preliminary briefing of CECs prior to the  
25 hearing?

1

Ste: I'm sorry, I--

2

CHAIRPERSON JACKSON: [interposing]

3

I'm asking the question. In essence, I want to know--

4

5

MS. ANAGATOPALIS: [interposing]

6

CECs were notified in the middle of August that we would like to hold the public hearings of C4E during the CEC meetings since we would think we would get more attendance. And it was actually with the folks who actually knew about the district at that point. There was an agreement amongst the CECs that they would do that. There was no need to give them a briefing until the actual CEC meeting but we did actually work with them to schedule the meetings.

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CHAIRPERSON JACKSON: Did the CECs have to vote on it?

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MS. ANAGATOPALIS: No, the CECs do not have to vote on that Contract for Excellence.

19

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CHAIRPERSON JACKSON: Not even for their district.

21

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MS. ANAGATOPALIS: No, there is no requirement of that.

23

24

CHAIRPERSON JACKSON: So in essence

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1

2 there was a hearing that they held on the C4E as  
3 far as the citywide C4E and their local districts  
4 also, is that correct?

5 MS. ANAGATOPALIS: That's correct.

6 CHAIRPERSON JACKSON: And did they  
7 get the information before the actual hearing or  
8 they got it at the hearing?

9 MS. ANAGATOPALIS: The information  
10 has been posted on our web site before the  
11 hearings.

12 CHAIRPERSON JACKSON: No, no, no,  
13 no, no. I'm not talking about being posted.  
14 Posted is one thing. Do you make an assumption  
15 that every time you post something, everyone reads  
16 it?

17 MS. ANAGATOPALIS: We usually  
18 don't--

19 CHAIRPERSON JACKSON: [interposing]  
20 No, I'm asking a question. I'm sorry.

21 MS. ANAGATOPALIS: I'm trying to  
22 answer. I'm sorry.

23 CHAIRPERSON JACKSON: Okay.

24 MS. ANAGATOPALIS: We usually don't  
25 hand out the materials before the hearings. We

1  
2 didn't do that last year either at the borough  
3 wide hearings--

4 CHAIRPERSON JACKSON: [interposing]  
5 But that doesn't mean--I'm trying to understand if  
6 you're dealing with parents. You're dealing with  
7 parents, you're not dealing with people--

8 MS. ANAGATOPALIS: [interposing] We  
9 don't know who's going to attend so I don't know  
10 how we would handle that.

11 CHAIRPERSON JACKSON: Excuse me.  
12 I'm sorry. Do you know that the CEC members are  
13 going to attend because they have to hold the  
14 meeting. I'm asking whether or not you sent--in  
15 essence did you educate them as to what's going on  
16 with the current funding situation with C4E  
17 dollars and the historical aspect and the fact  
18 that the Department of Education has taken a  
19 position of maintaining the same dollars and  
20 there's really going to be no substantial changes  
21 in the Contract for Excellence dollars because the  
22 state is not giving any more money.

23 So did you brief them prior to the  
24 hearing or you just showed up at the hearing?  
25 They showed up and said, here is the citywide

1  
2 thing, here is your local thing. Hold the hearing  
3 on it and that's it.

4 MS. ANAGATOPALIS: I think it's  
5 being misunderstood of what the role of the  
6 hearing was. The hearing that is required by law,  
7 and according to the C3 regulation is that we  
8 actually present at a public hearing our plan. We  
9 did that. We presented the plan. There is no  
10 requirement in any case to actually brief anybody  
11 ahead of the public hearing. Then they are able  
12 to ask questions or make comments at the hearing.  
13 They are able to then make comments after the  
14 hearing. There is a complete outline of what the  
15 process is for adding the comments.

16 I'm not quite sure I'm following.  
17 What we did was use the CEC meeting as a way to  
18 encourage attendance as opposed to briefing the  
19 CEC members only.

20 CHAIRPERSON JACKSON: The point  
21 that I'm making is this: is that when you're  
22 dealing with a situation such as this, which has  
23 to do with monies and formulas and laws. It seems  
24 as though that you held your public hearing at the  
25 same time the CEC was holding the hearing. The



1  
2 superintendent was, as you indicated or as your  
3 colleague indicated, was briefed prior to that on  
4 the citywide and the district C4E allocations.

5 Basically you used the CEC that  
6 particular day in order to hold the public  
7 hearing. And the point that I'm making is this:  
8 it does not appear that you gave the CECs  
9 appropriate briefing of the details of it prior to  
10 holding the hearing.

11 MS. ANAGATOPALIS: Sir, there was  
12 no reason to do that. The public--

13 CHAIRPERSON JACKSON: [interposing]  
14 Why not? If there's a public hearing--there's a  
15 public hearing on it, right? And who's holding  
16 the public hearing. The CEC is holding the public  
17 hearing. Do you think that they should--

18 MS. ANAGATOPALIS: [interposing]  
19 The superintendent is holding the public hearing--

20 CHAIRPERSON JACKSON: [interposing]  
21 No, the superintendent is to holding it. It's the  
22 CEC is holding the public hearing. It's during  
23 the public hearing of the CEC. The superintendent  
24 is not holding the hearing; it's the CEC. So  
25 basically the superintendent is giving the CEC the

1  
2 information the same time they are holding a  
3 hearing.

4 MS. ANAGATOPALIS: If the argument  
5 here is that we did not brief the CEC meetings  
6 because it was their meeting, although the  
7 superintendents may have done some of that ahead  
8 of time. We're not sure. That's fine. We will  
9 in the future brief them. But keep in mind the  
10 law does not require that. We found--

11 CHAIRPERSON JACKSON: [interposing]  
12 Does it mean that because it doesn't require that,  
13 that we don't give the people that are elected  
14 into the office the tools that they need to be  
15 knowledgeable in advance of a public hearing?  
16 They're holding the public hearing. They're  
17 holding the public hearing for the audience that  
18 comes. If audience members ask questions of the  
19 Chair of the CEC or the Vice Chair or the  
20 Secretary or the other elected officials, do you  
21 think that realistically that they'll be able to  
22 answer any questions from the public on this? No.  
23 No. They would have to turn to the  
24 superintendent.

25 MS. ANAGATOPALIS: In the future

1  
2 we're more than happy to provide the briefing to  
3 the CEC members but in terms, it was the  
4 superintendents who are actually doing the  
5 presentation and to whom the questions were  
6 addressed.

7 CHAIRPERSON JACKSON: Do you know  
8 the total number of members of the public that  
9 attended citywide, in total? All of the CECs?

10 MS. ANAGATOPALIS: We are still  
11 compiling the attendance.

12 CHAIRPERSON JACKSON: Was it more  
13 than 1,000?

14 MS. ANAGATOPALIS: I couldn't tell  
15 you sir. I don't know. I'm more than happy to  
16 get back to you that answer. I don't think we  
17 have attendance for all of the meetings. We will  
18 check on that number for you.

19 CHAIRPERSON JACKSON: You mean you  
20 don't think you have attendance sheets? In  
21 essence I'm trying to determine--

22 MS. ANAGATOPALIS: [interposing]  
23 We're checking.

24 CHAIRPERSON JACKSON: I'm trying to  
25 determine how well they were attended, what

1  
2 numbers do we have. And in fact, this is a formal  
3 hearing, you said that in essence rather than  
4 holding five borough hearings we disbursed it into  
5 32 hearings so that there'll be more public  
6 participation. I can only assume that you had  
7 attendance sheets at each hearing.

8 MS. ANAGATOPALIS: We are checking.  
9 I believe we do but we are checking on those  
10 numbers for you. We also, as Jennifer reminds me,  
11 we have transcripts from all of the hearings. And  
12 they're posted now.

13 CHAIRPERSON JACKSON: Under the  
14 maintenance of effort, my understanding is that  
15 you're maintaining the status quo of the year  
16 before. Is that correct?

17 MS. ANAGATOPALIS: To avoid any  
18 disruption to the school's budget, as much as we  
19 can with the budget cuts we're trying to maintain  
20 the dollars that went into each of the school's  
21 budget as much as we possibly can. We're not  
22 doing any kind of new programs and reducing the  
23 discretionary funds in the schools.

24 CHAIRPERSON JACKSON: In your  
25 testimony you referred to the amount of money that

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2

are going into class size reduction and Time on Task. I think it was 60% that one year went into class size reduction, is that correct?

3

4

MS. ANAGATOPALIS: We have 45% in class size reduction this year.

5

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CHAIRPERSON JACKSON: 45%. Is that this year?

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MS. ANAGATOPALIS: In total this year. Last year, if you would like, last year of the monies that were appropriated for the 08/09 period for that contract, 47% went into class size reduction.

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CHAIRPERSON JACKSON: But as far as maintaining--

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MS. ANAGATOPALIS: [interposing] So a minor change.

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CHAIRPERSON JACKSON: So basically you're telling me that under the maintenance of the previous year, there's no changes whatsoever in the Contract for Excellence allocations by the City of New York to the various overall in your plan and then specifically, to each district?

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MS. ANAGATOPALIS: I think what's important--first of all between districts I

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1  
2 mentioned there's \$10 million moving and that was  
3 due to the changes in the populations. So as we  
4 moved dollars from schools that no longer had  
5 perhaps as many special education students to  
6 those that had more dollars shifted. That's about  
7 \$10 million in terms of the districts and about  
8 \$23 million for the schools as noted earlier in  
9 the testimony.

10 In terms of the maintenance of  
11 effort, what's important to understand here is  
12 that is just a term that we use to describe the  
13 fact that we don't have any money to do new  
14 programs with. So I would urge us not to spend  
15 too much time on worrying about that definition.

16 What's happened is it's very clear;  
17 we put out the same dollars in terms of the  
18 discretionary funds to the schools. So the amount  
19 of money that was in the schools over the last two  
20 years that they control the C4E is the same amount  
21 that they controlled this year. Each of the  
22 schools, except for the closing of schools and the  
23 new schools and the slight change on the eligible  
24 populations, received the same budgeted C4E amount  
25 as they did last year so we wouldn't disrupt their

1  
2 budgets anymore than what was already being the  
3 case with overall budget cuts.

4 Then in terms of what the schools  
5 themselves would do with the dollars, they  
6 clearly, which is what we would want them to do,  
7 is shifting funds between programs so they could  
8 optimize their instructional program itself in the  
9 midst of the budget cuts. So you do see the  
10 movement from the class size reduction and to the  
11 Time on Task, which one would expect in this  
12 scenario.

13 CHAIRPERSON JACKSON: This is what,  
14 the third year of the Contract for Excellence?

15 MS. ANAGATOPALIS: yes.

16 CHAIRPERSON JACKSON: And there's a  
17 minimum requirement amount of money, isn't that  
18 correct, that the state and city is supposed to  
19 put in?

20 MS. ANAGATOPALIS: In terms of what  
21 the state's supposed to put in, they suspended it  
22 basically.

23 CHAIRPERSON JACKSON: They  
24 suspended it or they--

25 MS. ANAGATOPALIS: [interposing]

1

2 They extended it. It was supposed to be phased  
3 in, in four years and not it's extending it so  
4 it's phased in at seven years and we did not  
5 receive what would have been the equivalent of  
6 this year and next year of \$1.3 billion.

7

CHAIRPERSON JACKSON: In essence  
8 you didn't receive an increase, is that correct?

9

MS. ANAGATOPALIS: No increase.

10

CHAIRPERSON JACKSON: Okay. So the  
11 amount of money you received this year is the same  
12 amount of money that you received the year before?

13

MS. ANAGATOPALIS: That's correct.

14

CHAIRPERSON JACKSON: And what  
15 about city dollars?

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MS. ANAGATOPALIS: The city  
17 dollars, we did take something of a cut to the  
18 schools but the overall city budget went up \$1  
19 billion.

20

21

CHAIRPERSON JACKSON: Overall city-

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MS. ANAGATOPALIS: [interposing]  
23 I'm sorry, the overall total DOE budget went up \$1  
24 million, most of that being the federal dollars  
25 itself but also some city dollars to cover



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increased mandated costs. So we did take a cut to the schools, as you now.

CHAIRPERSON JACKSON: So do we know what shifts in programs as far as the C4E money is only supposed to be used in six specific areas.

MS. ANAGATOPALIS: Correct.

CHAIRPERSON JACKSON: Do we have the details about how that money, now that it's October 13<sup>th</sup> about how that money is being spent and in what six categories?

MS. ANAGATOPALIS: Yes, you have it in the testimony.

CHAIRPERSON JACKSON: And how are you verifying that the money is being spent the way it's supposed to be spent? In essence, I may tell you I'm spending it a certain way but what if somebody is spending it another way.

MS. ANAGATOPALIS: Sure, two points on that. One is we do have what we call our budget officers that are assigned to--each of the school has a budget officer assigned to them and that budget officer works very carefully in terms of approving any kind of modification in their change, if you will, and the shift of program

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2 dollars.

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We also, Brian's team also is the auditors and so we are also looking at what the schools are doing with the money. They know that they will be audited in a year in a half on these monies.

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CHAIRPERSON JACKSON: Audited a year and a half after the fact?

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MS. ANAGATOPALIS: Yes, it gets audited after. It's like in anything, you can't audit something while it's happening. In that case so yes--

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CHAIRPERSON JACKSON: [interposing] No, you can audit things as it's happening. You can.

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MS. ANAGATOPALIS: We do watch. We do have the budget officers actually do the approvals. So if there's a shift we are making sure that they match the C4E regulations. We will allow them to shift the dollars so that they can adjust their instructional programs directly so that they can meet the needs of the students.

24

25

CHAIRPERSON JACKSON: Do they need approval to shift the dollars?

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MS. ANAGATOPALIS: Yes, they do.

2

CHAIRPERSON JACKSON: From whom?

3

MS. ANAGATOPALIS: From the budget

4

officers, which are controlled by the Finance  
Office.

5

6

CHAIRPERSON JACKSON: How many

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budget officers are there in any community school  
district?

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MS. ANAGATOPALIS: If we could look

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at it the way that a budget officer usually has  
about 40 schools they're working with. And they  
have the support of the budget team and the  
support of the school support organizations.

11

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CHAIRPERSON JACKSON: The budget

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officers work out of which locations?

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MS. ANAGATOPALIS: They're working

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out of the ISCs and the CFNs.

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CHAIRPERSON JACKSON: And who do

19

the budget officers report to?

20

MS. ANAGATOPALIS: They report to

21

the Division of School Support but they work very  
closely and under the guidance of the Finance  
Department.

22

23

24

CHAIRPERSON JACKSON: So they're

25

1  
2 reporting to the superintendents as to the changes  
3 that take place and the Contract for Excellence  
4 buckets of six program areas?

5 MS. ANAGATOPALIS: The  
6 superintendents are always kept abreast of the  
7 changes in finances in general as they work with  
8 their principals. The superintendents are not--  
9 the budget officers are the ones looking at what  
10 we call budget modifications to move dollars.

11 CHAIRPERSON JACKSON: In essence  
12 every time a principal wants to reallocate some  
13 monies because overall the budget situation, the  
14 Contract for Excellence money, they would have to  
15 get approval from the budget officers.

16 MS. ANAGATOPALIS: Yes, they do.

17 CHAIRPERSON JACKSON: That's  
18 assigned to their school.

19 MS. ANAGATOPALIS: Yes and if it's  
20 something major, our Finance staff would hear  
21 about it.

22 CHAIRPERSON JACKSON: Okay. What  
23 is the cost of inflation factor here? I mean,  
24 what percentage compared to last year, if everyone  
25 is basically getting the same amount of funding,

1

2 what are you seeing as far as since costs have  
3 gone up? What are they spending money less on?

4

MS. ANAGATOPALIS: You have a  
5 couple of things happening. One is that the cost  
6 of the average teacher's salary has gone up. It's  
7 gone up over \$700 a teacher, which makes a  
8 difference and for some schools even higher than  
9 that. It depends on the--

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CHAIRPERSON JACKSON: [interposing]  
You mean from last year?

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MS. ANAGATOPALIS: From last year  
so it depends upon the seniority mix in their  
school. As that goes up, that has a great impact  
on the ability to continue to work on class size  
reduction, obviously in terms of the cost of the  
teacher. The cost of coaching because those are  
usually senior teachers also has gone up.  
Actually you've seen some decrease in the amount  
of money spent on the professional development  
side. Those are the major costs. It's the labor  
costs that have gone up in terms of the school  
budgets themselves.

I'm sure they've seen some increase  
in costs on software costs and things like that

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2 but the major thing is the labor.

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CHAIRPERSON JACKSON: So has the Department of Education seen the number of programs that will be instituted by principals under the Contract for Excellence? Have they seen a decrease in the number of programs? If so, what percentage decrease overall in the programs?

MS. ANAGATOPALIS: Actually I'm not quite sure how to define programs but if you look at this--

CHAIRPERSON JACKSON: [interposing]  
The six areas we're talking about.

MS. ANAGATOPALIS: Right. But if you look at the shift in the dollars. Think what's important is that when you say some of the movement in that \$16 or \$17 million out of class size and into Time on Task, you've actually seen probably an increase in the number of programs, if you will. There is a chart that should have been handed out to you that actually does quite a nice job on describing some of the types of programs that the schools have implemented in each of the six eligibility areas that I think would be helpful for you all to take a look at.

1  
2 CHAIRPERSON JACKSON: Now you  
3 indicated that there is a small shift, about maybe  
4 \$2.3 million because schools may have closed and  
5 what have you.

6 MS. ANAGATOPALIS: Right.

7 CHAIRPERSON JACKSON: How many  
8 schools closed in June and what was their  
9 cumulative C4E funding?

10 MS. ANAGATOPALIS: We had roughly,  
11 I want to say ten schools. We'll get back to you  
12 with those numbers. I'd say roughly ten.

13 CHAIRPERSON JACKSON: You said  
14 roughly ten.

15 MS. ANAGATOPALIS: I think there  
16 were roughly ten schools but I will get back to  
17 you with those numbers and I don't know what their  
18 C4E. If it's \$2.3 million shifted then it's  
19 probably \$2.3 million that they had. But we will  
20 confirm numbers for you.

21 CHAIRPERSON JACKSON: What about  
22 opening of schools and the C4E dollar impact on  
23 opening schools?

24 MS. ANAGATOPALIS: Those dollars  
25 would have shifted to the opening schools.

1  
2 Because the schools that opened, largely would  
3 have in some ways taken up the slack on the same  
4 population of the schools that closed. They would  
5 be more disbursed but in general.

6 CHAIRPERSON JACKSON: I can't  
7 assume that because there's an assumption that  
8 maybe they re-opened in the same location. I  
9 don't know that unless you tell me that.

10 MS. ANAGATOPALIS: We can get you  
11 those numbers and we can show you that from school  
12 openings.

13 CHAIRPERSON JACKSON: When you talk  
14 about class size, let's talk about class size for  
15 a second. The state mandates that the City of New  
16 York must use the Contract for Excellence money to  
17 reduce class size and that the class size has to  
18 be down to a certain amount by, I think,  
19 2011/2012. The five-year capital plan must be  
20 aligned with C4E in order to make sure that by the  
21 time we get to the 2011/2012 school year that  
22 class size reductions have been met as outlined by  
23 the State of New York. Where are we with that?

24 MS. ANAGATOPALIS: So a couple of  
25 points on that. One is the Contract for



1  
2 Excellence required for New York City to develop  
3 and then implement the five-year class size plan.  
4 In that class size plan there were the targets for  
5 2011/2012, which indicated I believe it was 19.9  
6 average class size for K through 3, something like  
7 22.9 for 4 to 8 and then something like 24.5 for  
8 general high school courses.

9           That is where we are required to  
10 get to by 2011/2012. However, that was an interim  
11 step, if you will, according to the regulations.  
12 The agreement on the class size plan said that the  
13 state education commissioner would actually call a  
14 class size committee or class size commission to  
15 help determine what the appropriate targets would  
16 be. To date, no such committee or commission has  
17 been called so we only have the targets that we  
18 created for 2011/2012, which the class size plan  
19 has been approved by the state. But they have  
20 never put in that commissioner/committee for us to  
21 know what the appropriate targets are supposed to  
22 be.

23           We are working towards those  
24 targets at this point in time but I do think it's  
25 really important to understand something. That

1  
2 was a five year plan for 2011/2012 and now we have  
3 two years where we don't get any new money and at  
4 least two years we will now have the budget cuts.  
5 With the federal stimulus funds, if those go off  
6 the cliff as are anticipated in the next year and  
7 a half, it is really unrealistic for us to be able  
8 to say that we're not going to have to adjust this  
9 class size plan.

10 In fact, I'm embarrassed to say  
11 apparently I flipped the page too quickly and  
12 missed page 8 of my testimony. If you go back to  
13 it, it actually notes about the fact that it is  
14 highly unlikely that we'll be able to not adjust  
15 that class size plan given the economic situation.

16 CHAIRPERSON JACKSON: When you talk  
17 about class size reduction, in order to reduce  
18 class size you have to have space. Isn't that  
19 correct.

20 MS. ANAGATOPALIS: Yeah, you have  
21 to have space and you have to have money for  
22 teachers.

23 CHAIRPERSON JACKSON: I've  
24 mentioned to the Deputy Mayor when we met last  
25 year before finalizing the budget that the

1  
2 priorities of Mayor Bloomberg to spend \$1 billion  
3 to build a prison in the South Bronx where all of  
4 the elected officials, all of them to my knowledge  
5 and community activists were opposed to building a  
6 prison on the South Bronx and spending the money  
7 for that. Where, to my understanding, the  
8 Brooklyn House of Detention expansion, where  
9 majority if not all of the elected officials and  
10 community activists were opposed to that. But  
11 then Mayor Bloomberg continued to have that \$900  
12 million; I round it off to \$1 billion, in to the  
13 capital plan.

14 I encouraged him at that time to  
15 spend that \$1 billion to build schools, especially  
16 knowing that the prison population in New York  
17 City and New York State has decreased. But they  
18 didn't listen to what I had to say and they're  
19 still moving forward on the building of those  
20 prisons and spending \$1 billion to do that. So it  
21 has to do with priorities and spending priorities.

22 I know that you're not going to  
23 comment on that but what I just communicated to  
24 you as far as my meeting with them to discuss that  
25 situation in the context of the five year capital

1  
2 plan was raised with them. Nothing has moved  
3 forward on that. Even advocates have raised the  
4 issue of why spend \$1 billion on prisons when  
5 prison population is down and that we need to  
6 spend the money on schools, especially when our  
7 population is going up and the city's overall  
8 population is expected to increase so.

9                   Would you like to comment on that?  
10 No? I didn't think so. Let me turn to my  
11 colleague Vincent Ignizio.

12                   COUNCIL MEMBER IGNIZIO: Thank you  
13 Mr. Chairman. I apologize for interrupting but it  
14 was about not what was just said, but was just  
15 said before that regarding class size reduction.  
16 You say and you state for the record that the  
17 achievement of the numbers previously spoke over,  
18 that you all set up because the state didn't hold  
19 the hearing are probably unrealistic to achieve.  
20 Is that correct?

21                   MS. ANAGATOPALIS: I think it's  
22 important that you state it accurately. It's  
23 unrealistic given the economic situation right  
24 now. It is likely unrealistic. We have to be  
25 honest, we need to now go back and do some more

1  
2 homework. We've now seen where the economics are  
3 coming in. We've seen where the average future  
4 salaries are coming in, in terms of the seniority.  
5 We've seen the impact of the hiring restrictions,  
6 which have a lot to do with this and now we have  
7 to give further analysis. I think it would be  
8 highly unlikely to think that we could  
9 realistically hold on to those same targets given  
10 the lack of money.

11 COUNCIL MEMBER IGNIZIO: Does that  
12 mean you alter the target numbers, expand out the  
13 implementation or a combination of the two?

14 MS. ANAGATOPALIS: Given that the  
15 state extended their implementation of the  
16 Campaign for Fiscal Equity, that is one option.  
17 We would consider it but again, we need to do  
18 further work.

19 COUNCIL MEMBER IGNIZIO: In  
20 accordance with your shop, do you seek the  
21 enhancement levels of staffing prior to seeking  
22 the funding for capital improvements, which then  
23 would necessitate you to fill that space an  
24 addition to a school, a new school. Which comes  
25 first is basically what I'm asking, the chicken or

1  
2 the egg? Is it the funding that would be required  
3 to fill the school or would it be the capital  
4 funds that would be required to actually build the  
5 school and then seek the funding thereafter?

6 MS. ANAGATOPALIS: I think it's  
7 part of an iterative process. We're basically  
8 trying to actually put into place and utilize our  
9 buildings as best as possible in terms of the  
10 classrooms and the class sizes. And then I know  
11 that we have an extensive capital plan. We've  
12 got, I think it's 25,000 more seats coming on with  
13 this new capital plan. That should reduce the  
14 class size problem tremendously and it's in line  
15 with the class size plan itself. You're right;  
16 it's a little bit of the chicken and the egg and  
17 it goes back and forth.

18 COUNCIL MEMBER IGNIZIO: I deal  
19 with that in my own district and I deal with the  
20 notion of bubbles, which prior to getting in this  
21 I didn't know what a bubble--well I knew what a  
22 bubble was having a two year old but I didn't know  
23 what a bubble visa vee education is. Is there a  
24 desire or an ongoing dialogue with regards to the  
25 dreaded word of rezoning to pick up additional

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2 children in one district if that bubble has gone  
3 through and now that particularly zoned school can  
4 be expanded to bring in, if they have capacity, to  
5 bring in additional children and lower the class  
6 size, in this case, the over extended school.

7 MS. ANAGATOPALIS: I'm not able to  
8 answer that. I haven't really been involved in  
9 those discussions.

10 COUNCIL MEMBER IGNIZIO: Okay.  
11 Final question, somewhat different is can you just  
12 tell me a little bit about the process of budget  
13 amendments, if you will or budget the principals  
14 file. I don't know why the word is escaping me.

15 MS. ANAGATOPALIS: The  
16 modifications?

17 COUNCIL MEMBER IGNIZIO: Yeah, when  
18 a principal feels that he or she does not have  
19 enough and then they require--a budget appeal.  
20 I'm sorry. Does that also go through the same  
21 chain of command that you said or is there a  
22 different avenue for a budget appeal for a  
23 principal that says I can't do it on this.

24 MS. ANAGATOPALIS: The budget  
25 appeal process, we went through an extensive

1  
2 budget appeal process. This was this year, as you  
3 can imagine, given the cuts.

4 COUNCIL MEMBER IGNIZIO: Yes,  
5 ma'am.

6 MS. ANAGATOPALIS: What happens is  
7 first they appeal to basically their budget  
8 officers. We talked about it, for lack of a more  
9 descriptive term. If they can't work it out, then  
10 that gets a formal appeal, which we had slightly  
11 under 200 this year. We and the finance team  
12 actually analyze those and see if we have the  
13 dollars to accommodate. We do as best we can if  
14 it makes sense. A lot of appeals were granted.  
15 Most of them not fully granted but there was a  
16 significant chunk that was not granted.

17 COUNCIL MEMBER IGNIZIO: So it  
18 stays within the process only your shop is very  
19 actively involved in that.

20 MS. ANAGATOPALIS: It's the finance  
21 team; it's the school support organization in  
22 terms of the ISCs. It's that group and then  
23 heaven forbid it comes to me.

24 COUNCIL MEMBER IGNIZIO: Okay, well  
25 thank you very much. I appreciate your verbose



1  
2 but very thorough testimony here today. I'm going  
3 to take some time to go through it again and  
4 extract additional questions if I may forward that  
5 to either you or this committee and it will go  
6 forward. Thank you very much. Thank you Mr.  
7 Chairman for the time.

8 CHAIRPERSON JACKSON: You're  
9 welcome. How can the City Council of New York or  
10 the public compare the Contract for Excellence  
11 last year as implemented with the proposal for  
12 this year? How can anyone make that comparison?

13 MS. ANAGATOPALIS: In the plan we  
14 show how the dollars are being allocated and that  
15 plan is up there, last year's plan is up there.  
16 We are more than happy to show the changes if you  
17 would like to see those. We would be happy to  
18 provide that.

19 CHAIRPERSON JACKSON: Is it in your  
20 statement that you prepared and presented?

21 MS. ANAGATOPALIS: In terms of the  
22 changes in--

23 CHAIRPERSON JACKSON: [interposing]  
24 Comparing last year and this year's?

25 MS. ANAGATOPALIS: No, we did not

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2 put that comparison in. As we noted, the overall  
3 allocations between discretionary and targeted and  
4 so on were the same. The allocations between  
5 districts and the schools were the \$10 million and  
6 \$23 million difference that I said so you have  
7 that change. In terms of the change in the amount  
8 of dollars in the strategic areas, I'm sorry the  
9 eligible programs, I indicated the change in the  
10 class size moving to Time on Task, which is the  
11 major change. And we are more than happy to  
12 provide you any more details if you like on that.

13 CHAIRPERSON JACKSON: Does each  
14 school have a comparison? That someone, a parent  
15 or parents association, if they wanted to see how  
16 the monies were spent specifically at a school  
17 last year compared to how the money is being spent  
18 this year. Is that information available to  
19 parents?

20 MS. ANAGATOPALIS: The school wide  
21 plan from last year and the school wide plan from  
22 this year are all available for the parents to see  
23 it. If they like to do the changes and if  
24 somebody had asked us for those changes, we're  
25 more than happy to provide that.

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CHAIRPERSON JACKSON: I'm just asking so that--

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MS. ANAGATOPALIS: [interposing] Yes, the information is online and is readily available for people to actually compare.

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CHAIRPERSON JACKSON: You mean a--

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MS. ANAGATOPALIS: [interposing] At the school level, they can see the buckets that the schools allocated their money towards.

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CHAIRPERSON JACKSON: I can see that from last year and compare it to this year?

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MS. ANAGATOPALIS: Yes. You can see last year's, you can see this year and you can make your comparison.

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CHAIRPERSON JACKSON: Okay. You say citywide, how can I see it citywide?

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MS. ANAGATOPALIS: It's online also, it's right there.

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CHAIRPERSON JACKSON: Right on DOE's web site?

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MS. ANAGATOPALIS: Yeah. There's detail that we provided, this is online also. All of this is online and available.

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CHAIRPERSON JACKSON: Yeah but

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2 there's no side by side comparison?

3 MS. ANAGATOPALIS: We're--

4 CHAIRPERSON JACKSON: [interposing]

5 In order for people to look and make a comparison-

6 -

7 MS. ANAGATOPALIS: [interposing] We  
8 are more than happy to provide you with a side by  
9 side comparison if we are asked to do so. I would  
10 just urge the Chairman to keep in mind one thing,  
11 we are more than happy to do whatever analysis you  
12 guys ask for. We are not able to always provide  
13 as much analysis as one would have liked to  
14 automatically think about putting up there. We  
15 have limited staff. And so we are juggling time  
16 so we do meet the requirements and I think we've  
17 actually gone beyond the requirements when you  
18 look at the number of meetings that we held and  
19 the preparation that we've had to do for that and  
20 the amount of time that we've taken to prepare the  
21 schools and work with them on their budget  
22 modifications and so on.

23 So if you would like a side by side  
24 comparison we are more than happy to put that up  
25 there.

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2 CHAIRPERSON JACKSON: In essence I  
3 would have to go and pull the 2008/2009 and pull  
4 the 2009/2010.

5 MS. ANAGATOPALIS: It's exactly  
6 what you'd have to do on the state web site.

7 CHAIRPERSON JACKSON: And flip  
8 through each one and make comparison to how much  
9 money, what percentage is being spent?

10 MS. ANAGATOPALIS: It's an Excel  
11 spreadsheet. It's not that difficult to do. It's  
12 as, again, I said--

13 CHAIRPERSON JACKSON: [interposing]  
14 That's if you know Excel and if you know how. But  
15 the average parent doesn't know that.

16 MS. ANAGATOPALIS: First of all I'm  
17 not sure that's the case and second of all--

18 CHAIRPERSON JACKSON: [interposing]  
19 I'm sure that's the case. I can bet you.

20 MS. ANAGATOPALIS: Okay. Second of  
21 all I'm more than happy to provide you a side by  
22 side.

23 CHAIRPERSON JACKSON: How many  
24 Council Members do you think know how to do that?

25 MS. ANAGATOPALIS: Again, we are

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more than happy to provide you with a side by side.

CHAIRPERSON JACKSON: I understand.

But my question to you is how many Council Members do you think know how to do that?

MS. ANAGATOPALIS: Know how to make a side by side comparison.

CHAIRPERSON JACKSON: On a spreadsheet.

MS. ANAGATOPALIS: I don't know the Council Members like you do.

CHAIRPERSON JACKSON: Okay.

[pause]

CHAIRPERSON JACKSON: Now I believe you stated in your testimony that you've already submitted to the state a year end expenditure report for Contract for Excellence. Is that correct?

MS. ANAGATOPALIS: Yes.

CHAIRPERSON JACKSON: I believe you're supposed to submit a copy to the City Council. Has that been submitted as of yet also.

MS. ANAGATOPALIS: We had offered to your staff that if they asked for it we would

1  
2 be more than happy to work with them on it and  
3 walk them through it. We closed our books on  
4 September 30. We are not towards the end of  
5 October yet so things are in draft until we can  
6 actually finalize the calculations.

7 [pause]

8 CHAIRPERSON JACKSON: Is what you  
9 submitted to the state, is that available online?

10 MS. ANAGATOPALIS: No, that is not  
11 available online. That is a preliminary draft  
12 that we gave to the state because we had to give  
13 it to them before the books were completely  
14 closed. The state has to approve the submissions  
15 so we are going back and forth with the state  
16 right now.

17 CHAIRPERSON JACKSON: Is it  
18 possible we can have a copy of your submission to  
19 the state?

20 MS. ANAGATOPALIS: Sure, we  
21 offered, again, we offered a couple of weeks ago  
22 to sit down with the staff and we will walk them  
23 through that.

24 CHAIRPERSON JACKSON: Okay. If you  
25 could submit a copy we would love to sit down with

1  
2 you. But if you could submit a copy of your  
3 preliminary submission to the state so we have an  
4 opportunity to look at it before we sit down that  
5 would be great.

6 MS. ANAGATOPALIS: We're happy to  
7 provide a paper copy.

8 CHAIRPERSON JACKSON: Okay. That's  
9 for the year end expenditures report that the DOE  
10 submitted?

11 MS. ANAGATOPALIS: Yes.

12 CHAIRPERSON JACKSON: Okay. The  
13 year expenditures for 2007/2008, has that been  
14 submitted already and approved?

15 MS. ANAGATOPALIS: That was already  
16 done.

17 CHAIRPERSON JACKSON: That was  
18 already approved. So this one here is a  
19 2008/2009?

20 MS. ANAGATOPALIS: Correct.

21 CHAIRPERSON JACKSON: What about  
22 English language learners, ELLs, what's the  
23 situation as far as they are concerned with  
24 respects to the Contract for Excellence monies.

25 MS. ANAGATOPALIS: Actually that



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2 was a good story that I probably should have noted  
3 in the sense that there is a bucket of model  
4 programs for English language learners, the sixth  
5 bucket that was added last year. We have an  
6 additional over \$7 million that the principals  
7 have allocated new. Again, moving money from  
8 things like class size or professional  
9 development, into model programs for English  
10 language learners.

11 CHAIRPERSON JACKSON: I know. We  
12 noticed that that was in there and we were happy  
13 to see that in there even though our information  
14 based on what was being said by the DOE and by the  
15 city that that money would not be included.

16 MS. ANAGATOPALIS: No, no, there  
17 are two things. I think it's important to  
18 understand. One is this is the money that the  
19 principals themselves had put in. Last year, when  
20 the City Council had agreed to put in the  
21 additional dollars, there was an agreement that  
22 there be two initiatives. One is the middle  
23 school and one is the English language learner  
24 initiative. The English language learners  
25 initiative was funded at \$7 million, the middle

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2 school at \$12 million.

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Those were one year appropriations. What we did is if they did not spend, we gave the money to the schools and if they did not spend the full amount, we rolled that money over in their budgets. For the English language learners, it's under \$1 million. They spent most of their money last year.

CHAIRPERSON JACKSON: So in essence the money that showed up there is mainly rollover money?

MS. ANAGATOPALIS: No. No, no, no, no, no. It was less than \$1 million that got rolled over. The \$7 million plus, I'm just forgetting off the top of my head. It could be as much as \$10 million or so but over \$7 million of new--and these are not new funds, these are funds shifted in to increase the amount of dollars for the English language learner programs. Shifted from the class size and the principal and teacher quality buckets.

CHAIRPERSON JACKSON: That also is being used. If there's any shift in those money, must it be approved by the...

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MS. ANAGATOPALIS: Yes.

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CHAIRPERSON JACKSON: ...budget

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officers?

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MS. ANAGATOPALIS: Yes.

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CHAIRPERSON JACKSON: The same

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process.

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MS. ANAGATOPALIS: The same

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process.

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CHAIRPERSON JACKSON: You said

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there's about \$10 million even though--you had

12

indicated about \$10 million.

13

MS. ANAGATOPALIS: The shift

14

between districts, right.

15

CHAIRPERSON JACKSON: No, I'm

16

talking about the ELL and middle school.

17

MS. ANAGATOPALIS: Not the middle

18

school; this is the English language learners.

19

It's over \$7 million of increased dollars in that

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bucket. Not increased new dollars but increase

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dollars to that bucket that got shifted from other

22

buckets.

23

CHAIRPERSON JACKSON: I guess I'm

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looking at the Contract for Excellence on your

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proposed plan for 2009/2010 on page 11. It says

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2 \$7 million, year 2 of ELL success and middle  
3 school success grants.

4

5 MS. ANAGATOPALIS: Those are the  
6 rollovers for the total amount so less than a  
7 million of that is rolled over for English  
8 language learners and the remainder is rolled over  
9 for the middle school initiative.

9

10 CHAIRPERSON JACKSON: Okay. So  
11 basically all of that is rollover then?

11

12 MS. ANAGATOPALIS: I'm not sure  
13 where you're looking at so...

13

14 CHAIRPERSON JACKSON: I'm looking  
15 at page 11 under the description where it says \$7  
16 million year 2 of ELL success.

16

17 MS. ANAGATOPALIS: That's the  
18 rollover.

18

19 CHAIRPERSON JACKSON: Yeah, all of  
20 that is rollover.

20

21 MS. ANAGATOPALIS: That's rollover.

21

22 CHAIRPERSON JACKSON: Okay.  
23 [pause]

22

24 CHAIRPERSON JACKSON: Let me ask  
25 about class size. In the Department of  
Education's opinion are class sizes up this year?

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2 MS. ANAGATOPALIS: As I said, I  
3 think you have to look at the school level. You  
4 have the class sizes are down and are below target  
5 for--

6 CHAIRPERSON JACKSON: [interposing]  
7 You mean the targets that you set as far as the  
8 numbers that you set and not compared to the  
9 state. Is that correct?

10 MS. ANAGATOPALIS: The state didn't  
11 set any number.

12 CHAIRPERSON JACKSON: No, under the  
13 Contract for Excellence they set a target--

14 MS. ANAGATOPALIS: [interposing]  
15 No, the state did not set that target, we set that  
16 target. The state approved the plan.

17 CHAIRPERSON JACKSON: Well, your  
18 plan does not call for when the state initially  
19 allocated the Campaign for Fiscal Equity money it  
20 said that the class size reduction must reach a  
21 certain target amount within five years.

22 MS. ANAGATOPALIS: That target  
23 amount was the amount we put in the plan. I think  
24 that's important to note which is exactly the  
25 targets I'm talking about.

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CHAIRPERSON JACKSON: Is that was the state basically put forward going back when they agreed with the CFE?

MS. ANAGATOPALIS: We established those targets. I'm not trying to be--

CHAIRPERSON JACKSON: [interposing] Let me go back. When did you establish those targets?

MS. ANAGATOPALIS: For the class size plan so the state--

CHAIRPERSON JACKSON: [interposing] When, when?

MS. ANAGATOPALIS: That's what I'm trying to explain. In the CFE agreement was reached there was the requirement that for Contract for Excellence funds that New York City would actually develop and then implement a five year class size plan.

CHAIRPERSON JACKSON: Right. Go ahead. I'm sorry.

MS. ANAGATOPALIS: That plan had in it the targets October of 2007. There were targets in that plan in which we, the DOE established and which the state Department of

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Education approved.

CHAIRPERSON JACKSON: That was 20 students in grade K through 3. Is that correct?

MS. ANAGATOPALIS: That's correct.

CHAIRPERSON JACKSON: 23 students in grades 4 to 8.

MS. ANAGATOPALIS: Right.

CHAIRPERSON JACKSON: 23 students in students 9 to 12. Is that correct?

MS. ANAGATOPALIS: For electives and 24.5--

CHAIRPERSON JACKSON: [interposing] With electives and 24.5.

MS. ANAGATOPALIS: Right.

CHAIRPERSON JACKSON: Then the five year capital plan that was submitted last year had what numbers in it? Did it have these numbers in there?

MS. ANAGATOPALIS: I couldn't tell you sir. I don't know that. I could find that out for you but the capital plan was aligned with the targets.

CHAIRPERSON JACKSON: Aligned with what?

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2 MS. ANAGATOPALIS: Was aligned with  
3 the targets.

4 CHAIRPERSON JACKSON: With these  
5 targets?

6 MS. ANAGATOPALIS: With the class  
7 size plan and the class size plan was to reach an  
8 average across the city.

9 CHAIRPERSON JACKSON: I don't  
10 believe that the five year capital plan was  
11 aligned with these numbers here.

12 MS. ANAGATOPALIS: The new capital  
13 plan is aligned with these numbers. I could go  
14 and get you the information on the old capital  
15 plan.

16 CHAIRPERSON JACKSON: Okay. So to  
17 go back to my question in which you said that in  
18 essence your response are class sizes up this  
19 year? Your response I'm gathering is no?

20 MS. ANAGATOPALIS: No, I did not  
21 say that.

22 CHAIRPERSON JACKSON: I'm gathering  
23 from your response though, your answer is no that  
24 class sizes are not up. Am I wrong or am I right?

25 MS. ANAGATOPALIS: What I'm trying



1  
2 to explain to you is that if you look at the  
3 average class size as defined, you see a .2  
4 increase but you need to look at what that means  
5 from the overall system. If you had taken out the  
6 15% or so of the schools that had the outsized  
7 class drove that average number up. Without those  
8 schools here in that mix, you would have actually  
9 had no increase in class size.

10 I think that's very important to  
11 understand. It is being driven by a small  
12 percentage of our schools. Then also if you look  
13 at--

14 CHAIRPERSON JACKSON: [interposing]  
15 Small percentage, under 15%.

16 MS. ANAGATOPALIS: It's under 15%.

17 CHAIRPERSON JACKSON: That's small,  
18 right?

19 MS. ANAGATOPALIS: Well, relatively  
20 small. It's something that we can work with.

21 CHAIRPERSON JACKSON: Okay. But  
22 I'm reading the papers and according to UFT on  
23 September 24 they filed grievances in over 6,700  
24 classes that exceeded their contractual limits.

25 MS. ANAGATOPALIS: Those numbers

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were taken in the second week in school when a couple of things. Registers were not settled. In fact, register information wasn't even clean. Long term absences were included and so on. The data was, as we call it, dirty at that point in time. And then also if you look at as the registers settle over time and we get towards the end of October, we actually have a clearer picture of what the class size is.

I went back having seen that article this weekend. If you look at the fact that there were, I think he references something like 6,700 classes or so on. When you look at the number of grievances they actually file, it's under 500. By the time you get in to a month away and then it peters down to a couple of hundred, at most by the time they actually go to any grievance hearings.

This happens every year and it comes down to, as the first month of school settles, those classrooms come down in size well below contractual limits.

CHAIRPERSON JACKSON: So in essence what are you saying to me?

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MS. ANAGATOPALIS: It's a timing.

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CHAIRPERSON JACKSON: Are you

4

saying timing?

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MS. ANAGATOPALIS: It's timing.

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CHAIRPERSON JACKSON: Or does it

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say that the number of students exceed the class

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size limitations as per what you agreed to.

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Anytime you--

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MS. ANAGATOPALIS: [interposing]

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They do not. No.

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CHAIRPERSON JACKSON: I'm sorry.

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Anytime you exceed that, it's a violation. Is

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that correct?

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MS. ANAGATOPALIS: When you exceed

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the class size limits--

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CHAIRPERSON JACKSON: [interposing]

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It's a violation of the contract, is that correct?

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MS. ANAGATOPALIS: If you go over

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the 34 and the 33 and the 30.

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CHAIRPERSON JACKSON: Even if you

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exceed it for one week or one month.

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MS. ANAGATOPALIS: That is not true

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sir.

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CHAIRPERSON JACKSON: Okay then how

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long are you allowed to exceed it before it becomes a violation of the contract?

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MS. ANAGATOPALIS: What happens is they have 12 days to file the grievance. So given that over the 12 days the registers have not settled. This is a usual at the beginning of school activity. Then those registers settle, the principals move the students around, we move the students around and we are able to get down to less than a couple of hundred classes where we have an issue with contractual class size on which they grieve.

CHAIRPERSON JACKSON: So in essence you're able to resolve those through...

MS. ANAGATOPALIS: The students are moving around and the registers are getting cleaned up. The data, it takes a long time with 1,500 schools to get the data clean.

CHAIRPERSON JACKSON: And you were saying that by the time the dust settles there's about 500 classes?

MS. ANAGATOPALIS: No, not 500. I think we're talking a couple of hundred and we can get you those numbers. It could even be lower

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2 than that. We will get you those numbers.

3 [pause]

4 CHAIRPERSON JACKSON: How did those  
5 numbers of 6,700 grievances being filed. How did  
6 that compare to last year's grievances? Was that  
7 this year's numbers up or down compared to last  
8 year?

9 MS. ANAGATOPALIS: I couldn't tell  
10 you because we don't know how they actually got  
11 their numbers. We don't know how they developed  
12 those numbers.

13 CHAIRPERSON JACKSON: I would  
14 assume the numbers came as a result of a grievance  
15 that was filed.

16 MS. ANAGATOPALIS: We don't know  
17 how they actually figured out the number of  
18 students because we don't have that on our  
19 registers.

20 CHAIRPERSON JACKSON: I'm sorry.

21 MS. ANAGATOPALIS: They did  
22 surveys. They surveyed their teachers as opposed  
23 to going to the system to get how many were  
24 actually officially in the class.

25 CHAIRPERSON JACKSON: Doesn't the

1  
2 Department of Education keep note of how many  
3 grievances are filed overall from a system wide  
4 point of view? Filing a grievance is a formal  
5 process within the contract.

6 MS. ANAGATOPALIS: Yes, we know how  
7 many grievances were filed. We're more than happy  
8 to get that for you.

9 CHAIRPERSON JACKSON: Do you agree  
10 with 6,700 classes exceeded the contractual limit  
11 as per what the paper reported?

12 MS. ANAGATOPALIS: No, I don't  
13 agree with that. One, we don't know what the  
14 number was and two, I'm telling you, they did that  
15 on the basis of a survey. And secondly, they did  
16 that at the less than two weeks into the school  
17 year.

18 CHAIRPERSON JACKSON: I understand  
19 that part. But there's one thing as far as less  
20 than two weeks into the school year and even three  
21 months into the school year. There's another  
22 thing as far as the number of grievances that were  
23 filed by--

24 MS. ANAGATOPALIS: [interposing]  
25 Those are not actually the number of grievances

1  
2 filed. By the time you get to a formal filing, it  
3 was in the hundreds.

4 CHAIRPERSON JACKSON: In the  
5 hundreds.

6 MS. ANAGATOPALIS: Then it dropped  
7 even less than the large number of the hundreds. I  
8 have to get you the final numbers. I don't want  
9 to talk off the top of my head on those numbers.  
10 But it is well under 1,000, well under 1,000 and I  
11 believe it's under 500 in terms of what the final  
12 grievances that actually went to arbitration.

13 CHAIRPERSON JACKSON: now with the  
14 fiscal downfall, I would assume this is going to  
15 have a negative impact or how is it impacting the  
16 class size reduction plan overall?

17 MS. ANAGATOPALIS: As I mentioned  
18 to your colleague, we are now in the process of  
19 having to do the analysis of what that impact is.  
20 Given that the state extended their implementation  
21 of the settlement so that we have \$1.3 billion  
22 less coming for these two years. Given that we  
23 have the Cliff funding that will happen at the end  
24 of the next school year from the federal stimulus  
25 funds and given the continued economic

1  
2 deterioration, it would be unrealistic to think  
3 there won't be a negative impact on the class size  
4 plan but we need to do that analysis now and see  
5 what that is. We will then be over the next  
6 course of the couple of months, be able to come  
7 back and have done the analysis on exactly what  
8 that impact is on the class size plan.

9 CHAIRPERSON JACKSON: Would you  
10 please then recommend to your bosses that you  
11 report to, to shift \$1 billion from prison  
12 construction to construction of schools? I'm not  
13 joking. I'm very serious.

14 Can you explain to me then, you  
15 have a coaching program for class size reduction?

16 MS. ANAGATOPALIS: Yes.

17 CHAIRPERSON JACKSON: Can you  
18 explain that, how many schools are involved with  
19 it, who's in charge, so forth and so on.

20 MS. ANAGATOPALIS: There are two  
21 groups of schools that have been targeted. There  
22 are the group that is about 75 or so that were  
23 targeted by the state as low performing and high  
24 class size. There's another group that we looked  
25 at and I'm going to look at my colleague, Allie.



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2 I believe it's 160 or so - 156 schools that are in  
3 the coaching program.

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CHAIRPERSON JACKSON: Is that  
elementary, intermediate or all; elementary,  
intermediate and high school?

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MS. ANAGATOPALIS: It's all. In  
the coaching program what we do is we work with  
them. We talk to them about how can you better  
schedule your classes. How can you actually work  
through and reconfigure your classes across the  
grades and so on. It's basically taking best  
practices out of schools that have roughly the  
same type of enrollment and population in terms of  
academic achievement and helping them work through  
what are some of the best practices for reducing  
your class size.

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CHAIRPERSON JACKSON: Is that  
listed anywhere on your web site as to what  
schools have these?

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MS. ANAGATOPALIS: Yes, it is.

CHAIRPERSON JACKSON: It is? What

link is that?

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MS. ANAGATOPALIS: That's in the  
class size plan, in that area where we update the

1  
2 class size plan. There's a separate link for the  
3 class size plan but it's on the class size plan  
4 web site.

5 CHAIRPERSON JACKSON: There's a  
6 class size plan web site.

7 MS. ANAGATOPALIS: Yeah. If you go  
8 on our web site there is a page about for class  
9 size.

10 CHAIRPERSON JACKSON: I should see  
11 it there as to the schools that you mentioned,  
12 160, what?

13 MS. ANAGATOPALIS: Yes, yes. 156.

14 CHAIRPERSON JACKSON: Classes not  
15 schools, is that correct?

16 MS. ANAGATOPALIS: Schools.

17 CHAIRPERSON JACKSON: Schools,  
18 okay. Let me turn to my colleague Lou Fidler of  
19 Brooklyn, please.

20 COUNCIL MEMBER FIDLER: I really  
21 only have one question. I want to see if I  
22 understood you correctly. You stated that the  
23 class size increase this year is driven by  
24 increases in just 14% of our schools. Is that  
25 what you're saying?

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MS. ANAGATOPALIS: Right.

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COUNCIL MEMBER FIDLER: Last year, if you took out the worse 14% of our schools, what would be reflected in our class size numbers.

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MS. ANAGATOPALIS: I would like to do that analysis. I haven't had the chance to do that yet. We're more than happy to do it for you and let you know.

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COUNCIL MEMBER FIDLER: Quite frankly, I think it's entirely relevant. I think it was in ninth grade that I first heard the expression that figures lie and liars figure. To come in here and defend the class size increase by saying, well it's just 14% of our schools without telling me whether or not that's aberrational or whether or not if I took out the 14% worst every year, what the numbers would look like. You are comparing apples to bananas.

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MS. ANAGATOPALIS: No, no, no, sir.

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COUNCIL MEMBER FIDLER: Yeah, you are.

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MS. ANAGATOPALIS: If you took the 14%, if you took those same schools out last year then we would be looking at taking out this year a

1  
2 second year and the class size would have been  
3 about the same. I'm more than happy--

4 COUNCIL MEMBER FIDLER:

5 [interposing] That's a nuance of what I just said.  
6 It's not what I just said. If you took out the  
7 14% worst overcrowded schools last year, what  
8 would the numbers look like? Not the same 14%,  
9 not the same schools, the same 14%. I think if  
10 you're going to come here and justify an increase  
11 in class size by saying it's just 14%. If you  
12 want a relevant statistic, take out the worst 14%  
13 for each of the last three years and tell me what  
14 the class size numbers would be. That would be a  
15 more accurate reflection of what's going on.

16 MS. ANAGATOPALIS: Sir, I think you  
17 have to look at what we're using the numbers for.  
18 We're more than happy to do the analysis you just  
19 said, that's not difficult to do, obviously. But  
20 what we're looking at is what would it have taken  
21 to gotten us to flat class size. We knew that the  
22 budget situation was such that it was going to be  
23 difficult to see a decrease in class size; we  
24 already knew that.

25 You think about when those schools

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were actually doing the hiring of teachers, it was right when we told them there was a budget cut. So automatically you can see the principals pulling back. What we did is we looked and said what's driving this increase? Is it across the board so that we needed to understand what work we had to do. What it turned out what was when you looked at these most egregious 166, that's when you saw no increase in class size. It's just different approaches to what we're doing.

COUNCIL MEMBER FIDLER: I can appreciate that full analysis is always appropriate when you're trying to figure out how to solve a problem. What it sounded like sitting up here was that a defense by Tweed of why class size has gone up when we're trying to drive class size down. That's what it sounded like from here and it sounds like a spin, which is--not blaming you but we get from Tweed all the time when it comes to statistics that are presented to us about graduation rates, test scores and what not.

If we're going to hang our hat on a statistic like well it's just the 14% then we ought to have full analysis of all the statistics.

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2 MS. ANAGATOPALIS: We're more than  
3 happy--

4 COUNCIL MEMBER FIDLER:

5 [interposing] Frankly, frankly, if you want to  
6 solve the problem of increase in class size, move  
7 \$290 million out of the central administration and  
8 to the school classroom budgets and that will  
9 solve the problem.

10 MS. ANAGATOPALIS: If I could just  
11 answer that, please. Just a little over \$500  
12 million left in central administration--

13 COUNCIL MEMBER FIDLER:

14 [interposing] I think that's another spin on  
15 statistics. It's an incredible thing. We closed  
16 down 110 Livingston Street because supposedly the  
17 bureaucracy, the process needed to be changed, it  
18 was bloated or whatever. I guess how we define  
19 central administration is how you get to that  
20 number. I heard the Chancellor use that same  
21 number here too. I don't buy it, in fact, because  
22 of the way the Department of Education budget is  
23 presented, units of appropriation in the billions  
24 of dollars, it makes it very difficult to  
25 challenge. But if you start to add in stuff like

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2 network support groups and what not. They may not  
3 be located at Tweed, the bureaucracy is just as  
4 large as it's ever been.

5 MS. ANAGATOPALIS: Okay. So I  
6 think it's--

7 COUNCIL MEMBER FIDLER:  
8 [interposing] It's larger. I would love the  
9 opportunity to have a real line item budget for  
10 the Department of Education so we could actually  
11 debate that point.

12 MS. ANAGATOPALIS: If I may, sir,  
13 the number that I quoted you includes the school  
14 support organizations. It's the central and the  
15 file. It's a little over \$500 million so if you  
16 took \$290 million we couldn't do the payroll for  
17 the teachers. The second thing is we are more  
18 than happy to sit down and do any kind of line  
19 item analysis that you would like. We are not the  
20 ones that required the units of appropriation. I  
21 believe that is a citywide and City Council  
22 agreement.

23 COUNCIL MEMBER FIDLER: I don't  
24 think it's a City Council agreement. I think it  
25 is--

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2 MS. ANAGATOPALIS: [interposing] We  
3 were told that--

4 COUNCIL MEMBER FIDLER:  
5 [interposing] I think if you ask the Independent  
6 Budget Office whether or not the Department of  
7 Education has come into line with what was  
8 expected in terms of transparent budgeting, I  
9 think you get a very different answer than the one  
10 I'm hearing here.

11 MS. ANAGATOPALIS: Okay. So then  
12 we're happy to walk you through it.

13 CHAIRPERSON JACKSON: Let me ask a  
14 question about universal Pre-K, if I may. The  
15 contract includes \$6 million for full day  
16 universal Pre0k, up from \$5 million in fiscal year  
17 2009. How is this money going to be spent? Are  
18 they going to increase classes? How many schools  
19 does the \$6 million in full day Pre-K allocation  
20 would it support?

21 MS. ANAGATOPALIS: They would be  
22 increasing the number of Pre-K classes they would  
23 be holding. I can get you that total number. I  
24 don't have it here. More than happy to get it for  
25 you. It's actually good to see because as you



1  
2 know, we need that full day. We don't get the  
3 money from the state for the full day so we're  
4 thrilled that they would do this.

5 CHAIRPERSON JACKSON: Do you see an  
6 increase in full day universal Pre-K?

7 MS. ANAGATOPALIS: To add \$1  
8 million, it's very slight.

9 CHAIRPERSON JACKSON: Say that  
10 again.

11 MS. ANAGATOPALIS: \$1 million  
12 doesn't buy you a lot. It buys you something but  
13 it doesn't buy a lot. It's good they're doing it,  
14 don't get me wrong. We want that but it's not a  
15 significant increase.

16 CHAIRPERSON JACKSON: So do you see  
17 an increase in full day Pre-K at all or you just--

18 MS. ANAGATOPALIS: [interposing]  
19 No, if you have more money into full day Pre-K  
20 then yes, we have more full day Pre-K classes.

21 CHAIRPERSON JACKSON: So you don't  
22 have that information now? You'll get it to me?

23 MS. ANAGATOPALIS: We'll get you  
24 the number of classes.

25 CHAIRPERSON JACKSON: You said you

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have your auditor general here. Is that correct?

BRIAN FLEISHER: yes.

CHAIRPERSON JACKSON: I just don't want you to come and sit here without responding to a question.

MR. FLEISHER: Thank you.

CHAIRPERSON JACKSON: Have you audited the Contract for Excellence money for 2007 and 2008?

MR. FLEISHER: No, according to the--

CHAIRPERSON JACKSON: [interposing] Could you pull the mic up a little closer to you please. Just identify yourself for the record again.

MR. FLEISHER: My name is Brian Fleisher. I'm the Auditor General for the New York City Department of Education. The law and regulations around the Contract for Excellence doesn't allow me as the Department's internal auditor to perform that audit. It needs to be done by an independent CPA. So Ernst & Young performed the audit of the 07/08 school year. That is in draft with the state but that audit was

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performed by Ernst & Young.

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CHAIRPERSON JACKSON: Ernst & Yong.

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MR. FLEISHER: Yes.

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CHAIRPERSON JACKSON: That audit is  
in draft form right now?

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MR. FLEISHER: Yes.

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CHAIRPERSON JACKSON: What about  
08/09?

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MR. FLEISHER: 08/09 has not been  
audited yet.

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CHAIRPERSON JACKSON: When do you  
expect that to happen?

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MR. FLEISHER: That should happen  
January and February.

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CHAIRPERSON JACKSON: Of 2010?

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MR. FLEISHER: Yes.

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CHAIRPERSON JACKSON: Which audit  
firm is going to do that, do you know?

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MR. FLEISHER: We're discussing  
that with the State Education Department to get  
their confirmation that they are comfortable with  
Ernst & Young continuing to perform the audit or  
if they want us to procure those audit services  
some place else.

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2 CHAIRPERSON JACKSON: Do you know  
3 if the audit services of Ernst & Young was done in  
4 an open competitor process?

5 MR. FLEISHER: No, because it was--

6 CHAIRPERSON JACKSON: [interposing]  
7 It was not?

8 MR. FLEISHER: The audit services  
9 of Ernst & Young, yes, were open and competitive  
10 but not specifically for C4E. There was an open  
11 end competitive request for proposal process for  
12 Department wide audit services that Ernst & Young  
13 won in a competitive process three and a half  
14 years ago. Under that contract, we can issue work  
15 orders and have agreed upon procedures with them  
16 for any number of audits that become necessary  
17 over the course of that four year period.

18 CHAIRPERSON JACKSON: In essence,  
19 because the Department of Education had retained  
20 the services of Ernst & Young three and a half  
21 years ago you just used Ernst & Young in order to  
22 fulfill the obligations under Contract for  
23 Excellence.

24 MR. FLEISHER: Right. We did that  
25 in year one in part because the regulations for

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2 independent audit for the first year of C4E were  
3 significantly delayed in issuance by the State  
4 Education Department. By the time those  
5 guidelines for internal auditors were issued, we  
6 were running against the clock in terms of the  
7 anticipated time line for that audit to occur.  
8 That's one of the reasons why I'm sitting here  
9 today telling you that it's still in draft and it  
10 hasn't been issued yet.

11 It's very delayed in terms of  
12 getting those guidelines. So we specifically  
13 spoke with the State Education Department and  
14 said, hey, if you want us to be able to turn this  
15 out in any reasonable amount of time at all.  
16 We've got an existing competitively bid contract  
17 with Ernst & Young that will allow us to do it far  
18 quicker and in a timely fashion than if we had to  
19 go through a new procurement process.

20 CHAIRPERSON JACKSON: And they said  
21 yes to that?

22 MR. FLEISHER: Yes.

23 CHAIRPERSON JACKSON: Your office  
24 is the Office of the Auditor General?

25 MR. FLEISHER: Yes.

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2 CHAIRPERSON JACKSON: How many  
3 staff do you have in your office?

4 MR. FLEISHER: I have approximately  
5 40 full time employees including clericals.

6 CHAIRPERSON JACKSON: I'm sorry,  
7 can you briefly describe to me what the  
8 responsibilities of your office are?

9 MR. FLEISHER: Okay. There are a  
10 wide range of responsibilities. We're essentially  
11 the internal audit office for the New York City  
12 Department of Education so our overall mission is  
13 to evaluate the internal allocation of resources  
14 within the Department of Education to ensure that  
15 resources are being used effectively and  
16 efficiently with proper internal controls to  
17 maximize the ability of the Department's senior  
18 leadership to meet its organizational goals.

19 We have additional responsibilities  
20 defined under state education law that includes  
21 the responsibility to perform annual fiscal  
22 performance audit and bi-annual fraud waste and  
23 mismanagement audits of the schools and districts.  
24 That is performed annually in partnership with  
25 Ernst & Young and sent up to the State Education

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Department annually.

CHAIRPERSON JACKSON: Who do you report to directly?

MR. FLEISHER: I report to Mike Best, the General Counsel.

CHAIRPERSON JACKSON: The operations manager is the one that has to approve changes in the C4E funding at the school level. Does any of them report to your shop whatsoever?

MR. FLEISHER: Me? No, they do not report to me. Audit should not oversee the actual functions that implement the day to day work of the schools.

CHAIRPERSON JACKSON: Okay.

MS. ANAGATOPALIS: I actually have those numbers for the UFT grievances if you'd like those.

CHAIRPERSON JACKSON: Sure, give them to me.

MS. ANAGATOPALIS: So in terms of the filings, so this is last year.

CHAIRPERSON JACKSON: The 08/09 school year.

MS. ANAGATOPALIS: 08/09, so that's

1  
2 the best I can do at this point. The UFT actually  
3 filed 448 demands for arbitration, one school  
4 representing multiple classes alleged to be  
5 oversized. By the time they moved forward with  
6 arbitration hearings it was down to 90 schools.

7 CHAIRPERSON JACKSON: Okay.

8 Demands for arbitration is the last step in the  
9 grievance process, isn't it?

10 MS. ANAGATOPALIS: What it was is  
11 it went through. They demanded arbitration and  
12 then it went to--I can give you all the details.  
13 244 went for a hearing then they withdrew the  
14 grievances on 154 of the 244. By the time all was  
15 said and done, they moved forward with only 90.

16 CHAIRPERSON JACKSON: Okay. Thank  
17 you. Anything else? Thank you very much for  
18 coming in. We appreciate the dialogue and we will  
19 follow up with staff on all of the things that are  
20 outstanding.

21 MS. ANAGATOPALIS: Thank you very  
22 much.

23 CHAIRPERSON JACKSON: Next we're  
24 going to hear from Richard Farkus, the Vice  
25 President for Junior High Schools at United



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2 Federation of Teachers.

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RICHARD FARKUS: Good morning  
Council Member Jackson.

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CHAIRPERSON JACKSON: Good  
afternoon. Just press the button please identify  
your self and your position and you may begin your  
testimony.

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MR. FARKUS: Good morning Council  
Member Jackson and members of the Education  
Committee. My name is Richard Farkus, I'm the  
Vice President for Middle Schools and Junior High  
Schools for the United Federation of Teachers. On  
a personal note, I just would like to thank you  
for your continued advocacy for our students and  
teachers and your commitment to making sure that  
we have equity in our systems. Thank you.

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I just want to clear some things up  
and I think the point about our grievances was a  
little misunderstood. We have contractual  
guidelines. Let's say in a Title I middle school  
it's 30 and in a non-Title I middle school it's  
33. A high school could be 34, an elementary  
school could be 33. Those are the contractual  
limits and we have to file grievances within the

1  
2 first 15 days otherwise we lose that right to  
3 pursue it.

4           The Contract for Excellence class  
5 size reduction is far, far below those numbers. I  
6 believe in the middle schools and the high schools  
7 it's 25. In the elementary schools I believe it  
8 was 23 so we're talking about grievances of class  
9 sizes that are 7, 8, 10, 12 over what the C4E  
10 mandates were. So when we're talking about  
11 grievances I believe the DOE was missing the point  
12 entirely. We file grievances when our class sizes  
13 are above the contractual limits, which are in  
14 some cases 8, 9, 10, 11 students over what the C4E  
15 mandates were. I was sitting there listening to  
16 them. I said, they're missing the point.

17           There are a couple of issues that  
18 we have. First is the issue of transparency and  
19 accountability that the court victory gave us. In  
20 order for the state or the public to accurately  
21 assess the C4E program in New York City, we need  
22 concrete financial information about how the C4E  
23 funding is distributed and used by each school.  
24 This must be open to scrutiny and this is not  
25 happening.

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2                   The Campaign for Fiscal Equity  
3 engaged in exhaustive review of the data and  
4 uncovered a number of serious issues with respect  
5 to the funding allocations, transparency, in which  
6 you hit upon the process for public participation.  
7 I would like to know the number of parents in  
8 communities around the city that actually  
9 participated at their CECs on this issue.

10                   I know you questioned them about  
11 it. They did not have the numbers but my feeling  
12 is public participation in this process is  
13 extremely low. And it's been extremely low on not  
14 only the C4E matters but on a lot of matters  
15 dealing with the DOE policy. Hopefully the new  
16 law will change that and there will be more public  
17 participation.

18                   You could talk about the days of  
19 the school boards and stuff like that. Well, I  
20 used to represent the UFT in a Queens district and  
21 we had a lot of issues with our school board. I  
22 have to tell you, it gave the parents in the  
23 community a place to go to voice their concerns  
24 and our local politicians attended those meetings  
25 and listened to the parents. There was a process

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2 there that really helped our kids. So although  
3 there was a lot of negative stuff about school  
4 boards, I believe that public process ultimately  
5 was very, very useful and hopefully we'll see a  
6 return for it.

7           The real core issue is what you hit  
8 upon and that is class size. Over the past three  
9 years we have not been satisfied with the DOE's  
10 implementation of the C4E process with respect to  
11 class size. We took a hard look at the class size  
12 data in April of 2009 and found that 765 schools  
13 that received a total of \$150 million in class  
14 size reduction funding, 47% of them lowered class  
15 size, 2% saw no change and 48% actually increased  
16 class size.

17           In other words, schools getting  
18 these funds were just about as likely to increase  
19 class size as to decrease it. So we talked about  
20 the contractual size limits and the grievances  
21 that we file. Those are so much higher than what  
22 the C4E actually call for.

23           What we need, and we go to Albany  
24 for this, is legislation. That legislation will  
25 actually make the city--right now what they do is

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2 citywide averages so they can talk about citywide  
3 averages but we're not talking about specific  
4 schools in specific neighborhoods. What we really  
5 need here is a cap in each classroom that actually  
6 caps the number of kids in that classroom. Not an  
7 average because you can have 20 kids and one class  
8 and 60 kids in another class. You combine them  
9 together or 40 kids and make an averaging you're  
10 going to have 25 kids. It doesn't help the class  
11 that has 50 or 60 kids if another class has ten.

12 They do that very creatively with  
13 something called Collaborative Tea Teaching. Now  
14 collaborative team teaching is when they put a  
15 special ed child at a ratio of 40% special ed to  
16 60% general ed and they could have a lower class  
17 size. So the reason for that is to give that  
18 special ed kid an environment with general  
19 education in a small group setting where they  
20 actually can get help. By lowering that class  
21 size, they count that in the average and it really  
22 distorts the numbers.

23 We need to have a real cap not just  
24 a citywide cap. At the very least an average per  
25 grade in each school. When we look at the fourth

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2 grade we want to know what the average is in that  
3 particular school, not a citywide average because  
4 citywide averages you got Corona and you got  
5 Washington Heights and you could have District 2  
6 and all these numbers could be in a citywide  
7 average, completely distorted. So we really need  
8 caps for school or, at the very least, an average  
9 grade per school.

10                   Hopefully with the new leadership  
11 at the state ed department and Chancellor Tish and  
12 Commissioner Steiner we can go forward with this.  
13 We just want to thank you for focusing on this  
14 issue and being vigilant and pressing them so that  
15 we do have equity in our schools. That our class  
16 sizes finally get reduced to the numbers that the  
17 courts mandated, that we envision and that we know  
18 will best help our kids. Obviously, when you  
19 focus on grievances of 30, 33, 34, that doesn't  
20 really answer the question. Thank you.

21                   CHAIRPERSON JACKSON: Thank you.

22 Let me ask you a question concerning in the  
23 grievance process when the contractual limits of  
24 the number of students in the classroom occur, is  
25 there a grievance that goes at the step one or

1  
2 step two or three. Or is it a state grievance  
3 that's filed for a demand for arbitration.

4 MR. FARKUS: Yes.

5 CHAIRPERSON JACKSON: I'm asking  
6 you to explain that because from a perspective as  
7 far as labor relations, my understanding is that a  
8 demand for arbitration and administrative process  
9 is basically the last step. So help me to clarify  
10 I guess UFT's contract.

11 MR. FARKUS: Actually, I'm not the  
12 expert on the class size grievance but I'm pretty  
13 familiar with it. What you said was what happened  
14 previously in years past. A number of years ago,  
15 probably five, six, seven years ago we actually  
16 changed the process to give the principals the  
17 first 15 days of the school year to actually  
18 reduce the class sizes internally.

19 And we get this, by the way this is  
20 not made up, we get this out of what they call the  
21 ATS, which is the pupil accounting system in each  
22 school. When the union representative files and  
23 the union representative in the building files  
24 these grievances he goes to the principal first  
25 and says listen. We have 38 kids in a class here.

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2 We have to try to reduce it. Principal says well  
3 I don't now if we can. We can try to move some  
4 kids around. But the 15th day if we don't file we  
5 lose that right. So we file those grievances and  
6 they are demands for arbitration.

7 Now, when we get to arbitration  
8 because sometimes, because we have thousands of  
9 these classes and each teacher file on behalf of  
10 the chapter leader files it on behalf of the  
11 school. So in a high school you could have  
12 hundreds of grievances because it's a grievance  
13 for each class. For elementary school it could be  
14 one class in a grade but when you get to high  
15 school it could be every class has a grievance  
16 because of the programs.

17 We file that as a demand for  
18 arbitration. It takes a while to get these heard  
19 because sometime they do 10 a day, 20 a day.  
20 There are some certain stipulations in the  
21 arbitration process, which says we can allow this  
22 to occur if it's a first time thing. We give them  
23 a year to straighten it out. If for example a  
24 math class has 36 kids in it and that was the  
25 first time that grievance was filed for that



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2 particular school or that particular grade or that  
3 particular subject.

4           The arbitrator has a right to say,  
5 well, go along with that for one year but don't do  
6 it again. Actually, they put the principals on  
7 notice that you have a one year window. We'll let  
8 you slide; they call it an exception to the rule.  
9 We'll let you slide this one year as an exception;  
10 don't do it again. If you bring it back a second  
11 year then we're going to rule on behalf of the  
12 union. A lot of them get dismissed as exceptions  
13 to the rule.

14           COUNCIL MEMBER IGNIZIO: What do  
15 they do when they rule in favor of the union?

16           MR. FARKUS: Excuse me?

17           COUNCIL MEMBER IGNIZIO: What is  
18 the consequence of ruling in favor of the union?

19           MR. FARKUS: They order the class  
20 sizes to go to the contractual limit. In some  
21 places where there is no room, they can put a  
22 paraprofessional in that room, especially in the  
23 elementary schools. Teachers have told us that  
24 while they love the help of a paraprofessional in  
25 the room, all that does really is increase an

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2 adult body in an over crowded room.

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I think your point on the capital plan is very important, that you can't reduce class size unless you have the space to put the kids. So if an arbitrator says, okay, we'll give you a paraprofessional and this will be the remedy for this class size. Teachers says I don't need a paraprofessional, I need a reduction in my kids. The paraprofessional is great but there's no room for her to sit, no room for her to work with the kids.

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CHAIRPERSON JACKSON: I asked a question about 6,700 as per the UFT in the newspapers, 6,700 classes that exceeded contractual limits. I asked a question compared to last year.

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MR. FARKUS: I don't have those numbers right now as compared to last year but we can get them for you, the number of class size grievance this year as compared to last year.

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CHAIRPERSON JACKSON: Thank you very much.

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MR. FARKUS: Okay thank you Councilman. Thank you very much.

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2 CHAIRPERSON JACKSON: Next we're  
3 going to hear from Helane Durant, Campaign for  
4 Fiscal Equity, Eric Weltman, Alliance for Quality  
5 Education and Laney Henson, Class Size Matters.

6 [pause]

7 Just identify yourself and you may  
8 begin. Your position, your title, you may begin  
9 your testimony.

10 HELANE DURANT: It's nice and cool  
11 in here this morning, I have to say. It's  
12 freezing. My name is Helane Durant, I'm the  
13 Deputy Director of the Campaign for Fiscal Equity.  
14 Thank you Chairman Jackson for holding this  
15 oversight hearing on the Contract for Excellence.  
16 Thank you other Council Members for hanging in  
17 there. It's good to see you all. As I said, I'm  
18 Helane Durant, I'm going to speak on behalf of the  
19 Campaign of Fiscal Equity.

20 I submitted 20 copies as you asked.  
21 The comments are very, very detailed. We do  
22 consider ourselves the oversight watchdogs of this  
23 money but I will not go through that today. CFE  
24 certainly, Chairman Jackson knows what CFE is but  
25 for the few people who might not know. CFE in

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2 1993 challenged the State of New York that they  
3 were under funding New York City's public schools.  
4 We pursued that litigation for 13 years, had a  
5 final court of appeals decision in 2006, which  
6 upheld the right that indeed New York City was  
7 being under funded and students denied their  
8 constitutional right to a sound basis education,  
9 meaning a meaningfully high school education.

10 In 2007 a law was passed that  
11 thwarted the constitutional right. The  
12 legislations passed for New York City \$5.4 billion  
13 for New York City to be phased in over four years.  
14 The Contract for Excellence is something that CFE  
15 and all of our allies fought for. It was to be  
16 the accountability measure and help us have a  
17 transparent process in looking at how this money  
18 is spent. I think all of us care that after  
19 winning this what we wanted was to demonstrate  
20 that this money actually matters.

21 So the point of the contract  
22 process wasn't to be a gotcha mechanism it was to  
23 be that together we can see what are the programs  
24 and strategies that work, that we should be not  
25 only leveraging our CFE dollars for but our other

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2 dollars to actually get the changes that we wanted  
3 in our schools.

4           This is a tough economic crisis  
5 although I was hearing on the way down that the  
6 Dow is looking kind of good today. We can have a  
7 little bit of happiness that maybe something will  
8 come. CFE does understand we're in an economic  
9 crisis but we have five concerns I'm going to  
10 touch on. Our testimony touches on more but I  
11 just wanted to outline briefly for you.

12           The timeline really makes a mockery  
13 of the process. I don't know, there's days that  
14 we would like to take SED and sort of, I don't  
15 know, sit them in room and yell at them probably.  
16 Because they're sort of complicit in this process.  
17 What do you mean you're dialoguing through the  
18 summer that you're not ready to do the process?  
19 You sent the allocations out in May, you got them  
20 back in June, why was it that we could not issue a  
21 contract like every other district in the rest of  
22 the state did. So we do not buy that the time  
23 line should be negotiated away and that we should  
24 have a process where schools opened and now we're  
25 commenting on a contract.

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2 In terms of we had been given  
3 indications by the DOE that they were going to  
4 forgo their five borough hearings and focus on the  
5 community education council level. We don't  
6 necessarily agree with that but it was good to see  
7 that there was going to be some focus on the CECs.  
8 But what kind of makes us very angry is that the  
9 CECs were approached in August. Now, there was an  
10 opportunity at that point in time for the DOE to  
11 make a good faith effort that you should send  
12 relevant information to the CECs, sort of your  
13 point Chairman Jackson, of these folks are holding  
14 a hearing, do they need to be in the dark?

15 So when we got the notice that they  
16 were going to switch it to the level, we called up  
17 some of our community education councils because  
18 we have a fairly good relationship. We've been  
19 going out for the last two years, briefing people  
20 on the Contract for Excellence so they understand  
21 what it is. We said, well what did you get? They  
22 said, well we didn't get anything. We took it  
23 upon ourselves, taking again seriously that we're  
24 the watchdogs here, that we actually took the  
25 contracts and split them up by district so that

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2 they could see the school level allocations.  
3 There were four different relevant documents that  
4 CECs and schools and parents and the community  
5 needed to see.

6           We think it's disingenuous that DOE  
7 did not send out district level to the school  
8 level information to the CECs. Myself and two of  
9 my colleagues from the CFE staff went to five of  
10 the Contract for Excellence hearings at the CEC  
11 level. What we observed was this: the  
12 superintendent presented a generic PowerPoint,  
13 which is the one that they were speaking of today.  
14 So it was basically an overview of the Contract  
15 for Excellence and there was one page that  
16 summarized what the district's specific allocation  
17 were to the six programs areas. no other details  
18 other than that. That was the discussion, that's  
19 what they gave them, that's what they said.

20           What we say was that the districts  
21 that we had relationship. The reason we went to  
22 five CECs is because they called us and they said,  
23 we'd like to have you here in order so that you  
24 can answer questions but we'd also like you to  
25 make a presentation because, let's face it,

1  
2 probably I don't know what the real number is,  
3 two-thirds of the CEC members are new. They don't  
4 have a clue what the Contract for Excellence is.  
5 They're suddenly having these pieces of paper  
6 plopped, which again was telling them nothing  
7 other than what we gave them.

8 My third, I'll try to be very brief  
9 with the last three. They were obligated under  
10 the law to actually report on \$645 million. And  
11 when we approached them and told them that, here's  
12 the relevant part s of the law, this is what it  
13 says. Next day, they didn't even respond to us.  
14 Oh yes, I'm sorry, they did respond to us. They  
15 sent us a link and what the link was that they put  
16 on the web site was the 2007/2008 approved  
17 contract at the State Education Department level.  
18 It's not a spreadsheet so it's only a PDF so you  
19 couldn't really look at it and compare it to  
20 anything and that was it.

21 It was said, oh, we did maintenance  
22 of effort. Well we have a real problem with that  
23 because that's not what the requirement of both  
24 the law, the regulations and the guidance. Now,  
25 in fairness the rest of the state's districts only



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2 reported on one year. Why SED backed off on this?  
3 In their own documents they said, you're supposed  
4 to report on and they would have the specific  
5 amount of the two years. They're complicit, in a  
6 sense, with them.

7           They call this \$388 million a  
8 maintenance of effort. Maintenance of effort to  
9 most people I think would mean that it's status  
10 quo, not much changed. I'm not going to go  
11 through the details, you have it in our testimony.  
12 Again, that watch doggy kind of thing we do, we do  
13 have the comparison between the approved contract  
14 for 1208/2009 and the proposed 2009/2010. There  
15 is significant movement of money with no  
16 explanation why.

17           \$38 million was in things like  
18 teacher and principal quality, ASD program the ELL  
19 success, Time on Task. But there was an  
20 additional \$42 million that was moved around in  
21 terms of the class size reduction money. What it  
22 calls into question for us, which is what we said  
23 in our analysis of their approved contract for  
24 2008/2009 is that we think supplanting still on  
25 the table here, that we're filling the gaps left

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2 by the city's own tax levy cuts with the C4E money  
3 which was never the intention. We're still very  
4 much concerned that supplanting is going on.

5 My final comment to you and you are  
6 very tenacious with this also is the contract  
7 expenditures. We don't know what's going on.  
8 It's one thing to allocate money and to challenge  
9 them in their allocations of whether the money is  
10 going to the right schools. It's a whole other  
11 thing to actually have the expenditures to see how  
12 tracked. We have challenged them on the class  
13 size reduction money as the UFT mentioned that  
14 there were 53% of the schools that got contract  
15 money from our analysis raised their class sizes  
16 last year.

17 The 2007/2008 audit is in draft  
18 still, that there's nothing done on the 2008/2009.  
19 This was meant by the law to be a relevant  
20 procedure. We weren't even supposed to proceed to  
21 the next year without having been guaranteed that  
22 you didn't supplant in the previous year. Your  
23 own, in negotiations for the City Council last  
24 year when you generously put together the package  
25 you did of the \$129 million, that in that signed

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2 contract with the Chancellor.

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They were supposed to report expenditures to the Council three different times prior to now. My understanding is that they didn't. The expenditures are a critical part to all this to determining that where the money went, how it was spent but I think most importantly, what are the programs and strategies that are benefiting our students and actually changing their lives so that we get them what they need. Thanks for the opportunity.

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CHAIRPERSON JACKSON: Thank you.

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Next.

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LANEY HENSON: My name is Laney Henson. I'm the Executive Director of Class Size Matters. Again, my testimony is much longer than what I'll say today. I have a fact sheet and a letter appending as well.

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I believe that the DOE is committing an ongoing fraud on New York City kids and New York State taxpayers by not spending this money appropriately, by not reporting on it and by not complying with all the requirements for transparency and accountability that were supposed

1  
2 to be built into the law as part of the Contract  
3 for Excellence. That was really the point of the  
4 Contract for Excellence, that we were going to  
5 have some sort of transparency. We knew where the  
6 money was going to be spent. We knew that it was  
7 going to spent on programs that were going to  
8 work. Finally we knew a portion of the money  
9 would be spent towards reducing class sizes to  
10 give some equity to New York City school children  
11 who continue to suffer from, by far, the largest  
12 class sizes in the state and some of the largest  
13 in the nation.

14 As far as the public process goes,  
15 it's been, as Helane said, really a joke. The DOE  
16 thought they could get away with having no public  
17 hearings at all and the state finally called them  
18 on it and they said all right. We'll do it in  
19 September. We'll do it in the most rushed,  
20 illegitimate, ridiculous way. Many of the CECs  
21 protested that they didn't want it on their  
22 agendas, that they didn't out it on their agendas,  
23 that there was no time for public outreach.

24 The PowerPoint that superintendents  
25 presented, that was a canned PowerPoint that DOE

1  
2 gave them; absolutely no information on it about  
3 the city's mandated five year class size reduction  
4 program. Not a single slide referred to it, not a  
5 single slide referred to the fact that they failed  
6 to make their class size targets two years in a  
7 row. Not a single slide referred to what the  
8 results of any of the money spent has been, in  
9 actuality.

10 We have reports from schools not  
11 just that they're not reducing class size  
12 according to law, but we have a report from a  
13 school that has allocated \$1 million model ELL  
14 programs and the teachers in that school say we do  
15 not have a single new ELL program in the school.  
16 All we have is one Push and ELL teacher, which  
17 we've had for years. So this is going on in all  
18 the categories.

19 It's even less transparent than DOE  
20 spending, which is Council Member Fidler noted is  
21 completely non-transparent. None of the goals  
22 that this program was set up to achieve have been  
23 achieved.

24 In the class size audit that  
25 happened in September with the City Comptroller.

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Part of the class size reduction plan that they submitted to the state was that they would keep the early grade class size reduction program as it even though it has formerly been folding into operating aid. When the City Comptroller released the results, what was the response by the DOE? The early grade class size reduction program no longer exists. That was their response even though it's listed as part of their class size reduction plan and part of their Contract for Excellence.

The public, again, I skipped over this but I think you should have noted that Photo mentioned that they submitted their plan October 9 to the state. When was the public comment process closed, October 8. What was the meaning of that public comment process? As usual, nothing. The whole thing is a fraud. The public process is a fraud, there's no transparency, there's no class size reduction. We might have well just thrown all that money down the toilet.

In explaining the increases in class size that occurred last year, I didn't have the benefit for Photo's explanation of this 15% of

1  
2 schools that without which they would have been  
3 flat. No mention of the fact that they were  
4 supposed to be going down not flat.

5 But Chris Surf, who was then Deputy  
6 Chancellor said that the reasons class sizes had  
7 gone up is that principals didn't think it was  
8 worth spending money on. That's ridiculous. We  
9 did the principal survey, with the help of your  
10 office Council Member Jackson and the CSA. 86% of  
11 New York City principals said they were unable to  
12 provide a quality education because of excessive  
13 class sizes; it's not the principals don't want  
14 it.

15 Another excuse offered by Garth  
16 Harries, who's no longer here but I think I should  
17 mention his name anyway was that class sizes went  
18 up because parents insisted on sending their kids  
19 to certain popular schools. Well that's a bogus  
20 explanation as well. The vast majority of kids  
21 attend their zoned elementary middle schools and  
22 in high school DOE completely controls the process  
23 of enrollment yet we see overcrowding going up  
24 over the last few years and class sizes going up.

25 There was another excuse that there

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were mid-year cuts to the budget. I think that part of the explanation was real but that does bring up questions of maintenance of effort. If the city's cutting back on its own investment in smaller classes and teachers that obviously undercuts the effort of the state and any future commitment the state is going to make to provide hundreds of millions of dollars if they're just going to see that money vanish with the city's own lack of commitment to class size.

Basically what I think we've had from the beginning here is the city does not intend to reduce class size, they never wanted to and they're never going to until someone holds them accountable.

Just one mention of the letter that we sent last week to the state commissioner of education. Signed on to by you Chairman Jackson as well as the public advocate, the Bronx borough resident, the UFT president and many, many community education council parents, members, presidents, PTA members, etc, asking them to force the city to comply with the law by imposing a corrective action plan. I just want to quickly go



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through the elements of that.

The city's plan should be revised to include specific class size reduction goals by school district and citywide, otherwise we'll never get there. The only places in the country that have ever reduced class size have specific targets that have to be achieved at the school level and the district level. Otherwise, there's just no way to implement such a plan and no way to provide oversight. It's not like other states and cities haven't Department of Education it. They have. It's not that complicated.

We recommend that the city should be obligated to put the 1,500 teachers on absent teacher reserve in the classroom. We're paying full salaries for these teachers. It's an incredible waste of resources and manpower, especially when we're seeing budget cuts and class sizes are going up. Why not put those teachers to work where they belong in the classroom to keep class sizes as low as possible.

The city should be forbidden from pursuing any policies that conflict with its class size goals. There are many policies that they

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2 continue to pursue year after year which will  
3 prevent significant reductions in class sizes from  
4 occurring; all the new schools, charter schools  
5 and new programs put into their buildings take up  
6 classroom space and will prevent the schools  
7 already in those buildings from reducing class  
8 size to appropriate levels. That's why we're  
9 saying do not allow the city to pursue these  
10 policies until these schools have achieved  
11 appropriate class sizes.

12           The state should require that the  
13 city revise its capital plan. This was in the  
14 state regs to be aligned with the class size  
15 reduction. I noticed that Photo said, well it is  
16 aligned. Well you Chair Jackson know better than  
17 anyone else that there is absolutely no alignment  
18 between the capital plan.

19           The new capital plan will only  
20 provide, at most, about one-third of the seats  
21 necessary to reduce class sizes to mandated  
22 levels. Given existing over crowding, no less  
23 mentioning the over crowding that we're going to  
24 see in the future due to massive overdevelopment  
25 and rising birth rates throughout the city.

1  
2 Finally the state should hold back  
3 all Contract for Excellence funds from the city  
4 until the city has shown exactly what has been  
5 achieved this year in terms of class size. The  
6 one change the state made to the law this year,  
7 which is not sufficient but it is that they have  
8 to report to the state what class size reductions  
9 have been achieved by November 17.

10 This year will be the mid point in  
11 the city's five year class size reduction plan  
12 instituted by the legislation so our children  
13 could be eventually assured they had an adequate  
14 education. There's no time to waste. Thank you,  
15 as always, for your support on this critical  
16 issue.

17 CHAIRPERSON JACKSON: Thank you.

18 Next, please.

19 ERIC WELTMAN: Good afternoon. My  
20 name is Eric Weltman, I'm the New York City  
21 Advocacy Director for the Alliance for Quality  
22 Education. I thank the Chairman and the Council  
23 Members for the opportunity to testify today.

24 The purpose and intent of the CFE  
25 investment in our schools was and is very clear.

1  
2 It is in addition to the city's own funding, not a  
3 substitute or a replacement for that funding. To  
4 use the state funding as a substitute is referred  
5 to as supplanting and the law made it illegal.

6 Today AQE is releasing a report. Nyc's Contract  
7 for Excellence closing the funding gap or funding  
8 a shell game. That report documents our answers  
9 to the question posed in the title, an answer that  
10 is both encouraging and disturbing. The answer is  
11 both.

12 The additional dollars that New  
13 York State is investing in New York City schools  
14 are successfully closing the funding gap between  
15 the highest and lowest poverty schools. At the  
16 same time, though we have evidence that the DOE  
17 used C4E funds to replace city dollars. In other  
18 words contract funds were used to supplant, which  
19 is a violation of state law.

20 The consequences are serious for a  
21 generation of school children who are not  
22 receiving the full benefits of our state's  
23 commitments to their education. We are submitting  
24 a copy of the report for the record, which is also  
25 available on our web site [agency.org](http://agency.org). I will

1  
2 briefly review some of the evidence today. Just  
3 as the evidence is clear, though, so is the call  
4 to action. We are asking you, the committee, to  
5 join us in calling for New York's commissioner of  
6 education, Dr. David Steiner to make a  
7 determination as to whether supplanting of  
8 Contract for Excellence occurred and to order a  
9 restoration of these funds by New York City.

10 I will begin with the great news.  
11 In school year 2007/2008, \$258 million in Contract  
12 for Excellence money went to our schools with an  
13 additional \$370 million the following school year.  
14 Under the terms of the Contract for Excellence,  
15 75% of the CFE funding must go to the neediest 50%  
16 of schools within New York City. Our findings  
17 are, in those two school years the New York City  
18 C4E money provided \$704 more per pupil to the  
19 schools with the highest poverty than those with  
20 the least poverty as seen in our support.

21 In addition, this money has closed  
22 the funding gap by \$280 per pupil, when taking  
23 into account the higher costs of educating kids  
24 and poverty. This is a triumph of state policy.  
25 The Contract for Excellence is effective at

1  
2 getting education funding to those who need it the  
3 most and correcting historic imbalances that  
4 penalize generations of New York children for  
5 being impoverished, immigrants or disabled.  
6 Unfortunately, DOE supplanting has undermined this  
7 historic progress toward equity.

8           As our report shows, in 2008 the  
9 C4E funding was originally distributed in an  
10 equitable manner distributing \$573 per pupil to  
11 highest poverty schools compared to \$158 per pupil  
12 to lowest poverty schools; a difference of \$415  
13 per pupil. Simultaneously, though, the DOE was  
14 instituting funding cuts to these schools. While  
15 the C4E provided the largest increase to the  
16 neediest schools, the DOE distributed cuts in the  
17 exact opposite manner, with the largest cuts going  
18 to the schools with the highest poverty and the  
19 smallest cuts going to the schools with the least  
20 poverty.

21           Enacted cuts to highest poverty  
22 schools were \$443 per pupil, while those to the  
23 lowest poverty school were only \$203 per pupil; a  
24 difference of \$241. The result was instead of  
25 providing \$415 per pupil for the highest poverty

1  
2 schools, the C4E funds only provide \$174 more per  
3 pupil because the first \$241 per pupil was used to  
4 make up for the larger cuts in the poorest  
5 schools. This is supplanting and it violates the  
6 restriction to the state law.

7           This is all illustrated in a report  
8 that shows while the C4E funding provided the  
9 largest increase to highest poverty schools, the  
10 DOE made the largest cuts to these very same  
11 schools must undermining the progress made through  
12 the Contract for Excellence. The bottom lie, the  
13 funding gap was reduced by only \$174 rather than  
14 the original \$415 due to the city's action, short  
15 changing our neediest students with a funding  
16 shell game that is wrong and illegal.

17           The state's commissioner of  
18 education, Dr. Steiner, must take appropriate  
19 enforcement action to see that New York City  
20 children receive the equity that they need and  
21 deserve, that the constitution calls for and that  
22 state law requires. We ask you to join us today  
23 in calling on commissioner Steiner to act. Thank  
24 you.

25           CHAIRPERSON JACKSON: Let me thank

1  
2 all three of you as representatives of citywide  
3 and statewide organizations in order to basically  
4 in my opinion, give a detailed analysis on the  
5 Department of Education's Contract for Excellence  
6 and basically calling it what it is. Eric, you  
7 said it clear, Laney has said it and Helane. I  
8 believe all of your three organizations conclusion  
9 is that there is supplanting going on. Is that  
10 correct?

11 MR. WELTMAN: Yes.

12 CHAIRPERSON JACKSON: Now with  
13 respects to the details that you have, each one of  
14 the organizations have put out, have you  
15 communicated with the Department of Education.  
16 And if so, what have they said in response to what  
17 your position has been, if anyone can respond.  
18 Just identify yourself and your response.

19 MS. DURANT: Helane Durant for CFE,  
20 yes. It's been interesting, the Department of  
21 Education, if you speak to them quietly outside of  
22 public view almost admits that they did and that  
23 they had a tough time. I think the more important  
24 question is what did SED do. We met no less than  
25 four different separate ties on the issue of



1  
2 supplanting the highest levels, not the  
3 commissioner himself but the senior deputy  
4 commissioner, along with the staff that's in  
5 charge of the implementation of the Contract for  
6 Excellence process.

7           We have again and again and again  
8 asked. There was push back from the, certainly to  
9 Laney's credit and to parents' credit who  
10 particularly went after the class size stuff.  
11 When they held up the contract last year because  
12 it was last year they began the supplanting. The  
13 first year we do not actually, we think that they  
14 did the right thing in terms of the distribution  
15 of money. That's what our analysis showed and we  
16 did not challenge them on supplanting.

17           But yet last year, you looked at  
18 the own DOE's budgeting documents and it was very  
19 clear that they supplanted, \$243 million out of  
20 the \$388. We have never gotten a formal response,  
21 our intention is with the new commissioner and a  
22 new deputy commissioner to, again, pursue this.  
23 We're not letting go of it. It's not as if we  
24 aren't sympathetic to.

25           Certainly we have all faced a

1

2 difficult economic crisis but you want to have  
3 some kind of memorandum of understanding between  
4 you all that says when times are better we're not  
5 going to just say, oh, we had to take some money  
6 at that point in time. We're going to put that  
7 money back in and it has to account for inflation.  
8 This was all about contributing to the base line  
9 and increasing the base line.

10

Our biggest disappointment has  
11 actually been the state education's department  
12 silence, an issue I'm not so sure how they can  
13 deny. It's the whole thing; we're going back and  
14 forth. What's with that the audit is still in  
15 draft of the first year for goodness sakes? Never  
16 mind that 2008/2009 isn't moving forward. So,  
17 sorry.

18

CHAIRPERSON JACKSON: Okay. Any  
19 other comments from anyone?

20

MS. HENSON: There's one thing that  
21 Photo said today that resonated a little bit--

22

CHAIRPERSON JACKSON: [interposing]  
23 Just identify yourself and your response.

24

MS. HENSON: Laney Henson of Class  
25 Size Matters. There was a big debate, I think

1  
2 last year with the budget cuts about whether some  
3 schools would be held harmless or not. A lot of  
4 people felt that we should try not to cut any  
5 schools' budgets and therefore they should let the  
6 state money fill the holes for those schools that  
7 otherwise would have been cut to try to equalize  
8 the pain across schools.

9 I think that that was a legitimate  
10 debate. I'm not saying that they did the right  
11 thing but there were a lot of people on the  
12 Council who believed that all schools should have  
13 been held harmless and therefore the Contract for  
14 Excellence could be used to fill the budget holes  
15 for some schools and then the city money should be  
16 used to benefit presumably the other schools. But  
17 whenever you have the city cutting the budget, you  
18 are placed in the state increasing the budget  
19 through the Contract for Excellence, you're placed  
20 in a rather untenable situation.

21 Some schools would have to have had  
22 much more harm to their budgets if you were going  
23 to hold the city accountable to the intent of the  
24 Contract for Excellence. I think that's a fairly  
25 complicated issue in reality and it really what

1

2 the city should have done is not cut the budgets  
3 to schools at all and allow the increases to go  
4 most to the schools in highest need.

5

6 But my first priority and my focus  
7 has always been not on the overall funding level,  
8 which I think is important but what is the money  
9 actually being spent on. I think that there's a  
10 clear consensus across the city among parents,  
11 among educators, among the public at large that  
12 their first priority is class size reduction and  
13 that's why the state mandated that there should be  
14 class size reduction. Yet the city is not  
15 reducing class size.

16

17 I think there's plenty of money in  
18 the city's budget. As I said there's 1,500 ATR  
19 teachers who are being paid full salary for  
20 nothing. I think the level of contractors and  
21 consultants and all these things have gone up  
22 substantially. In fact in the New York Times  
23 analysis, under this administration there's been  
24 an increase in over 10,000 administrators and out  
25 of classroom positions over the last seven years  
and a decrease of 1,600 classroom teachers.

26

So you can see that their

1

2 priorities have been hugely misplaced. There was  
3 a substantial increase in the budget and some of  
4 that money could have gone to reducing class sizes  
5 and we would now be at reasonable levels if it  
6 wasn't for the problem of over crowding and  
7 capital budget, which is a whole other story. But  
8 they never dealt with us honestly. They never  
9 intended to reduced class sizes and so far they go  
10 no way with to find the law. I hope that this  
11 does not continue forever.

12 MR. WELTMAN: This is Eric Weltmen  
13 with AQE. I'll just echo what Helane said about  
14 being disappointed about lack of SED's  
15 responsiveness. But we do have fairly high  
16 expectations of the new commissioner and his  
17 surrounding accountability. I'll just mention  
18 that one of the things that he agreed to when he  
19 took the jobs a couple of weeks ago was to do a  
20 statewide listening tour in communities across the  
21 state. That will be an opportunity to directly  
22 speak to him about our communities concerned.

23 CHAIRPERSON JACKSON: Let me thank  
24 you call for coming in. Let me just say, myself,  
25 as a Council Member which I chair the Education

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Committee, I do call right now, I say to you in response. You said we ask you to join us today in calling on Commissioner Steiner to act. As an individual Council Member I call on the Commissioner to act and I chair the Education Committee and I will be communicating that in writing to him to determine whether or not supplanting has taken place. If in fact, if we need to necessary call on the state comptroller's office to determine that then let's write to them. Let's determine that as you said, the most important thing we want is honesty, integrity and transparency. I don't know whether or not we truly have that. Let me thank you all for coming in.

Next Kim Sweet, Advocates for Children, Leonard Fasoli, Issues Council and Debra Bonds the North Crown Heights Community. Please come forward. In the order that I called you in please, Kim Sweet Advocates for Children.

MARIANNE HUNKIN: Hi, my name is Marianne Hunkin and I'm just going to say that I am testifying on behalf of Kim Sweet because she was unable to make it.

1  
2 CHAIRPERSON JACKSON: What's your  
3 position with Advocates for Children?

4 MS. HUNKIN: I'm a program  
5 assistant.

6 CHAIRPERSON JACKSON: Okay, go  
7 ahead please.

8 MS. HUNKIN: Good afternoon. Thank  
9 you for this opportunity to discuss the Department  
10 of Education's Contracts--

11 CHAIRPERSON JACKSON: [interposing]  
12 What's your name again, please?

13 MS. HUNKIN: --for Excellence.  
14 Marianne Hunkin.

15 CHAIRPERSON JACKSON: How do you  
16 spell your last name.

17 MS. HUNKIN: H-U-N-K-I-N.

18 CHAIRPERSON JACKSON: Okay, go  
19 ahead.

20 MS. HUNKIN: Thank you. For more  
21 than 37 years Advocates for Children has been  
22 speaking out for the most vulnerable of the city's  
23 school system, children living in poverty,  
24 children with disabilities, children learning  
25 English, children involved in the foster care

1  
2 system or the juvenile justice system and children  
3 who are homeless. We worked with several thousand  
4 parents a year, helping them to get what their  
5 children need from a school system that is often  
6 under resourced and over wants.

7 Advocates for Children has  
8 steadfastly supported the Campaign for Fiscal  
9 Equity and the resulting Contract for Excellence,  
10 as they were focused on targeting resources to the  
11 high needs populations that we represent. The new  
12 money for the contracts was required to supplement  
13 not supplant city funds, thus finally presenting  
14 an opportunity to level the playing field for the  
15 most disadvantaged New Yorkers. It is therefore  
16 alarming to us that the contracts completely  
17 exclude District 75, the city's district for  
18 serving special education students with the  
19 highest needs.

20 No matter what anyone may think of  
21 District 75, the fact remains that it currently  
22 serves 23,000 or over 13% of the students with  
23 disabilities in the city and it has numerous  
24 schools with tremendously high rates of poverty  
25 and large English language learner populations.



1  
2 Parents and advocates, including the citywide  
3 Council on Special Education had been asking  
4 repeatedly for an explanation as to why students  
5 in district 75 have been denied access to these  
6 dollars and they deserve an answer.

7           We also are troubled that even  
8 though English language learners are generating  
9 millions of new dollars for the city, only a small  
10 fraction of contract funds are going to model ELL  
11 programs. Only 7% of all contract funds have been  
12 specifically allocated for ELL programs, despite  
13 the fact that ELLs are generating approximately  
14 19% of contract funds.

15           In addition, this year we are  
16 seeing a big drop in spending for targeted ELL  
17 initiatives. We have been told that funding for  
18 ELL summer school has been reduced from \$2 million  
19 to \$30,000 and that ELL Success grants have been  
20 cut from \$6.9 million to \$2.2 million. Although  
21 there may be more discretionary money this year  
22 for schools use for ELLs, it is difficult to  
23 monitor whether any of the money specifically will  
24 benefit the English language learner population.

25           Finally, we continue to have

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serious concerns about the transparency of the Contract for Excellence process. The materials provided by the DOE web site to show how contract money is allocated are difficult to access and understand. Moreover, the DOE did not post notice and take public comment until after the school year had already started, in contravention of the state's time line to ensure meaningful public review.

The New York City public has a special stake in the Contract for Excellence money, which represent our united hope for a better, more equitable school system. It is essential that the public can see, understand and comment on where the money is really going. Thank you for this opportunity to speak today.

CHAIRPERSON JACKSON: Thank you.  
Next. Let the lady go first if you don't mind.

DEBRA BARNES: Hello, thank you for allowing me to speak today--

CHAIRPERSON JACKSON: [interposing]  
Push the mic down please?

MS BARNES: Sure. I am a community member in district 17--

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2

CHAIRPERSON JACKSON: [interposing]

3

Identify yourself please.

4

MS. BARNES: Sure. My name is

5

Debra Barnes and I attended one of the CECs C4E

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meetings that was held. There was a PowerPoint

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presentation provided by the school superintendent

8

with no pointer or any method of engagement from

9

the parents. There were about five to seven

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parents present. Parents were not given any

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literature or copies of the PowerPoint

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presentation. They were only given a link to log

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on online to the DOE's web site.

14

During which if the parents had

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questions, the questions were taken but there was

16

a question raised regarding the huge gap in the

17

budget. There was very little explanation with

18

regards to the gap except for that there were some

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shifts made. What the shifts were for, why they

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were made, that was not addressed. It wasn't

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parent friendly or public friendly and there were

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very little answers provided.

23

No contact person within the DOE to

24

follow up if parents had any questions and a two

25

week turn around time to respond or make a comment

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2 on the proposed budget or the changes.

3 CHAIRPERSON JACKSON: Thank you.

4 Next.

5 LEONARD FASOLI: You want me to say  
6 who I am?

7 CHAIRPERSON JACKSON: Yes.

8 MR. FASOLI: I'm Leonard Fasoli  
9 from the Issues Council. I'm more like an owner  
10 and chief executive officer of it, like that. My  
11 mother was a teacher and she was a very good  
12 teacher. Teachers should not be pressured by the  
13 Mayor to take and get students to pass  
14 standardized tests. Someone developing skills  
15 doesn't mean passing tests but doing the skill  
16 over and over again.

17 My main concerns, schools when it  
18 comes time to funding, is they should be clean and  
19 sanitary. They should have proper security  
20 devices and personnel in schools, teachers get  
21 additional pay and bonuses, the right gym  
22 equipment, musical instruments, computers and art  
23 supplies. Many after school programs money should  
24 be spent on. Money that the state gives to New  
25 York City for education, money should not be given

1  
2 to big time education executives where they could  
3 get paid for the city taxes and not public state  
4 of New York money given to education. Their  
5 spending should be done for every educational  
6 program in the City of New York.

7 Also new schools and reduction of  
8 class size should be also included in spending  
9 with state money, maybe a certain percentage of  
10 it. Mostly we have to keep New Yorkers' children  
11 to stay in New York City schools and not send out  
12 of city or not out of state schools. I have never  
13 received any notice about any hearing on education  
14 and I am a community leader. When I see is the  
15 children get a back deal.

16 CHAIRPERSON JACKSON: Thank you.  
17 Let me ask a couple of questions of you and the  
18 other parent here. You're a parent Ms. Debra?

19 MS. BARNES: No, I'm a former  
20 teacher, former parent coordinator who lives in  
21 the community.

22 CHAIRPERSON JACKSON: Okay. And  
23 you live in the north Crown Heights community?

24 MS. BARNES: Yes.

25 CHAIRPERSON JACKSON: How did you

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2 receive notice of the C4E hearing in CEC 17?

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MS. BARNES: If it were not for a parent--I currently work at the Brooklyn Children's Museum. If it were not for a parent who shared the information with me there, I would not have known about the meeting.

CHAIRPERSON JACKSON: So you found out from a parent sharing the information to you? And Leonard, how did you find out? Did you know?

MR. FASOLI: I heard it hear when they had the hearing.

CHAIRPERSON JACKSON: Other than that you did not know?

MR. FASOLI: No, no word at all.

CHAIRPERSON JACKSON: A question to you, Marianne, you indicated that Advocates for Children has been asking for a while, repeatedly for an explanation as to why students in District 75 have been denied access to these dollars and that they deserve an answer. You mean the Department of Education has not given an explanation why they have not been included in Contract for Excellence dollars?

MS. HUNKIN: No, I don't believe

1  
2 so. I'm not exactly sure how we've asked them.  
3 I'm pretty sure we've written letters to request  
4 this information and that we haven't received an  
5 answer.

6 CHAIRPERSON JACKSON: Okay, we're  
7 going to follow up with Kim Sweet. If you don't  
8 mind, let's follow up on that with staff.

9 Clearly, from an organizational point of you if  
10 you asked repeatedly, you deserve an answer. In  
11 fact, I think that the...

12 MS. HUNKIN: I think that parents  
13 are asking too, it's not just organizations.  
14 Parents are concerned that their children are not  
15 receiving any of this money.

16 CHAIRPERSON JACKSON: It's clearly  
17 an appropriate question to ask. Debra, let me ask  
18 you. You said you attended that Contract for  
19 Excellence presentation. It was a hearing is that  
20 correct? And you said there was about five to  
21 seven parents there, that's it?

22 MS. BARNES: Maximum.

23 CHAIRPERSON JACKSON: Maximum. And  
24 basically you said that no hand outs were given  
25 except a hand out--was the hand out given to the

1  
2 people that were there giving them the link to the  
3 DOE's web site?

4 MS. BARNES: No, in actuality the  
5 link was not even offered until we inquired.

6 CHAIRPERSON JACKSON: So as far as  
7 the public participating, did they get any sheet  
8 whatsoever as far as a presentation?

9 MS. BARNES: No.

10 CHAIRPERSON JACKSON: But the  
11 actual PowerPoint was shown up on the screen?

12 MS. BARNES: Yes.

13 CHAIRPERSON JACKSON: So when they  
14 left they had no information in their hand?

15 MS. BARNES: Exactly.

16 CHAIRPERSON JACKSON: How many CEC  
17 Council Members for District 17 were there?

18 MS. BARNES: I would say about  
19 seven. I wouldn't even say seven, five.

20 CHAIRPERSON JACKSON: Did they ask  
21 any questions of the superintendent?

22 MS. BARNES: They asked questions  
23 and parents had major concerns about the whole  
24 presentation process and understanding what has  
25 gone on, the history of the C4E but there were



1

2 very little answers in terms of that whole  
3 process.

4

CHAIRPERSON JACKSON: Who was  
5 responding to the questions that were being  
6 raised? Was that the superintendent?

7

MS. BARNES: The superintendent and  
8 someone from the ISC.

9

CHAIRPERSON JACKSON: From the ISC,  
10 Integrated Support Centers.

11

MS. BARNES: Support System, right,  
12 right.

13

CHAIRPERSON JACKSON: Did they  
14 answer the questions of the parents, of these that  
15 were asked, did they answer the questions?

16

MS. BARNES: It was more along the  
17 lines of being referred back to the DOE's web  
18 site.

19

CHAIRPERSON JACKSON: In essence,  
20 what did you get out of that meeting? You were  
21 there as a member of the public, as a former DOE  
22 employee, is that correct?

23

MS. BARNES: Yes, I was there as a  
24 concerned member of the community.

25

CHAIRPERSON JACKSON: Community and

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2 what was your conclusion of that particular  
3 meeting?

4

MS. BARNES: My conclusion was that  
5 the DOE was negligent on a number of levels  
6 regarding informing parents, making them aware,  
7 preparing ahead of time a parent user friendly  
8 process to implement or to share what has done on  
9 with the C4E. And I felt that it was deliberate,  
10 not by accident and it was kind of like we  
11 presented the information, we fulfilled our  
12 obligation and that's it. There was no desire on  
13 behalf of the DOE to truly inform parents and give  
14 them adequate amount of time to respond.

15

CHAIRPERSON JACKSON: You don't  
16 think that two weeks is enough time to respond?

17

MS. BARNES: I don't think so  
18 especially when the majority of information is  
19 online. You don't have any printed literature in  
20 your hand. You're talking about millions of  
21 dollars and how they've been spent comparatively  
22 over years of time, there's no pointer, there's no  
23 reference, there's no sheet. You have to find a  
24 way to get to a computer, navigate your way  
25 through the DOE web site, which can be a hassle in

1  
2 and of itself and to ascertain what is going on.  
3 Then after that, if you have any questions you  
4 have no contact person within the DOE to direct  
5 you questions to.

6 CHAIRPERSON JACKSON: did anyone  
7 ask the question, if I have any questions who do I  
8 contact?

9 MS. BARNES: Yes.

10 CHAIRPERSON JACKSON: And what was  
11 the response?

12 MS. BARNES: The response was  
13 here's the link.

14 CHAIRPERSON JACKSON: Here's the  
15 link.

16 MS. BARNES: Here's the link.

17 CHAIRPERSON JACKSON: Okay. Let me  
18 thank you all coming in representing yourselves or  
19 your respective organizations. Thank you. Renee  
20 Holmes, representing CEC 13 and her children.  
21 Please come forward. Just identify yourself and  
22 your position and you may begin

23 RENEE HOLMES: My name is Renee  
24 Holmes. I'm secretary for Community Education  
25 Council District 13 in Brooklyn, New York. I just

1

2 have a couple of quick comments that I would like  
3 to say.

4

5 Community District 13 our CEC we  
6 were presented with a PowerPoint presentation and  
7 it is just an overview of the process of what the  
8 Contract for Excellence is and how the money is  
9 supposed to be spent. What we are requesting also  
10 and what we will see now that we have more  
11 information is for other organizations to come in,  
12 like Class Size Matters, so we can get a broader  
13 view of how that money is going to be spent.

14

15 Last week there was a hearing at  
16 the DOE about the promotional policy and class  
17 size reduction was also discussed. An issue that  
18 I have as a parent is that in New York City there  
19 is an underlying trend that's not being addressed.  
20 Part of the CEC funds talks about helping students  
21 who are at risk of dropping out. We have students  
22 who go to our gifted programs like Stuyvesant,  
23 Bronx High School of Science, Brooklyn Tech which  
24 was in my neighborhood.

25

26 Some of them are dropping out. Not  
27 because they are not smart or that they can't pass  
28 the Regents. I have two nephews who dropped out

1  
2 because there's no academic rigor left in those  
3 schools. I have two daughters who are in gifted  
4 programs. What we need to do in some of our  
5 schools is there's a lot of talk about addressing  
6 students who are not on task or not on level.  
7 Once those students receive the skill sets that  
8 they need to achieve, there's nothing really in  
9 place in our schools really to hold them.

10 What I'm asking for is for the  
11 committee to look at ways to expand the  
12 educational process and curriculum in our schools  
13 so that kids that have 3s and 4s, that they can  
14 maintain those 3s and 4s. They go to high school  
15 there is something to be able to maintain their  
16 interest in education. Thank you.

17 CHAIRPERSON JACKSON: Thank you.  
18 Let me ask one or two questions. You're an  
19 officer of CEC 13 is that correct?

20 MS. HOLMES: Yes, sir.

21 CHAIRPERSON JACKSON: That's in  
22 Brooklyn?

23 MS. HOLMES: Yes.

24 CHAIRPERSON JACKSON: When did you  
25 have your Contract for Excellence hearing, if you

1

2 remember.

3

4

MS. HOLMES: There wasn't a hearing.

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CHAIRPERSON JACKSON: Excuse me.

6

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MS. HOLMES: It wasn't a hearing, it was just a presentation, a PowerPoint presentation and that was in--

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CHAIRPERSON JACKSON: [interposing] What do you mean? Wait a minute, my understanding is that there are instead of the Department of Education holding five borough wide hearings, they decided to expand that to have 32 hearings basically each CEC held a hearing, a public hearing where the superintendents gave a presentation for the Contract for Excellence citywide and more specifically for your district. Listen to questions and comments from members of the public. Did you not call the hearing of CEC 13?

21

22

23

MS. HOLMES: The presentation took place on one of our regular business meetings, business public meetings.

24

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CHAIRPERSON JACKSON: Was that in September or October?

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MS. HOLMES: September.

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CHAIRPERSON JACKSON: Do you know was that in the first week or second week of September or what?

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MS. HOLMES: We meet the second Wednesday.

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CHAIRPERSON JACKSON: The second Wednesday, CEC 13. How do you send out notices for your monthly meetings?

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MS. HOLMES: Each CEC member is assigned schools and we are supposed to notify our schools where we're having meetings. We're supposed to work with the parent coordinator and the principals to get that information out.

12

13

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CHAIRPERSON JACKSON: Do you actually know if that happened?

16

17

MS. HOLMES: I know what I did, I don't know what the other schools.

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19

CHAIRPERSON JACKSON: Okay. Did CEC 13, as a community education council, do you have an email list of all of your parent leaders in your district or all parents that are interested or do you send out a hard copy to all of the schools, to all of the parents?

20

21

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1  
2 MS. HOLMES: We have an  
3 administrative assistant. She knows all the  
4 parent coordinators emails and the principals  
5 emails and she sends out the flyer. But it's your  
6 responsibility as a CEC member to go and make sure  
7 that your schools have that information.

8 CHAIRPERSON JACKSON: How many  
9 schools are in CEC District 13 in Brooklyn, give  
10 or take you think? 28, 30.

11 MS. HOLMES: 19.

12 CHAIRPERSON JACKSON: 19. And so  
13 the PowerPoint, this one here, was that given out  
14 to your members?

15 MS. HOLMES: Yes.

16 CHAIRPERSON JACKSON: How many  
17 members of the public were there at your monthly  
18 meeting , at your hearing give or take?

19 MS. HOLMES: Maybe 20.

20 CHAIRPERSON JACKSON: Were they  
21 given copies of the Power Point?

22 MS. HOLMES: No.

23 CHAIRPERSON JACKSON: Was anything  
24 given to any members of the public.

25 MS. HOLMES: No.



1

CHAIRPERSON JACKSON: Nothing.

2

MS. HOLMES: Nothing.

3

4

CHAIRPERSON JACKSON: But who went through this PowerPoint up on the screen or up on the wall, who went through it, the superintendent?

5

6

7

MS. HOLMES: The superintendent and there was someone else there from the DOE.

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9

CHAIRPERSON JACKSON: How long have you been a member of CEC 13?

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MS. HOLMES: This is my first term, since July of 2009.

12

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CHAIRPERSON JACKSON: Since July, okay. Prior to that hearing or it wasn't a hearing, it was a presentation. Did you have any knowledge prior to that day that you're going to be holding a meeting on the Contract for Excellence?

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19

MS. HOLMES: The administrative assistant sends out an agenda like the week before. So we knew that we were going to get a presentation

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21

22

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CHAIRPERSON JACKSON: Did you have questions? Did you ask questions? If so, were they answered?

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1  
2 MS. HOLMES: The members asked  
3 questions, there were questions asked people from  
4 the audience. Yes they were answered I guess the  
5 best that they could have been answered. But  
6 there was no specific--

7 CHAIRPERSON JACKSON: [interposing]  
8 What do you mean by that?

9 MS. HOLMES: No specific answer as  
10 to how much did PS 270 received from those funds.

11 CHAIRPERSON JACKSON: There was no  
12 specific answer?

13 MS. HOLMES: No.

14 CHAIRPERSON JACKSON: Now this is  
15 the general citywide thing, was there anything  
16 relating to District 13 specifically?

17 MS. HOLMES: Not that I recall, no.

18 CHAIRPERSON JACKSON: Did they say  
19 if you have any additional questions who to  
20 contact?

21 MS. HOLMES: There's a link at the  
22 end of the PowerPoint presentation.

23 CHAIRPERSON JACKSON: It says  
24 educators, parents and all other members of New  
25 York City community with feedback should email.

1

2 Does everyone on CEC 13 have a computer at home?

3 MS. HOLMES: To the best of my  
4 knowledge, yes.

5 CHAIRPERSON JACKSON: And what  
6 about the parents in your community? In your  
7 opinion, what--

8 MS. HOLMES: Do all the parents in  
9 my community have a computer? No, I don't think  
10 so.

11 CHAIRPERSON JACKSON: Did you  
12 understand the details of the presentation,  
13 knowing that you are a new member of the CEC that  
14 came on in July of this year.

15 MS. HOLMES: I understood the  
16 details of the presentation but based on what I  
17 heard today I saw that it was lacking in some  
18 areas. I'm more enlightened today than I was  
19 before so now I have more information to when we  
20 go back to our next session, which is tomorrow, to  
21 ask more pertinent questions about this.

22 CHAIRPERSON JACKSON: You said  
23 there was nothing presented about CEC 13?

24 MS. HOLMES: No.

25 CHAIRPERSON JACKSON: Just a

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general citywide thing?

MS. HOLMES: Yes. If we did, I have to look in my notes. It probably was just a slip of paper saying what each school got but I don't recall being told exactly. I think that was a question that some members wanted to know exactly what did each school receive.

CHAIRPERSON JACKSON: Who presented the overall presentation at your CEC 13, was that the superintendent?

MS. HOLMES: It was another--I don't remember her full name but her first name is Mary. I can get that information back to you.

CHAIRPERSON JACKSON: Mary is someone from the IS.

MS. HOLMES: She's from the DOE.

CHAIRPERSON JACKSON: Who's the community superintendent?

MS. HOLMES: James Maychent.

CHAIRPERSON JACKSON: Was he there?

MS. HOLMES: Yes.

CHAIRPERSON JACKSON: Okay, okay. Let me thank you. Did you sit through the entire hearing today?

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MS. HOLMES: Most of it yes.

2

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CHAIRPERSON JACKSON: What time did you arrive give or take?

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5

MS. HOLMES: 11:00.

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CHAIRPERSON JACKSON: 11:00.

7

MS. HOLMES: I really don't

8

understand why if we're supposed to really be

9

working together why people testify and then they

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leave. I know the paper copies are given out but

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you can't really work together if you're not going

12

to sit and hear what the other people have to say.

13

Especially the question and answer process, you

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get more information when you question a person as

15

opposed to what's on the paper.

16

CHAIRPERSON JACKSON: Who are you

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referring to? I'm sorry.

18

MS. HOLMES: We're the only ones

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here and she testified. The other organizations

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that testified they left. After they testified

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they left.

22

CHAIRPERSON JACKSON: Let me thank

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you for coming in and representing yourself and

24

your children, is that correct?

25

MS. HOLMES: Yes, sir.

1  
2 CHAIRPERSON JACKSON: I appreciate  
3 your participation and hope that you have, I  
4 guess, learned something here today so that you  
5 now as a CEC member of District 13 would go back  
6 and ask some more serious questions overall.

7 MS. HOLMES: We were actually  
8 encouraged by our District to come to these  
9 meetings.

10 CHAIRPERSON JACKSON: Good. I  
11 guess you found it relevant and important?

12 MS. HOLMES: Oh, yes.

13 CHAIRPERSON JACKSON: You did not  
14 have to vote on a plan, they just made a  
15 presentation is that correct?

16 MS. HOLMES: Yes. I didn't know we  
17 were supposed to vote.

18 CHAIRPERSON JACKSON: Thank you  
19 very much.

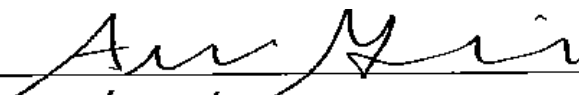
20 MS. HOLMES: Thank you.

21 CHAIRPERSON JACKSON: Just for the  
22 record, we received testimony from Arise Coalition  
23 dated October 13, 2009. With that, it is now 1:48  
24 pm and this hearing on the Contract for Excellence  
25 is hereby adjourned.

C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script, appearing to read "Amber Gibson", written over a horizontal line.

Date October 23, 2009