

**Testimony of the New York City Department of Education  
on Academic Recovery Plan  
Before the NYC Committee on Education**

October 27, 2021

**Introduction**

Good morning, Chair Treyger and all the members of the Education Committee here today. Thank you for the opportunity to testify on behalf of all my colleagues regarding the Department of Education's (DOE) Academic Recovery Plan. I am Dr. Linda Chen, Chief Academic Officer at the DOE, and I am joined here today by Deputy Chancellor LaShawn Robinson, Deputy Chancellor Adrienne Austin, Andrea Bender, Chief of Staff for the School Construction Authority (SCA), Lawrence Pendergast, Deputy Chief Academic Officer of Teaching and Learning, Christina Foti Deputy Chief Academic Officer for Special Education, and other senior leaders from DOE.

Over the past month, we have all had the privilege of witnessing students, families, and our invaluable staff joyfully reconnecting with each other. Our students have been through so much throughout this pandemic and need the support of their school communities now more than ever. The evidence continues to be clear that teaching and learning face-to-face in the classroom is the absolute best way for our students to grow academically, socially, and emotionally. We are so thrilled to have them back in person!

**Academic Recovery Plan**

We are not simply returning to the way things were before the pandemic. We are making historic investments to jumpstart academic achievement for every student across our system. And I want to say a huge thank you to this Council for all of your advocacy that have helped to make a lot of this possible. Our students lost so much during the traumatic past year and a half. It is absolutely critical that we support them academically, socially, and emotionally by knowing where each student is in each of these areas and leveraging that information to cultivate welcoming and affirming learning environments where we hold high expectations and provide rigorous instruction for every student, particularly those most impacted by the pandemic.

That work began over the summer with Summer Rising, our bridge to this school year. We witnessed firsthand at sites across the city what it meant for parents, students, and educators to have an academically enriching and fun experience over the summer. Our students got back into gear in their learning process so that they could hit the ground running when they returned this September.

Now that all students are back in person, the strategic framework of our Academic Recovery Plan guides school communities and support for students for this school year and beyond. That plan emphasizes critical areas of focus, including: investing in social emotional supports for every student, early literacy for all, digital literacy, college and career readiness, special education services, supports for multilingual and immigrant learners, and a rigorous and inclusive universal curriculum.

### *Social Emotional Supports*

We know that children in every community are carrying trauma caused by the COVID-19 pandemic, so a successful academic recovery that enables students to learn to their potential can only happen when their emotional and mental health needs are addressed. Our schools need to be places of healing, so we are making major investments in **social emotional supports for students**.

As every seasoned educator understands from experience, teachers and schools need to know their students well. To facilitate that process, across the system we have started implementing our social emotional screening tool, which will reach all schools by the end of November.

Our goal is to pinpoint areas of strength in key social emotional learning competencies and to help identify students in need so that they can be quickly matched with appropriate services. Our K-8 schools have begun screening students this week, and high school will begin next week. All 3-K and Pre-k students will be screened by December.

In addition, to guarantee that every school has the resources to support students who may be in crisis, we announced that we would hire over 500 social workers and other mental health support staff. To date, the vast majority of those social workers have been hired —93 percent. And we are working with each school community to eliminate any barriers in hiring for any outstanding positions.

Finally, and thanks in part to support from this Council, we are adding over 130 new Community Schools to provide expanded social, emotional, academic, and extracurricular services to students in the highest need communities.

### *Early Literacy*

Relatedly, all schools have selected low-stakes academic screening tools in reading and math that are currently identifying where students are academically. This is the first of three periods when screeners will be administered this year so that our teachers can use the data to inform core instruction and identify where supports and interventions are needed.

Screening tools are also part of our continued commitment to early literacy and our **Early Literacy for All** efforts. This component of the Academic Recovery Plan has the singular goal of enabling all students to read at grade level by the end of 2<sup>nd</sup> grade. In addition to the screeners, we are increasing the number of Universal Literacy reading coaches to approximately 500 in order to provide all K-2 classrooms with support from a literacy coach. In addition, we are training our K-2 educators to provide focused literacy support to students in need.

On September 3<sup>rd</sup> we released an Academic Recovery School Allocation of \$350 million. With this funding, schools will receive funding for professional learning, strengthening core instruction, enrichment,

and planning for targeted interventions. Schools will also use 20 percent of this funding to support arts programming.

### ***Digital Literacy***

The pandemic reinforced our recognition that our students need to become **digital citizens** to thrive. After we were forced to close our buildings in March of 2020, we undertook an unprecedented investment in technology, with over 800,000 devices purchased by the DOE and schools.

The Academic Recovery Plan builds on this technological advancement by guaranteeing that all K-12 public school students have access to a digital device and ensuring all students become fully fluent digital citizens. We are distributing more than 175,000 devices as needed, expanding access to Computer Science for All to 400,000 students by 2024, and training over 5,000 educators in advanced computer science. Technological skills and digital literacy are simply vital for all our students and their futures.

### ***College and Career-Readiness***

Preparing our students for the future also means setting them up to be **college and career-ready**, and the Academic Recovery Plan helps ensure that every student is best prepared for that next step in life. So, we are planning for free, afterschool, personalized college counseling for every junior and senior. And we are working to offer universal college financial aid guidance to help students and families navigate the application process. We have also added 41 remote AP, advanced language, or elective courses and we will be adding more in the coming semester. These are courses, taught synchronously, by tenured DOE educators and made available to any school that cannot otherwise offer these classes.

In addition, we are restoring College Now to serve 22,000 students from all high schools while investing in student success centers for 34 high schools to ensure post-graduation plans for all students. Finally, we will build on the capabilities of the New York City Schools Account to ensure that every family can track their child's progress through postsecondary planning milestones.

### ***Special Education***

We know that this pandemic hit our most vulnerable students the hardest, which is why our recovery plan includes significant investments **to special education**, including direct student services, family communication, and preparing teachers to provide targeted post-pandemic supports.

From the youngest learners to those preparing for graduation, students with Individualized Education Programs (IEPs) will receive unprecedented assistance. They will also participate with other students in both academic and SEL screeners so teachers can better understand their needs.

In addition, all students with IEPs will be offered additional instruction and related services along with the IEP-recommended programs and services they receive during the school day. We are also providing

eligible students age 21 and older with continued instruction toward receiving their diploma or other exit credential, or to receive consultation to facilitate post-secondary plans for college and career readiness.

Because families are critical to this work, we are expanding family workshops and information sessions available through our Beyond Access Series, which was launched during the pandemic and supports families of students with disabilities. This year's sessions began on October 5 and will be held every Tuesday evening from 7:30 – 8:30 pm.

For our youngest learners with disabilities, we are adding 800 seats for students with disabilities in preschool by next fall, 2022. And we are expanding Committees on Preschool Special Education to expedite evaluations and IEP meetings so that students can get services they urgently need.

### ***Multilingual and Immigrant Learners***

Each focus area of the recovery plan also includes dedicated investments for **multilingual learners and immigrant students** to address their distinctive needs in making academic progress and learning languages. Particularly in the context of returning to full-time in-person learning, those efforts include conducting wellness checks and providing social-emotional learning support to identify the needs of multilingual learners.

We are training English as a New Language (ENL), bilingual, and content area teachers to track student progress and provide targeted supports specifically for multilingual learners. And we have provided schools with dedicated funding to purchase texts in home languages and build home language libraries.

In addition, we are expanding Immigrant Ambassador Programs across 30 high schools that match immigrant DOE students with college students to foster mentorship and early college awareness. We have also designed the Postsecondary Readiness for ELLs Program (PREP) to build the capacity of school-based teams to offer students ongoing workshops that afford them an opportunity to explore, prepare, and apply to a postsecondary pathway of their choosing.

Our Dream Squad program organizes school-based teams of educators committed to creating, implementing, and sustaining a safe and welcoming environment for multilingual learners, immigrant youth, and undocumented students. We are currently in the process of selecting schools for all three Immigrant Ambassador, PREP, and Dream Squad programs.

### ***Family Empowerment***

We know that families are essential partners in any successful recovery plan for our students, so we launched a five-borough family engagement tour. School communities shared their experiences over the school year, DOE leadership answered their questions, and we gathered all this feedback to strengthen our plans. We also continue to build on our innovative Parent University that has hosted over 600 courses for over 125,000 users. We are currently developing a series called DOE 101, which will provide short videos to help families navigate the DOE, and we are expanding our native language offerings, thanks in part to funding from this Council.

### *Universal Mosaic Curriculum*

Finally, recognizing the diversity of our students and school communities, New York City will develop a rigorous, inclusive, and affirming curriculum by fall 2023 that we are calling the **Universal Mosaic Curriculum**. Currently, there is no single off-the-shelf curriculum academically rigorous and inclusive enough for New York City's 1,600 schools and one million students. This curriculum will be built on Literacy for All, accelerate student learning, and free teachers from time-consuming curriculum development. This work is beginning soon with engagement sessions taking place with communities, families, and educators. And thanks to a significant and historic investment by this Council, we are also looking forward to the development of a Black Studies curriculum with partners from across the city.

We are kickstarting these efforts by providing an unprecedented infusion of books into every classroom for this school year that reflect the variety of histories, languages, and experiences that make up the City. Schools received introduction materials, and digital libraries, and will receive the rest of the collection next week.

This comprehensive, culturally responsive curriculum is a groundbreaking investment that will be a resource for our students and teachers, and an enormous source of strength for our system as a whole.

### **Proposed Legislation**

I will now turn to the proposed legislation. Intro 2374 would require that each classroom in a New York City public school provide 35 square feet of net floor area per child by September 2024. Let me start by saying the DOE and this administration have made a clear and strong commitment to ensuring the health and safety of our students. Our CDC-aligned, multi-layered approach throughout this pandemic has made us a national leader in keeping our students safe. Simply put, Intro 2374 is impractical, and the administration strongly opposes this measure. The proposed legislation would create a seat deficit at every grade level, require the building of hundreds of thousands of new seats across the city, and be incredibly disruptive to the school system as a whole.

Under this Administration, the School Construction Authority has created 51,540 new seats in fulfillment of the Mayor's commitment to reduce overcrowding and increase diversity. In fact, this Capital Plan is the first to fully fund all of the identified seat needs, a \$7.8 billion investment in this Plan alone. We are currently in process on 20,676 of the 57,000 seats funded in this Plan, with another 5,500 seats in the pipeline. We are nearly halfway there, as we approach the halfway mark of our Plan. We anticipate an estimated 93 buildings that will help us alleviate overcrowding and respond to ongoing pockets of growth in neighborhoods of existing or projected overcrowding.

As has been noted, this legislation is anticipated to create an estimated additional seat need upwards of 200,000 without accounting for future growth. Our typical new elementary school is approximately 500 seats and typically takes about five years, or longer, to site, design, and construct. It can take even longer if the site is complicated or the school is not a simple design. With our current capital commitment — the

largest in the SCA’s history – it will take us a minimum of 15 years to build about 75,000 seats if sites are available. That means, without factoring for any additional growth in student population, it would take several decades for SCA to construct enough seats to meet this need.

Overall, it is not possible that SCA could build sufficient inventory in any reasonable time frame to address the seat need created by this legislation. We do not believe this legislation is warranted or practicable.

### **Conclusion**

Let me conclude by returning to the Academic Recovery Plan, which is a vision that demonstrates the DOE’s commitment to lifting up New York City’s school communities beginning this school year, and ensuring they have the resources to recover stronger than ever for years to come from the impacts of the pandemic. This fall, we have welcomed our students back to schools that are prepared to support them academically and emotionally after all they have been through – that’s what the Universal Academic Recovery Plan is all about.

Thank you for your time, and we are now available to answer questions you may have.



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**Testimony of Sarita Subramanian**  
**Assistant Director for Education, New York City Independent Budget Office**  
**To the New York City Council Committee on Education**  
**Regarding DOE's Academic Recovery Plans & Intro. 2374 In Relation to Classroom Capacity**

**October 27, 2021**

Good morning Chair Treyger and members of the City Council. My name is Sarita Subramanian and I am the assistant director for education at the New York City Independent Budget Office. Thank you for the opportunity to testify at this hearing on the Department of Education's Academic Recovery Plans in response to Covid-19 and Intro. 2374, which would amend New York City's administrative health code regarding classroom capacity. In my testimony, I will discuss the programs and funding dedicated to academic recovery that we see so far in two areas—school budgets and central office budgets. The bulk of my testimony will be devoted to IBO's analysis of the potential impact of Intro. 2374 on schools, which is based upon historical data on the usage of space in city schools. We estimate that almost half of the city's 1,600 schools that would be subject to the local law would not be able to guarantee 35 square feet per student, potentially affecting more than 100,000 students.

IBO receives monthly snapshots of school budgets and central office budgets on the first of each month. As of October 1, over \$353 million has been budgeted for programs funded specifically by "ARPA Academic Recovery" directly in school budgets, and another \$9 million was budgeted centrally, for a total of \$362 million so far, and it is possible that total has increased over the past month.<sup>1</sup> In school budgets, almost half (\$153 million or 43 percent) was budgeted for "Academic Recovery" to fund programs such as enrichment, professional learning and planning, increased instructional time, interventions, and individualized and small group personalized tutoring. Another 24 percent (\$86 million) was for Summer Rising to cover costs for school programs, assistant principal support, community-based organizations, and other aspects of summer programming. More than \$64 million (18 percent) was budgeted for social workers and \$36 million (10 percent) for arts programs. The remaining \$14 million, as of October 1, funded school psychologists for school-based support teams and administration costs for the New York State Identification Test for English Language Learners. The \$9 million budgeted centrally was split almost evenly between arts programs and counseling.

Turning to Intro. 2374, while the current building code requires classrooms have 20 square feet per student (and 30 square feet for kindergarten and pre-K students), the health code only requires a minimum of 15 square feet per student. The City Council is proposing to increase that requirement to 35 square feet per student. Under the legislation, these schools would be required to provide more space for their students no later than September 1, 2024. Using data on the size and use of school spaces from the 2019-2020 school year—the most recent available—IBO estimated how many schools would have been out of compliance had the local law been in effect then.

Based on the Council's proposal, IBO divided the square footage of each regular classroom and specialty instruction room reported in the Principal Annual Space Survey (PASS) by 35 square feet. Out of 1,598 schools in districts 1-32 and 75 (citywide special education), 672 or 42 percent of schools, would be out of compliance given their 2019-2020 enrollment numbers. In total, there would have been a shortage of space for about 103,400 students across the 672 schools in the 2019-2020 school year. About 80 percent of those schools (538 schools) were able to accommodate three quarters or more of their students. On average, each of these 538 schools would have to find space for 94 students. Elementary schools comprise the largest share of schools that would be out of compliance (40 percent), which is roughly in line with their share of all schools. Looking across different types of schools, however, almost half of the 397 high schools would have been out of compliance—needing space for approximately 43,700 high school students in 2019-2020.

These estimates, and the legislation as currently written, assume that the total area of a classroom is used to accommodate 35 square feet of space for each student. In reality, most classrooms have a portion of their space dedicated to classroom supplies, furniture (such as bookcases), and a teacher's area. Once this space is accounted for, the remaining space in each classroom will likely accommodate fewer students if each is allocated 35 square feet. This means that there are likely to be even more schools out of compliance with the proposed law, and that the schools that would be out of compliance according to our current estimates, would have to find room for an even greater number of students.

Assuming the full area of the classroom is usable, however, we estimate the DOE may need to construct or lease approximately 3.6 million square feet of space across these 672 schools. Schools may instead opt to convert administrative rooms, rooms used by outside organizations, or large assembly spaces to classrooms. However, this strategy may affect school operations and the availability of educational, after school, and community programming. Many of these schools will also need to hire teaching staff or adjust their programming to accommodate the smaller class sizes. Some high schools already operate with alternative schedules to reduce overcrowding, and would need to do so to a greater degree.

Because our analysis is based on school space and usage data from the 2019-2020 school year—and the proposed legislation allows for a gradual phase in for schools to comply by the start of the 2024-2025 school year—IBO also looked at how much school capacity has been added last year and this year (2020-2021 and 2021-2022), as well as what is planned to be added in the near future. It should be noted that these capacity estimates were calculated using the current building code allowances and thus may represent fewer seats if the required student square footage was increased from 20 square feet (or 30 for kindergarten or pre-K) to 35 square feet.

Based on the previous five-year education capital plan, 16,300 seats were added or are expected to be added by September 2023. Over 5,400 seats were added last school year and 3,500 seats were added this school year. An additional 7,400 seats from the prior plan are scheduled to be completed either by September 2022 or 2023. The 7,400 seats include high school seats for Academy of American Studies (969 seats), Francis Lewis High School (555 seats) and Cardozo High school (795 seats). These are schools that are currently classified as overcrowded. The latter two would still be out of compliance with the proposed legislation even with the additional seats unless they stagger student scheduling or find other ways to alleviate overcrowding. In the current five-year capital plan, over 55,000 new seats are planned across 93 buildings, additions and annexes. However, only 14,300 of these seats are projected to be completed by the legislation's deadline of September, 1, 2024. When combining these seats with

planned new seats from the prior plan, the total of 30,600 new seats would still fall short of the 103,400 students that we estimate could not be accommodated in schools if the requirement is raised to 35 square feet per student. Although considerable new capacity is expected by the deadline of September 1, 2024, the proposed legislation is likely to pose a significant challenge for many schools in the city.

Thank you again for the opportunity to testify and I am happy to answer any questions.

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<sup>i</sup> ARPA is the American Rescue Plan Act signed into law in March 2021 and provides federal funds to states and localities to aid in the recovery from the impacts of the Covid-19 pandemic.



United Federation of Teachers  
*A Union of Professionals*

**TESTIMONY OF THE UNITED FEDERATION OF TEACHERS  
BY PRESIDENT MICHAEL MULGREW**

**BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON EDUCATION**

**ON INT. 2374-2021 TO AMEND THE ADMINISTRATIVE CODE OF THE CITY OF  
NEW YORK, IN RELATION TO CLASSROOM CAPACITY**

**OCTOBER 27, 2021**

My name is Michael Mulgrew and I serve as the president of the United Federation of Teachers (UFT). On behalf of the union's more than 190,000 members, I would like to thank Chair Mark Treyger and all the members of the New York City Council's Committee on Education for holding today's hearing to give members of the public an opportunity to comment on Introduction 2374-2021, which would require each classroom in our city school district to provide 35 square feet of net floor area per student by September 2024.

The time is now. We have to address the problem of overcrowded classrooms in our schools for once and for all. I never thought that in the middle of a pandemic, with calls from public health experts asking us to socially distance students in schools, we would receive 615 grievances related to overcrowded classrooms at the beginning of this school year. The question I ask myself and others is: If we don't get this done in the middle of a pandemic with the financial resources we currently have in hand, then when will we?

The problem of overcrowded classrooms in New York City schools is not new, and I firmly believe it will remain a unique health concern as COVID-19, together with other contagious respiratory diseases, continue to be a public focus for years to come. By reducing overcrowded spaces in schools through occupancy limits, as this bill intends to do, we will improve the city's ability to safeguard students and their families from infectious diseases.

The change proposed in this legislation will help keep in-person schooling available five days a week should flare-ups, variant strains or other contagious diseases pop up. Using social distancing and proper ventilation capacity to provide a safe space that can accommodate an entire class of students will allow schools to remain open full-time in the future, which is ultimately our goal.

Fortunately, the infection rate in schools today is low, but we have not eliminated all the risks related to COVID-19, and it is scientifically accepted that infections will continue for the foreseeable future, as we've seen with the most recent surge in the Delta variant.

The evidence is clear that higher occupant density and the reduced social distance among students that results increases the risk of exposure to airborne illnesses. And although scientific guidance on health and safety has evolved during the course of the pandemic, it has ultimately settled on the understanding that proper ventilation, calibrated for occupancy needs and the reduction of viral spread, is an essential layer of COVID-19 risk mitigation. It's the reason some of the first mandates issued by the state at the start of the pandemic were to limit occupancy levels in restaurants and other entertainment spaces.

We cannot return to our pre-COVID school system with crowded and under-ventilated classrooms. Rather, reducing the occupancy levels that were typically permitted in classrooms pre-pandemic will not only reduce viral exposure and infection, but also increase our city's ability to mitigate illness and death in the face of new variants or waning vaccine immunity.

Section 27-358 ("Occupant load") of the New York City administrative code already require 35 square feet of net floor area per student for kindergarten classrooms and 20 square feet per student for all other classrooms. These occupancy limits are based on fire and emergency evacuation standards, as opposed to consideration for ventilation capacity or social distancing necessitated by COVID-19 or other possible infectious diseases.

Section 49.07 ("Physical facilities") of the New York City health code, which has not been updated for about 80 years, likewise governs "the minimum allowance of space for each student in a classroom" and "requires 15 square feet of net floor space, that is available space exclusive of furniture," per child.

Informed by the experiences of schools, students and parents during the pandemic, and by best practices regarding health, safety and facility capacity, this bill will update the health section of our city's administrative code by requiring 35 square feet of space per student in each classroom for all grades. By our calculations, this would mean a typical classroom in New York City measured

at 500 square feet would accommodate up to 14 students, and a 750 square-foot classroom would accommodate up to 21 students.

Understanding that this may not be an easy feat in some school buildings, I appreciate the three-year rollout featured in the legislation, with all schools in compliance by September 2024. Real estate vacancy rates in the city have skyrocketed due to the pandemic, and we have been blessed with billions in additional funding from our federal and state governments. We cannot squander this opportunity. It's time to get creative and make real everlasting changes in our schools.

It's disappointing to me that the administration has decided not to engage with stakeholders on this legislation, and instead to focus on strongly opposing this bill. The fact of the matter is, we cannot continue to do nothing about class size. Our city has for years received funding to reduce class size, yet nothing has been accomplished. It's time we take this legislative approach because without such pressure, there will be no change.

Once again, I thank you for holding today's hearing. Reducing class size is not a new issue for us; our union has been advocating for it for decades. We already knew smaller class sizes result in an academic benefit for our students, and now the pandemic has shown us the health and safety benefits of smaller classes. We have the resources in our hands; let's summon the willpower to get it done.



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**Gale A. Brewer, Borough President**

**October 27, 2021**

**Gale A. Brewer, Manhattan Borough President  
Testimony before the New York City Council Committee on Education  
Oversight: DOE's Academic Recovery Plan**

My name is Gale A. Brewer and I am the Borough President of Manhattan. Thank you to Chair Treyger and the rest of the Education Committee for the opportunity to submit testimony regarding the New York City Department of Education's (DOE) Academic Recovery Plan.

I am here to express my staunch support for investments in early literacy, digital citizenship, college access, and the diversification of the literary content in NYC schools and classrooms. However, I also call on the DOE to be more transparent, proactive, and supportive of/with school communities. In particular, the DOE should emphasize a range of Academic Recovery Initiatives that must be operationalized on the ground.

A primary focus should be resolving the problems of the inadequacies of transportation for our city's most vulnerable students. It took a lot of advocacy from organizations such as Advocates for Children and IncludeNYC during the Summer of 2021 to get adequate transportation services provided for students with disabilities and students in temporary housing who were enrolled in Summer Rising. Additionally, my office has been navigating transportation challenges with families whose children have missed the first month and a half of school for the 2021-2022 academic year because the DOE was unable to secure them a bus para. One of my staff members has a niece who has been repeatedly left at the curb by her bus in the morning, a situation that is taking an emotional toll on her family.

I have major concerns about how transportation will be provided when the additional afterschool and weekend services for students with IEP's begin this November. I need to be reassured that the Office of Special Education and the Office of Pupil Transportation will be working together to create an extended day/weekend program for NYC's most vulnerable students. A particular concern is the frequent failure of the DOE to get students to their programs and home on time.

Second, I applaud the DOE for engaging in the low stakes, diagnostic assessment practice that is necessary for teachers to develop a plan around how to meet students where they are and effectively support them academically. However, New York City high schools that are a part of the New York Performance Standards Consortium are distinct in their academic practice. That distinction should be reflected in a separate diagnostic assessment initiative.

To my understanding, high schools will be administering the Measures of Academic Progress (MAP) Growth tests produced by the Northwest Evaluation Association (NWEA). The Consortium wants to use a screener system that is specifically designed for their students and their unique positioning within the assessment landscape. I am calling on the DOE's Chief Academic Officer, Dr. Linda Chen, to engage the Consortium about the idea of developing and implementing their own assessments to meet the requirement set forth by her office.

Next, New York City middle school families deserve sufficient time to engage in the high school selection process. Timelines were understandably upended by COVID-19 during the 2020-2021 school year. I am a fervent supporter of the changes DOE made to help the city's schools become more diverse and inclusive. However, DOE needs to be more proactive around communicating high school admissions guidance for school communities during the 2021-2022 school year. With school buildings now open to full capacity, this is a great opportunity for schools to begin family and community engagement for prospective students and give families the opportunity to familiarize themselves with the full range of school resources. This is especially important now that policy around admissions screens have shifted and families have a wider array of schools that they are considering.

In September 2021, some schools reached out to my office to report that their school lacked a nurse, as well as other deficiencies. For example, the space being utilized by the nurse at P.S. 146 Arthur Tappan (located in Harlem's Community School District 5) is filled with equipment from Health + Hospitals (H+H) because they were previously operating a school-based health center in the building. It is my understanding that H+H has not been responsive to school leadership regarding converting the space so that it can function as intended as a nurse's office. The first step in ensuring that the City's children can thrive academically is ensuring that they have their needs met from a health perspective. The health practitioner in a school building should be in a space conducive to their responsibilities for them to be able to ensure that those health needs are being met.

As a final note Chair Treyger and fellow members of the Committee on Education, I would like also to express my support for Intro 2374. Introduced by Chair Treyger, this bill would require DOE to provide each child with 35 square feet of net floor space in instructional spaces. This is a powerful step to address classroom overcrowding.

As Manhattan Borough President, I invested \$4 million in technology for schools in FY22. Therefore, I was gratified to find that the Administration has also allocated \$122 million to technology under the Academic Recovery Plan. But, along with the allocation of funding, we must ensure that families and school communities are being heard and that the City's agencies are being proactive in supporting them.

Thank you again for consideration.

REBNY Testimony | October 27, 2021

## The Real Estate Board of New York to The Committee on Education of the New York City Council Regarding Intro. No. 2374 – Classroom Capacity

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the New York City Council Committee on Education for the opportunity to provide testimony regarding Intro. No. 2374, which proposes an increase in the minimum square footage requirement per student for space planning considerations.

Over recent years, REBNY members have worked with the School Construction Authority (SCA) and others to frequently provide school space in development projects across the city. During the height of the COVID-19 pandemic REBNY assisted both the Department of Education (DOE) and SCA to identify private space capable of being utilized for additional public school seats to allow more students to return to in-person instruction in a socially distanced environment. Through that experience, REBNY learned firsthand the challenges that exist in identifying effective school space that meets the requirements necessary for today's classrooms. REBNY was grateful for the opportunity to partner with the city for that important effort and looks forward to working with the Council on the legislation before us today.

The goals of decreasing the absolute number of students assigned to a classroom and improving teacher to student ratios and education outcomes are laudable. According to a report by [the Citizen's Committee for Children](#), 59% of schools in Queens, 51% in Staten Island, 33% in the Bronx, 30% in Brooklyn and 28% of schools in Manhattan are overcrowded. "Overcrowded" is defined as the percentage of schools in a geography where enrollment exceeds capacity.

Intro. No. 2374 will impact the development and design considerations of new and existing buildings in New York City by increasing the minimum required space per child in a classroom from 20 square feet to 35 square feet. This raises several critical issues that merit further consideration.

First, the legislation requires a square footage requirement without a complete appreciation for the factors that contribute to how school space is designed and allocated. As currently drafted, moving three classrooms into the gym would surely meet the spatial requirements outlined in the bill without making any changes in students' educational experience. For this reason, regulations about classroom space need to be done holistically in a way that identifies true indicators of what will contribute positively to a student's education, such as the ideal student to teacher ratio and accounting for staffing resources to maintain such ratio.

The legislation is also unclear as to how existing schools should comply. The intent appears to allow for the creation of equal classroom sizes throughout the city. However, the bill lacks clarity on potential next steps if a school does not have the capacity for its current assigned student body. The bill also does not provide any consideration for scenarios in which a school or district lacks the resources, including land for new facilities, to provide for the required additional space required.

Additionally, this legislation may also impact the analytical framework within the City's Environmental Quality Review (CEQR) Technical Manual. The CEQR Technical Manual states that applicants must provide the target capacity, assuming a maximum capacity of 20 children per classroom for grades K-3, 28 children for grades 4-8, and 30 children for grades 9-12, for each school within the district. Given the limitations to classroom capacity mandated by this administrative code amendment, the CEQR Technical Manual should be amended prior to the effective date of the legislation to ensure alignment with this policy and not add delays to review for in process and prospective developments seeking to add classroom capacity. Along with taking into consideration the necessary Building Code revisions and CEQR updates, it behooves the Council to conduct a feasibility study to identify which schools are compliant, which schools will need to come into compliance, and additional indicators that will be gauge where additional school seats will need to be identified and built. Once completed, that study could inform legislation or other regulatory action where needed to address such issues.

According to REBNY members who design and construct schools in New York City, the process of designing a school to breaking ground is two years. Given the proposed implementation timeline, this means in-process projects will be obsolete before they even open their doors, creating a non-compliant space on the first day of school. SCA design requirements will also likely need to be reconsidered because of this legislation. For instance, the height and floor limitations that currently exist would need to be revised to accommodate greater density and school seats. We recommend that buildings already in the design or plan review process be considered exempt from new requirements. This will ensure critical school seats become available as promised and prevent delays or excessive costs that could occur if required to comply with a new Local Law.

As previously mentioned, REBNY welcomes the opportunity to partner with the Council and the City on the critical issue of school space and believes future school infrastructure – and most importantly future students – will benefit from a more holistic planning process. Thank you for your consideration of these points.

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# Advocates for Children of New York

Protecting every child's right to learn since 1971

## Testimony to be delivered to the New York City Council Committee on Education

### Re: DOE's Academic Recovery Plans and Intro. 2374-2021

October 27, 2021

Thank you for the opportunity to speak with you today about the DOE's academic recovery plans. My name is Randi Levine, and I am the Policy Director at Advocates for Children of New York (AFC). For 50 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. Every year, we help thousands of New York City parents and students navigate the education system. We focus on students whose needs are often overlooked, such as students with disabilities, English Language Learners, students who are homeless, students facing discipline, and students with involvement in the child welfare or juvenile or criminal justice systems.

Over the past year, Advocates for Children has heard from hundreds of New York City families whose students were not getting the support they needed due to disruptions in education caused by the pandemic. We heard from families whose children had to wait months for an iPad, who did not have sufficient connectivity for their iPads to work or didn't have a quiet space for remote learning, whose assignments were provided only in English, or whose special education services simply didn't translate over a screen. These groups of students were often overlooked and underserved before the pandemic – and the inequities have only grown worse.

Following this unprecedented disruption in public education, we are grateful that the DOE has received more than \$7 billion in federal COVID-19 relief funding. We appreciate that the City is using this funding for some important initiatives. At the same time, we worry there is still inadequate detail about how the funding will be used, inadequate funding for key priorities, and too much discretion and responsibility left to individual schools that already have their hands full reopening schools and keeping school communities safe. With our limited time today, we will briefly outline just some of the areas where we are advocating for change to ensure the funding is used effectively and that students get the support they need:

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- While we appreciate that the DOE has allocated funding to provide “recovery services” for students with disabilities after school or on Saturdays, these services will not be sufficient to provide all students with disabilities with the *compensatory services* they have a legal right to receive to make up for what they missed during the pandemic. Parents should not have to file hearings to get these services. We also have significant implementation concerns with how recovery services are being offered, including that the DOE has not committed to providing bus service.
- We are very pleased that the DOE plans to launch a contract enhancement for preschool special education programs, but the City has not yet committed to providing salary parity to teachers at these programs, putting the success of the program at risk.
- We appreciate that the DOE plans to roll out the new, citywide Mosaic Curriculum, and want to ensure this curriculum is not only culturally responsive but also grounded in the science of reading given the hundreds of calls AFC gets each year from families concerned about their children’s reading skills. And we want to ensure that students identified as needing more support following the DOE’s early literacy screenings can access evidence-based literacy interventions.
- We appreciate that the DOE has hired hundreds of additional social workers, but are disappointed that the DOE allocated only \$12 million in federal funding of the \$118.5 million needed to expand restorative practices to 500 high schools and only \$5 million of the \$15 million needed for the Mental Health Continuum.
- We are deeply disappointed that the DOE did not allocate funding for a comprehensive plan to support English Language Learners (ELLs), many of whom did not receive their mandated English as a New Language or bilingual instruction over the last 19 months, or for a multilingual communications and outreach plan and we continue to urge the DOE to make this investment.
- We are similarly disappointed that the DOE did not allocate any funding specifically to meet the needs of students who are homeless. Fortunately, the DOE will be receiving additional funding specifically for this purpose, and we are calling on the DOE to hire 150 shelter-based community coordinators to help connect students to school and other educational supports.

Finally, with respect to Intro. 2374-2021, we strongly support reducing class size. At the same time, we want to ensure safeguards are in place for students with disabilities, including those in co-located District 75 classes, who, historically, have been the first students excluded from school buildings when space is tight and who are often already traveling extensive distances to get to school. We want to reduce class size while also ensuring there is sufficient space for students with disabilities to get their instruction and services as close to home as possible per their legal right.



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Thank you for the opportunity to speak with you. I would be happy to answer any questions you may have.



**Testimony to be delivered to the New York City Council  
Committee on Education**

**Re: DOE's Academic Recovery Plans**

**October 27, 2021**

Thank you for the chance to testify this afternoon around the Department of Education's academic recovery plans. My name is Maggie Moroff. I am the Coordinator of the ARISE Coalition, a group of over 100 organizational and individual members working together to push for systemic changes to improve the day-to-day experiences and long-term outcomes for youth with disabilities in New York City schools.

Since the pandemic began, our members have worked with countless families of students with disabilities who have not received all the special education supports and services they required – despite the efforts of the DOE, the students' families, and advocates and attorneys working on behalf of those students. What that has looked like has been different for each student; some struggled to obtain proper technology for remote learning; others required related services that were simply impossible to deliver remotely; still others required support from paraprofessionals during the pandemic that was not feasible; and some students went without the support of special education teachers and service providers for a period of time. The pandemic and all the obstacles to delivering those supports while students learned remotely or in hybrid settings has amplified the divide between students with disabilities and their peers.

ARISE members are encouraged and thankful for the \$7 billion in federal COVID-19 relief funding the city has received. We do, however, have some concerns we would like to share today around the rollout of the recovery services for students with disabilities, as well as literacy supports.

First, let me address the announced recovery services for students with disabilities which will be made available after school and/or on Saturdays. It is clear these services will not be sufficient to provide all students with disabilities with the compensatory services they require and have a legal right to receive to make up for all that they did not receive these past eighteen months. ARISE, and our many member organizations, have been saying since early on that the burden of seeking compensatory services cannot sit on the shoulders of parents. Parents should not have to ask for due process hearings when their children did not get all they needed because of COVID-19. Rather, the DOE should issue guidance to schools on their obligation to determine and provide compensatory services for students with disabilities in cases where recovery services are not sufficient. In addition, the DOE should provide parents with clear guidance on how they can

request compensatory services so parents do not have to resort to the DOE's overwhelmed and backlogged due process system.

Furthermore, while the DOE plans to set up sensory sites in each borough as part of the recovery program, the rest of the recovery services are being left to individual schools to implement. We worry that schools may not have the bandwidth they need to get these services up and running for all students in a way that all students who need them have access.

The DOE must set up a mechanism for overseeing both recovery services and compensatory services processes across the city's school system and ensuring that all students with disabilities, regardless of the schools they attend, have the opportunity to receive adequate additional support.

To date, as we understand things, few, if any of these programs are in place. There's been no School Allocation Memo posted, which leaves schools unsure of what resources they have to spend. Very few schools have notified parents what their school's recovery services program will entail, leaving almost no time for parents to plan. And we have not yet heard whether bus service will be available to get students back and forth from home to recovery services. It's hard to know when most schools will have their afterschool and weekend programs up and running.

I also want to speak briefly about the DOE's announced intent to roll out a citywide Mosaic Curriculum. In announcements thus far, the Mayor and Chancellor have spoken to the need to ensure that curriculum is culturally responsive. We agree. We also want to be sure that curriculum is grounded in the science of reading and delivers core literacy instruction as well as interventions in a systematic and scaffolded manner that guarantees all students receive instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension. The DOE must ensure this new curriculum helps the city meet the goal of having all students reading.

Thank you for the chance to testify before you today.

**Class Size Reduction in NYC Schools**  
Testimony before the NYC Council Education Committee  
By Curtis D. Young

October 27, 2021

Mr. Chair and Members of Committee,

I come before you today in support of **Intro Bill 2374** requiring the Department of Education to phase in smaller classes within the next three years by shrinking the **legally allowed** classroom capacity. As an advocate of smaller class sizes across our city, I see this legislation as a significant step in our long term advocacy efforts.

Today I am speaking to you as Executive Director of Artistic Noise. Our work, ranging from Harlem-based community settings to detention facilities, supports the positive reentry for youth and also provides **preventive** care for those in need. One reason I continuously champion this issue is due to the intersection this issue has with the school to prison pipeline, as I mentioned in my testimony on February 28, 2021. In a time where racial justice and criminal justice reform is at the forefront of all our minds, we must begin to call out what large classes actually are - an injustice to **ALL** students, specifically to those coming from under-resourced communities.

***It remains a fact that:***

- 1. Class size reduction improves test scores for students of color and significantly narrows the achievement gap.**
- 2. Class size reduction leads to increases in college entrance and other postsecondary outcomes for students of color.**
- 3. Class-size reduction has non-cognitive and disciplinary impacts that are likely to benefit Black males and other students of color.**

If we are serious about closing ALL school to prison pipelines, we absolutely must have class size reductions at the forefront of our policy decisions.

Students from - *already* - underserved communities arrive to their classrooms with existing challenges, traumas, and a variety of socio-emotional needs.

Smaller class size is not the panacea for improved outcomes for each student, however, what we do know for sure is that when coupled with adequate staffing, counselors and behavioral specialists, **and** a smaller class size, we can provide the individual support our students need during these challenging times.

Thank you for your time.

October 27, 2021

**Regent Kathleen Cashin Testimony to the City Council Education Committee on the importance of reducing class size**

Thank you Chair Treyger and the members of the NYC Council Education Committee for holding these important hearings today.

In 1999, when I was Superintendent of District 23, Ocean Hill Brownsville, the fourth graders had to take a multi-faceted state test for the first time, which included reading, writing and listening.

The first thing I did was to reduce class size in that grade.

In those days, the community superintendents had their own budgets and therefore I could invest the necessary funds to provide reasonable class sizes so we could better prepare students to take this important new state test. We lowered class size in all the fourth grade classes to 16 to 20 students per class.

We also helped prepare the teachers by providing them with books in different genres and had them ask their students respond to writing prompts each morning, following reading and listening exercises.

The results were astounding. The children in one of the poorest districts in the nation had the greatest growth of any district in the city in reading, writing and listening. The key initiative that caused this substantial growth, I believe, was lowering their class size.

I also noticed that a more manageable class size promoted collaborative planning among the teachers. This is essential because collaboration improves instruction and collegiality among the staff.

I discovered that class size not only improves the ability of students to learn but also improves the ability of teachers to plan and teach in a more effective manner.

For the first time, they were able to manage their classes better, in that the smaller classes allowed them to develop a relationship of trust with their students, that in turn led to improvements in student discipline and' behavior.

Teachers had more energy and confidence in their ability to do their job, which encouraged them to more enthusiastically collaborate with each other. This fostered a higher degree of professionalism.

My experience as District Superintendent reinforced my conviction in the importance of class size and my understanding of the following principle: If you reduce class size, and provide the right curriculum and structure, the rest will follow.

Thank you for the opportunity to testify today, and I'd be happy to answer any questions you might have.



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## Class Size Matters testimony in support of Intro 2374-2021 and the need to reduce class size

October 27, 2021

Thank you for holding these important hearings today. My name is Leonie Haimson and I'm the Executive Director of Class Size Matters.

In 2003, in the Campaign for Fiscal Equity case, the NY Court of Appeals, the state's highest court, said that classes in NYC public schools were too large for children to receive their right under the State Constitution to a sound basic education:

*Plaintiffs presented measurable proof, credited by the trial court, that NYC schools have excessive class sizes, and that class size affects learning....evidence of the advantages of smaller class sizes supports the inference sufficiently to show a meaningful correlation between the large classes in City schools and the outputs...of poor academic achievement and high dropout rates...[T]ens of thousands of students are placed in overcrowded classrooms . The number of children in these straits is large enough to represent a systemic failure.<sup>1</sup>*

Students who are in smaller classes do better in every way that can be measured. They get better grades, higher test scores, are more likely to graduate from high school, go onto college and graduate with a STEM degree. Disciplinary problems also sharply fall when classes are smaller, in part because students are able to develop stronger relationships with their teacher and classmates, feel like they are known and their needs are met. Teacher attrition also falls to far lower levels, especially in high needs schools with a preponderance of disadvantaged students.

And though all students benefit, the ones who see the greatest gains from smaller classes are those that need the help the most – students of color, those from low-income families, English Language Learners and children with disabilities. This is why class size reduction is only a handful of reforms that have been proven through rigorous research to narrow the achievement/opportunity gap, and why it is a key driver in improving education equity.

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<sup>1</sup> [Campaign for Fiscal Equity, Inc., et al. v. State of New York, et al.](https://www.law.cornell.edu/nyctap/I03_0084.htm), 100 N.Y.2d 893, 911-12 (2003) (“CFE II”).  
[https://www.law.cornell.edu/nyctap/I03\\_0084.htm](https://www.law.cornell.edu/nyctap/I03_0084.htm)

Yet since the decision was made in the CFE case, class sizes have risen in NYC public schools, especially in the early grades, and are 15-30% larger than those in the rest of the state.<sup>2</sup> Charts showing these trends are included in the Appendix.

All this explains why when parents of children in grades K through 12 are asked what changes they would most like to see in their schools, their top priority is smaller classes. This is how they have responded every year since 2007, when the DOE's survey was first administered.<sup>3</sup>

Given the critical need for social distancing and the additional academic support required to make up for a year and half of disrupted education, the consensus for smaller classes this year was stronger than ever before.<sup>4</sup> In recognition of the need for smaller classes, and the unprecedented resources being provided to the DOE via approximately \$8 billion in additional state and federal funds over the next three years, the City Council advocated that \$250 million be invested in smaller classes in schools this fall.<sup>5</sup> And yet the Mayor and DOE instead is implementing a small, \$18 million class size "pilot", in which principals are encouraged to use the funds for either class size reduction or additional push-in teachers, which does not offer the same proven benefits to students in terms of safety, health, or academic support.<sup>6</sup>

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<sup>2</sup> See the chart in the appendix from the most recent NYSED comparative class size data, which is for 2016-2017 at <http://www.p12.nysed.gov/irs/pmf/>

<sup>3</sup> Every year between 2007 and 2014, smaller classes were the top priority of parents for their schools on the DOE survey when asked what changes they would like to see in their children's schools. In 2015, that option omitted from the survey, but after parents protested, the DOE put it back the following year. Starting in 2016, DOE reported that more enrichment was now the top choice of parents, but that year for the first time they included the responses of thousands of parents at CBO PreK programs. Class size in PreK is limited to eighteen to twenty students by state law. DOE also included the responses of D75 parents, where class sizes are also legally limited to much smaller levels. See [https://nycpublicschoolparents.blogspot.com/2019/08/the-nyc-school-survey-changes-over-time\\_27.html](https://nycpublicschoolparents.blogspot.com/2019/08/the-nyc-school-survey-changes-over-time_27.html) An analysis of the latest 2020 DOE survey data reveals that if the responses of parents with children at DOE non-D75 schools are calculated, smaller classes are still their top preference, even though we were unable to subtract the responses of thousands of parents whose children attend PreK classes at elementary schools rather than CBOs. 2020 DOE parent survey data posted at: [https://infohub.nyced.org/docs/default-source/default-document-library/2020-public-data-file\\_parent\\_final.xlsx](https://infohub.nyced.org/docs/default-source/default-document-library/2020-public-data-file_parent_final.xlsx) In 2019, the survey received far more responses from parents since it was pre-Covid, 509,298 vs 302,713 in 2020, and class size also was the top priority among K12 parents, even before subtracting D75 families. See the 2019 data at [https://infohub.nyced.org/docs/default-source/default-document-library/2019-public-data-file\\_parent.xlsx](https://infohub.nyced.org/docs/default-source/default-document-library/2019-public-data-file_parent.xlsx)

<sup>4</sup> According to the survey posted by Class Size Matters, NYC Kids PAC and Teens Take Charge, posted last May, 46% of respondents said that their #1 priority for the additional federal and state funds was to reduce class size <https://nyckidspac.org/2021/05/results-from-parent-action-conference-2021-how-do-parents-educators-students-want-8b-in-state-federal-funds-spent-to-improve-our-schools/> Similarly, in a statewide survey of Black and Latinx families, students and educators, the Alliance for Quality Education found that the top two priorities were to hire more staff for mental health support and for class size reduction. [http://www.aqeny.org/wp-content/uploads/2021/06/survey\\_report.pdf](http://www.aqeny.org/wp-content/uploads/2021/06/survey_report.pdf)

<sup>5</sup> See <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/04/Fiscal-2022-Preliminary-Budget-Response-1.pdf#page21>

<sup>6</sup> For more on this "pilot", see <https://classsizematters.org/list-of-elementary-schools-to-be-included-in-class-size-pilot/>; Chalkbeat at <https://ny.chalkbeat.org/2021/6/30/22558104/nyc-budget-deal-2022-smaller-class-size-covid-learning-loss>

In addition to the billions of dollars in additional federal funds that our schools are receiving, our schools are also being provided with an additional \$530 billion this year in state Foundation funds that will increase to \$1.3 billion annually over the next three years, in fulfillment of the goals of the Campaign for Fiscal Equity lawsuit. The Contracts for Excellence law that passed in 2007 was supposed to address this constitutional deficiency, by requiring that in return for more funding, DOE had to submit and implement a five-year plan to lower class size in all grades.<sup>7</sup> And yet, rather than lower class size as that plan required, class sizes rose sharply after 2008, especially in the early grades, and remain much larger today than when the law was passed, and indeed larger than when the Court of Appeals issued its decision in 2003.

Given the fact that NYC students are still deprived of their right to smaller classes, many believe that there remains a clear ethical obligation if not a legal one for the city to reduce class size. I'd like to thank Chair Treyger and Speaker Johnson for introducing Intro 2374, as well as the twenty-six other legislators have signed onto it as of last evening. If this bill is passed and enforced would finally deliver to NYC children what is needed for a truly equitable and excellent education.<sup>8</sup>

We have not yet found another district or state where the classroom space requirements are so small as the current NYC building code of only 20 square feet per student. [See the chart in the Appendix.] For example, the current code in Florida requires that classrooms provide 49 sq. ft. per student in grades K-3, 39 sq. ft. per student in grades 4-8 and 32 sq. ft. per student in high school.<sup>9</sup>

Intro 2374 would enlarge the current NYC building code from twenty square feet per student in grades 1-12 to 35 square feet per student.<sup>10</sup> Given the average class size in NYC schools of about 650 square feet, according to the Independent Budget Office this would mean a limit of about 19 students per class in an average size classroom, to be achieved over three years.<sup>11</sup> This is an ambitious target, and one would clearly benefit students, both educationally and in terms of health and safety

This would also reverse the trend in which DOE has actually shrunk the size of a minimum classroom and removed all class size standards from their Instructional Footprint since 2007, the document used to guide space allocations and facilitate co-locations, in which more students have been crammed into smaller and smaller spaces over time.<sup>12</sup>

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<sup>7</sup> See N.Y. Education Law §211-d(6) at <https://codes.findlaw.com/ny/education-law/edn-sect-211-d.html>

<sup>8</sup> <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5072014&GUID=C4487B7C-8916-4C24-A86C-FD376A3D55B5>

<sup>9</sup> See p.87 <https://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf>

<sup>10</sup> New York City Department of Buildings, Building Code Plus Reference Standards and Selected Rules and Regulations of the Department of Buildings, Includes Amendments to October 1, 2004, New York: New York City Department of Buildings, 2004, 166, [http://www.nyc.gov/html/dob/downloads/bldgs\\_code/amendment\\_set\\_1.pdf](http://www.nyc.gov/html/dob/downloads/bldgs_code/amendment_set_1.pdf)

<sup>11</sup> The IBO found that average size of a 'regular classroom' to be about 650 sq. ft across the DOE system excluding districts 75, 79 and charter schools. Email from Taina Guarda <TainaG@ibo.nyc.ny.us> to Leonie Haimson, Aug. 12, 2021.

<sup>12</sup> The original DOE Footprint from 2007 assumed class sizes of twenty students per class in grades K-3, and 25 students in grades 4-5 in non-Title One schools. In 2009, however, the Footprint raised class size standards for grades 4-5 to 28, without explanation. Then in 2011, the Footprint eliminated any standards for class size from the document completely, except in the case of alternative learning centers, transfer high schools, full time GED programs, and Young Adult Borough Centers. In 2010, the Footprint also shrunk the minimum size for regular classrooms from 600 square feet to 500 square feet in grades

These more capacious requirements would promote both health and safety and higher academic achievement, given that there is a growing body of research showing that the higher CO2 levels of overcrowded classrooms are negatively correlated with student achievement.<sup>13</sup>

If implemented well, smaller classes would also likely lead to substantial cost savings by lowering special education referrals and reducing the need for expensive intervention services. According to a report from the Independent Budget Office, the cost of private school placements in the DOE budget has doubled in the last four years, to \$710 million in fiscal year 2020.<sup>14</sup> These costs would decrease or level off if students with the personalized attention and feedback they need in the public schools.

Moreover, NYC has a lower student-teacher ratio but larger class sizes than the national averages, so out-of-classroom positions could be redeployed to lower class size.<sup>15</sup> Smaller classes would also likely lower teacher turnover which is a major problem in high-poverty NYC schools.<sup>16</sup> According to a UFT teacher survey, 99% teachers responded that class size reduction would be an effective reform to improve NYC schools, far outstripping any other proposal. About 90% said that this would be a “highly effective” reform.<sup>17</sup>

Many teachers have expressed frustration with the excessive class sizes this year, especially as compared with the smaller in-person classes last year, when most students opted for remote learning. Here’s the comments of one teacher:

*“I have one student now who I had last spring in a tiny class. He is challenging to engage and had a reputation for cutting and wandering the halls. In a tiny class, my co-teacher and I built a relationship and he started doing assignments. Now he sits in the back of a big class and I can't get him off his phone. It's frustrating.”*

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1st through 12th, and the minimum size for cluster rooms from 1000 to 500 square feet. See the various versions of the Instructional Footprint over time here. <https://classsizematters.org/doe-instructional-footprints-shrinking-through-time/>

<sup>13</sup>Santosh Gaihre, et. al. *Classroom Carbon Dioxide Concentration, School Attendance, and Educational Attainment*, Journal of School Health, Sept. 2014 at [https://www.researchgate.net/publication/264744115\\_Classroom\\_Carbon\\_Dioxide\\_Concentration\\_School\\_Attendance\\_and\\_Educational\\_Attainment](https://www.researchgate.net/publication/264744115_Classroom_Carbon_Dioxide_Concentration_School_Attendance_and_Educational_Attainment); Haverinen-Shaughnessy U, et.al.. *Association between substandard classroom ventilation rates and students' academic achievement*. Indoor Air. April 2011. <https://pubmed.ncbi.nlm.nih.gov/21029182/>

<sup>14</sup> <https://ibo.nyc.ny.us/iboreports/carter-case-spending-for-students-with-special-needs-continues-to-grow-rapidly-march-2021.pdf>

<sup>15</sup> See Table 208.10 for 2018 national average in student/teacher ratios: all schools at 16.1, Elementary schools 16.0 and Secondary schools 16.6 [https://nces.ed.gov/programs/digest/d20/tables/dt20\\_208.10.asp](https://nces.ed.gov/programs/digest/d20/tables/dt20_208.10.asp) The same year NYC student/teacher ratios were two students smaller: 14.1 for all schools, with elementary at 13.6; MS at 13.8; and HS at 14.9. See slide 3 in NYC Class Size report for 2018-19 (Final/Updated) Feb. 2019, [https://infohub.nyced.org/docs/default-source/default-document-library/february\\_class\\_size\\_report\\_-\\_webdeck\\_-\\_2-15-19.pdf](https://infohub.nyced.org/docs/default-source/default-document-library/february_class_size_report_-_webdeck_-_2-15-19.pdf)

<sup>16</sup> <https://www.cityandstateny.com/articles/policy/education/new-ideas-how-slow-teacher-turnover.html> ; see also Class Size Matters Testimony on teacher recruitment and attrition, January 2017, <https://secureservercdn.net/198.71.233.96/3zn.338.myftpupload.com/wp-content/uploads/2017/01/CSM-testimony-class-size-and-teacher-retention-1.24.17.pdf> See also NYC Council, A Staff Report of the NYC Council Investigation Division on Teacher Attrition and Retention, 2004. <http://www.nyc.gov/html/records/pdf/govpub/1024teachersal.pdf>

<sup>17</sup> Survey results here: <https://www.uft.org/news/news-stories/what-works-what-doesnt-teachers-speak-their-minds>

This fall, Catherine Vail, an experienced teacher who had taught in Brownsville for 18 years, wrote a heartbreaking oped in the Daily News, explaining how she had quit because of the class sizes and the lack of social distancing: *“Twenty-six kids, most in ill-fitting masks drooping below their noses, were in my small classroom barely a foot apart.”* She teaches in a high poverty school with unused rooms and plenty of space to lower class size if they had more teachers. <sup>18</sup>

In about half of the districts there would be room for smaller classes now. In some overcrowded districts, Pre-K and 3K classes currently provided in elementary schools could be relocated to DOE PreK centers and Community Based Organizations, many of which are under-enrolled and have extra space. According to the DOE data, there were 14,908 open 3K and PreK seats at these centers in FY 2020 and 16,316 open seats in FY 2021. <sup>19</sup> No loss of quality would result. In fact, according to the to evaluation systems that are used to assess the quality of PreK programs, those sited in CBOs come out ahead of those sited in NYC public schools. <sup>20</sup>

In the longer run, the school capital plan should be accelerated and expanded, aided by an expedited program of leasing and purchasing empty parochial school buildings and requiring developers to provide space for new schools or pay Impact fees into a fund to support the necessary infrastructure.

Thank you for the opportunity to speak to you today.

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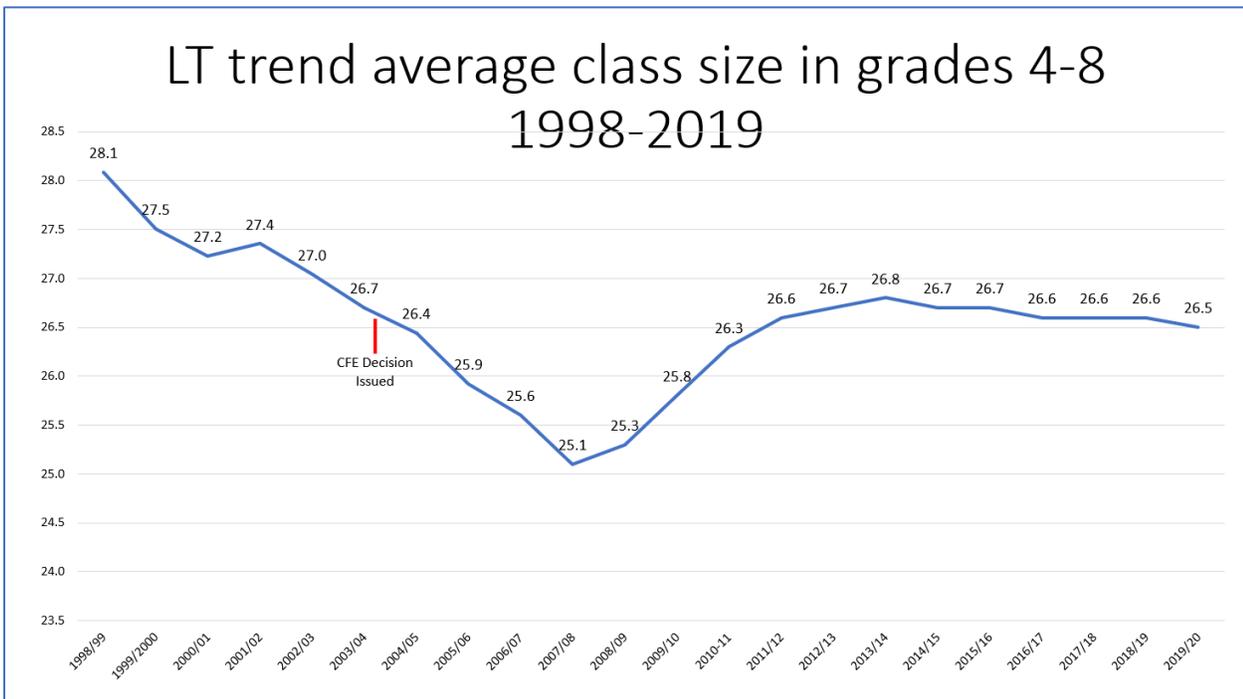
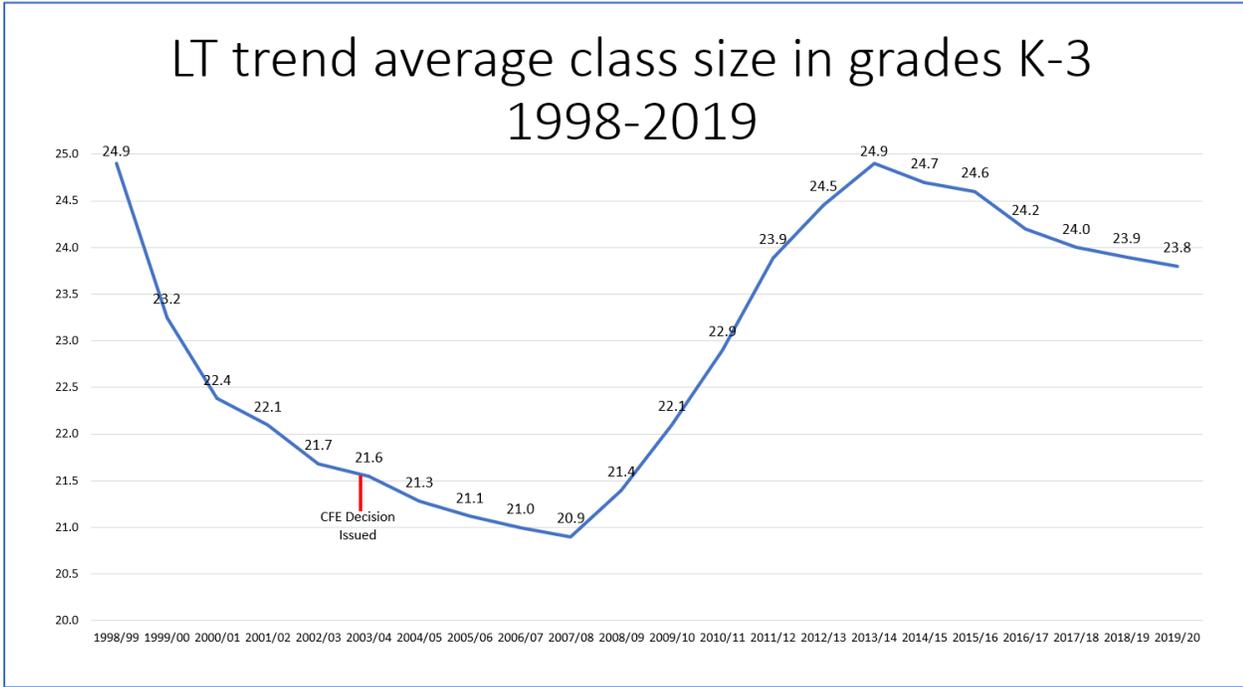
<sup>18</sup> <https://www.nydailynews.com/opinion/ny-oped-making-schools-truly-safe-20211001-4ijorhlmtncl3g4ezwfaof4xwi-story.html>

<sup>19</sup> Analysis of available seats from the data in NYC DOE UPK 3K and Early Childhood Enrollment reports for FY 2020 and FY 2021 at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/09/Department-of-Education-UPK-3-K-and-Early-Childhood-Enrollment-Report.xlsx> and <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/06/Department-of-Education-%E2%80%93-UPK-3-K-and-Early-Childhood-Enrollment-Report.xlsx>

<sup>20</sup> The two evaluation tools for PreK programs are the Early Childhood Environmental Rating Scale—Revised (ECERS-R) and Classroom Assessment Scoring System (CLASS). A recent study showed that scores on these tools were slightly higher in PreK sites run by community-based organizations than in school-based sites or DOE PreK centers on the ECERS scale. See <https://www.k12dive.com/news/study-uneven-quality-found-in-pre-k-sites-across-nyc/580377> and Bruce Fuller et. al., *Equity and Institutions Distributing Preschool Quality in New York City*, University of California, Berkeley, July 2020 at [https://gse.berkeley.edu/sites/default/files/nyc\\_pre-k\\_study\\_-\\_july\\_2020\\_update.pdf](https://gse.berkeley.edu/sites/default/files/nyc_pre-k_study_-_july_2020_update.pdf) Bruce Fuller et. al. found that the mean ECERS score for CBO-based sites was 4.3, compared with 4.1 in public elementary schools and 4.0 in DOE PreK centers. There was no significant different between CBO and public school PreK programs in terms of CLASS scores, though DOE PreK centers scored lower than the other two. For an earlier study which also showed CBOs scoring higher in ECERS, see Gregory Brender, *Losing the Best*, March 2016, United Neighborhood Houses at <https://works.bepress.com/gregory-brender/2/download/>

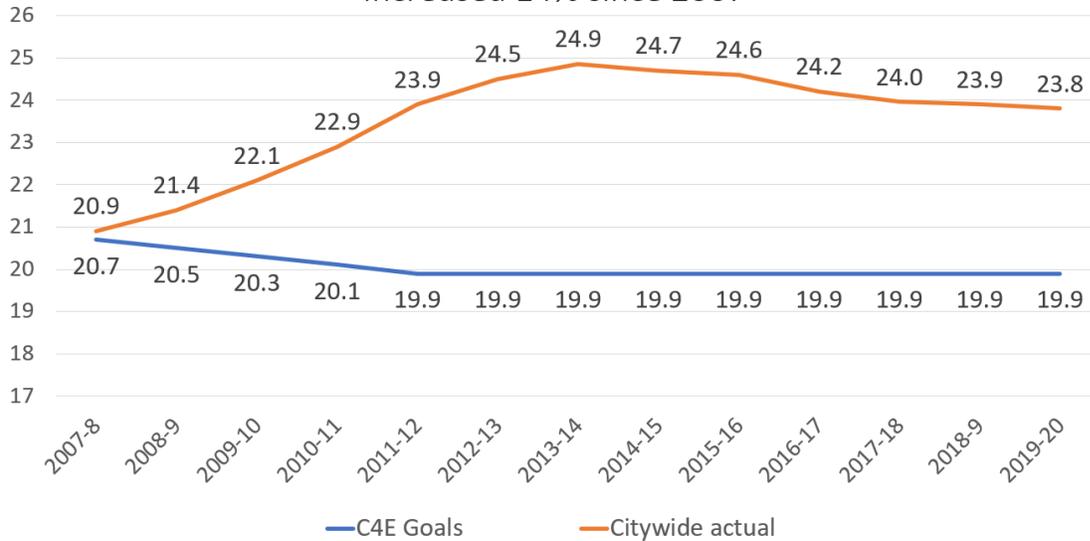
**Appendix:** Charts showing the increase in average class size since 2003 when the Court of Appeals issued their decision in the CFE case.

Data pre-2006, from the Independent Budget Office. Data 2007-2019 from DOE’s annual Nov. 15 class size reports. Contract for Excellence goals are from the DOE’s original class size reduction plan, submitted and approved by NYSED in 2007.



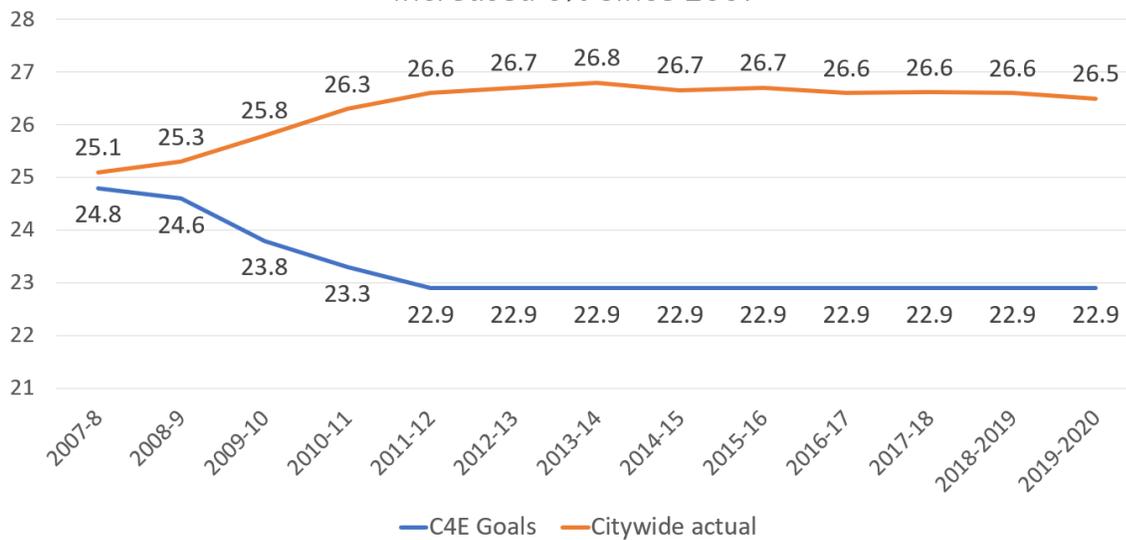
## Average Citywide K-3rd Class Sizes

*Increased 14% since 2007*

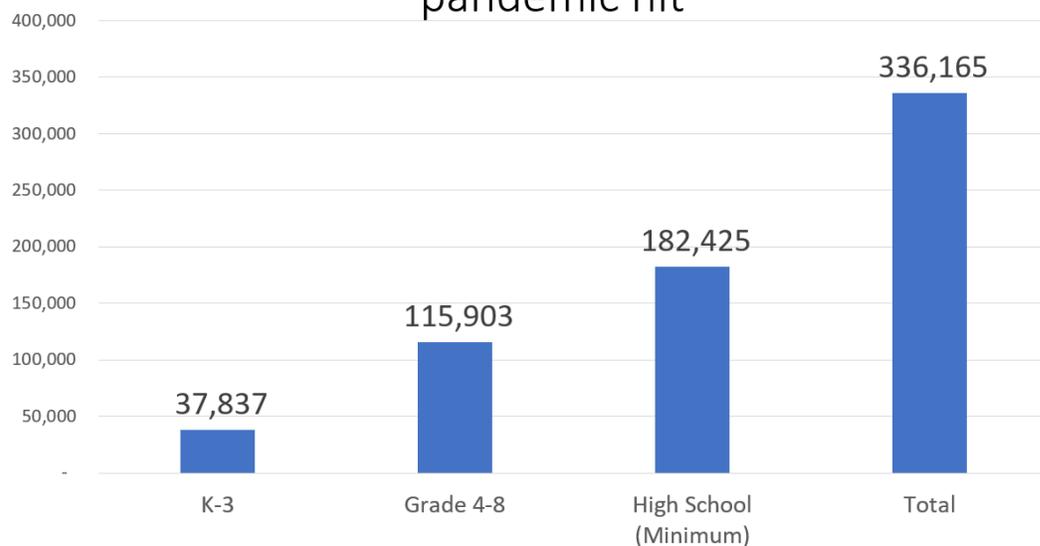


## Average Citywide 4<sup>th</sup>-8<sup>th</sup> Class Sizes

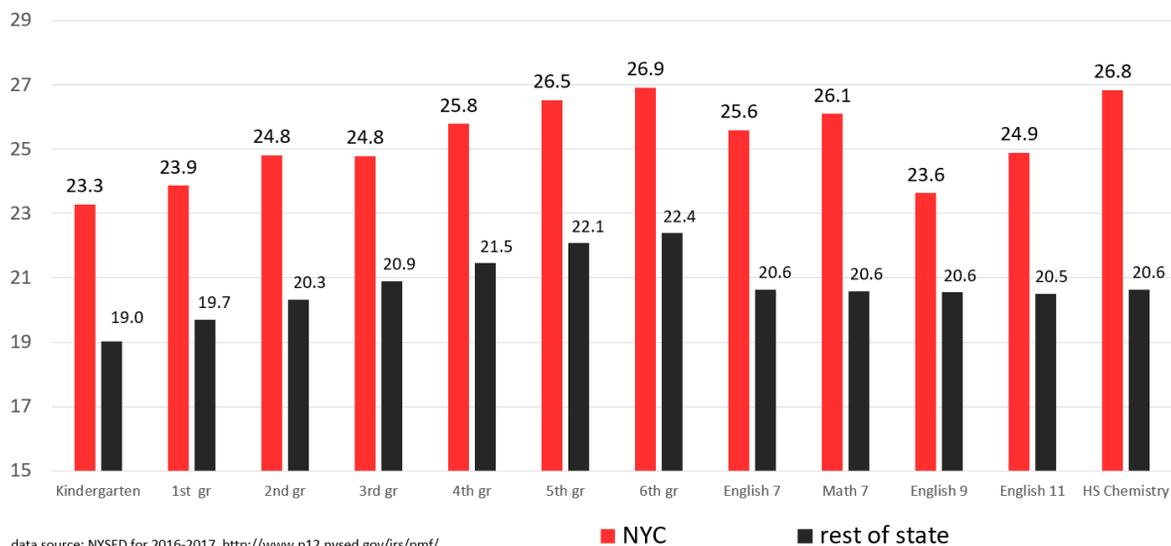
*Increased 6% Since 2007*



More than 336,000 students – or about 1/3 of all students were in classes of 30 or more before the pandemic hit



*NYC class sizes are 15-30% higher on average than rest of the state*



# Student space requirements by state compared to NYC

State/City	Elem (Per Student)	MS (Per Student)	HS (Per Student)	Classroom Size	Req.?	Source
AZ	1st-3rd: 32 sq. ft.	4th-6th: 28 sq. ft. 7th-8th: 26 sq. ft.	25 sq. ft.	N/A	Yes	<a href="#">AAC - Ch. 6. School Facilities Board (R7-6-210)</a>
FL	1st-3rd: 49 net sq. ft.	4th-8th: 39 net sq. ft.	9th-12th: 32 net sq. ft.	N/A	Yes	<a href="#">FL DOE - State Requirements for Educational Facilities (Sec. 6.1)</a>
IN	30 sq. ft.	30 sq. ft.	30 sq. ft.	N/A	Yes	<a href="#">IAC - 410 IAC 6-5.1-5(d)</a>
NH	36 sq. ft.	36 sq. ft.	32 sq. ft.	900 sq. ft.; HS: 800 sq. ft.	Yes	<a href="#">NH AC - Part Ed 321.10 - School Building Construction</a>
NM	1st-5th: 32 sq. ft.	6th-8th: 28 sq. ft.	9th-12th: 25 sq. ft.	N/A	Yes	<a href="#">NM AC - 6.27.30.13</a>
NYC (Proposed)	35 sq. ft.	35 sq. ft.	35 sq. ft.		Yes	<a href="#">NYC City Council - INT. No. 2374</a>
NYC (Current - Gen Ed)	K: 35 sq ft; 1st-12th: 20 sq. ft.	20 sq. ft.	20 sq. ft.	1st-12th GenEd: 500 sq.ft.;	Yes	<a href="#">Building Code of NYC</a> <a href="#">See also: Instructional Footprint (rev. 2015)</a>
NYC (Current - Special Ed)	n/a	n/a	n/a	Special ed 240-499 sq. ft.	Yes	<a href="#">NYC Instructional Footprint (rev. 2015)</a>
OK	1st-6th: 28 net sq. ft.	7th-8th: 28 net sq. ft.	28 net sq. ft.	sq. ft.; MS & HS: 700 sq. ft.	No	<a href="#">OK DOE - Planning For Education: Space Guidelines for Planning</a>
PA	30 sq ft.	25 sq ft.	25 sq ft.	N/A	Yes	<a href="#">PA Code - Title 22, §59.33. Indoor/outdoor space</a>
TX	1st: 36 sq. ft. (Districts w/ small classes) 2nd-4th: 32 sq. ft. (Districts w/small class sizes)	5th-8th: 28 sq. ft. (Districts w/small class sizes)	9th-12th: 28 sq. ft. (Districts w/small class sizes)	1st : 800 sq. ft.; 2nd-12th: 700 sq. ft.	Yes	<a href="#">TX AC, Title 19, Part 2, Rule §61.1036</a>
VT	1st-6th: 30 net sq ft.	30 net sq. ft.	30 net sq. ft.	N/A	No	<a href="#">Vermont School Construction Planning Guide</a>
WV	1st-5th: 28-30 sq. ft.	6th-8th: 28-30 sq. ft.	9th-12th: 28-30 sq. ft.	N/A	Yes	<a href="#">West Virginia Administrative Law - Education §126-172</a>

## **Diane Ravitch's testimony in support of lowering class size**

October 27, 2021

Chairman Treyger, thank you for the opportunity to speak today.

I am a historian of education. My first book was a history of the NYC public schools.

As a historian, I have studied reform in NYC and in cities across the nation.

Reform usually means shaking up the system. Centralize, decentralize, recentralize. Reorganize the bureaucracy, put the mayor in control, change the decision-making structure. Hire consultants, hire data analysts, hire coaches.

Or reform means outsource the schools to private entrepreneurs.

Or reform means more standardized testing. Interim assessments, test prep. Testing and more testing. More testing does not produce more learning or better grades.

These so-called reforms barely move the needle, if at all.

Class size reduction is a far more powerful reform than any of the above.

Grades improve, discipline improves. Teacher morale improves.

Children get the attention they need. Class size reduction is especially valuable for the children with the greatest needs.

With smaller classes, teachers have the time they need to do their jobs.

Chairman Treyger, you are right. Reform begins with the needs of children, not the limits of space.

Class size reduction is the most powerful reform you can enact.



**Education Law Center Testimony**  
**In Support of Int. 2374-2021**  
**A Local Law to amend the administrative code of the city of**  
**New York, in relation to classroom capacity**  
**New York City Council**  
**Committee on Education**  
**October 27, 2021**

Dear Chair Treyger and Members of the Committee:

My name is Wendy Lecker and I am a Senior Attorney at Education Law Center. ELC is the nation's legal defense fund for public education rights and, since 2011, has worked to advance the right of all children to a sound basic education as guaranteed by the New York Constitution and as effectuated by the landmark Campaign for Fiscal Equity (CFE) ruling. Prior to joining ELC, I served on the legal team that litigated the CFE case. In addition, ELC has been co-counsel in New York's two more recent major school funding cases: *Maisto v. State* and *NYSER v. State*.

We write in support of Int. 2374-2021, an amendment designed to ensure New York City public school students are provided a resource essential to a meaningful opportunity for a sound basic education: reasonable class size. The amendment would guarantee every New York City public school student 35 square feet of net floor area.

Smaller class size is among the most effective tools for improving education outcomes, especially for students from low-income families, students with special needs and students of color. Moreover, year after year, reducing class size is consistently the top priority for New York City public school parents' when asked about changes they want in New York City schools. New York City teachers also overwhelmingly support smaller class size as an effective strategy for improving both learning and teaching conditions.

In 2003, New York's highest court recognized the importance of reasonable class sizes in its landmark Campaign for Fiscal Equity v. State (CFE) ruling. The Court of Appeals found that tens of thousands of City school children were consigned to excessively large classes, a "systemic failure" in providing a "sound basic education.

Almost two decades later, New York City school children remain consigned to the same excessively large class sizes the Court of Appeals found unconstitutional. Data from 2019 shows over thirty-five thousand (35,000) first through third graders were assigned to classes of 30 or more, a nearly 3,000% increase since 2007. Over 300,000 City students were in classes of 30 or more just prior to the pandemic.

As vital as reduced class size was prior to the COVID-19 pandemic, its importance has increased significantly since. Smaller class size is essential to ensuring adequate social distance

that will safeguard students' health. Moreover, smaller classes enable teachers to establish and maintain personal connections with students. These connections are essential to helping students manage the trauma they have experienced in the past year and a half so that they can focus on learning.

As this school year gets underway in the midst of COVID-19, there are already disturbing stories of unsafe, excessive class sizes. As one teacher in Brownsville reported in the [Daily News](#), “[t]wenty-six kids, most in ill-fitting masks drooping below their noses, were in my small classroom barely a foot apart...” Students and teachers in [Queens](#) face similar unsafe class sizes that are also not conducive to effective learning.

In 2021, the New York State Legislature finally committed to fully funding the City's allocation of Foundation Aid within the next three years. Governor Hochul cemented that multi-year commitment when she announced the settlement of the *NYSER* case. In addition to these state funds, the City will be received federal pandemic aid. New York City now has a unique opportunity to finally remedy a key “systemic failure” found in the CFE case- excessive class size- and to improve the health, academic, and life outcomes of hundreds of thousands of New York City public school students.

Int. 2374-2021 is a necessary oversight tool to ensure that New York City lives up to its commitment to its children to provide smaller class size, an educational resource that is essential to the guarantee of a constitutionally “sound basic education.” We urge the City Council to pass this bill.

Thank you.

NYC CEFT | ceftnyc.org

Farah Despeignes, President  
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## Testimony for Oversight Hearing on DOE's Academic Recovery Plans - Committee on Education

Wednesday, October 27, 2021

Good afternoon to the chair, Council Member Mark Treyger, and esteemed members of the City Council Committee on Education.

My name is Jennifer Goddard and I'm the parent of a 5th grade NYC public school student who has an IEP and is currently at home in the DOE's medically necessary instruction because of asthma and an overactive immune system disorder.

I'm speaking on behalf of the New York City Coalition for Educating Families Together (NYC CEFT) about school safety during the pandemic and how offering a remote option as part of the Academic Recovery Plan would immediately address dangerous overcrowding in NYC schools.

First, thank you for inviting comment on this important issue and for your advocacy and oversight. We fully support your proposed law to amend the administrative code in relation to classroom capacity. Holding the DOE accountable to long overdue promises to lower class sizes is a priority for the majority of NYC parents so we applaud this smart approach to ensure they finally take real action.

In the interim, we reiterate our call for the DOE to offer a remote option to parents concerned about keeping their children safe during the pandemic. Despite whatever spin City Hall is putting out, it bears repeating that the pandemic is still very much happening.

For the week ending October 21, children comprised 25.1% of weekly covid cases in the U.S., according to the American Academy of Pediatrics, even though children make up just 22.2% of the country's population.

And while the 118,000 new pediatric covid cases recorded last week is down from the pandemic peak of 250,000 we reached September 1, it's still 92% more than October 29, 2020, when a mere 61,447 new pediatric cases set off alarms as the largest increase in any week since the pandemic began.

The difference is delta. And yet the mayor refuses to offer the remote option considered necessary last year with a far less transmissible virus. But now, children ages 5-17 continue to outpace all other age groups in NYC covid cases rates, particularly since the start of school, according to the Director of Education Research at Princeton's School of Public & International Affairs.\*

Despite all of this, the current mayor offers nothing but contempt for families and disregard for children so our recommendations are for the next mayor, who will have to work quickly to address this administration's catastrophic failure to safeguard NYC's students and provide them with proper education.

In addition to a host of other critical needs detailed in NYC CEFT's vision and priorities for the Academic Recovery Plan below, the first step in righting the many wrongs would be to offer a remote option that includes related services as needed. It could be centralized but tailored to learning pods, incorporating best practices from the DOE's iZone schools that adapt teaching to meet student needs through technology.

Offering a remote option would immediately alleviate overcrowded schools, providing safer conditions and respite to fatigued teachers and staff.

It would create a pathway back for the 150,000+ students whose parents have voted with their feet and kept their children from stepping foot in a school building so far this year.

And it would offer relief for families who have reluctantly sent their children into schools, even when doing so puts them or other loved ones at risk.

It would stop the DOE from weaponizing ACS through educational neglect investigations of parents who have reason to believe their children need protection from unsafe conditions at school.

It would expand the DOE's ability to provide related services to our most vulnerable children. If schools can offer these services before school, after school, or on Saturdays, students should also have the option to receive them remotely.

It would provide medically fragile students like my son with more than the 1 hour of instruction per day that they're currently limited to in the DOE's medically necessary instruction program. And it would also provide students like him with the related services they desperately need but are now denied because they're not physically in a school building.

It would remedy problems caused by the busing shortage by decreasing the number of students needing transportation, thereby helping the many families who face incredible adversity getting their children to school and back every day.

And it would be a tremendous relief to parents like me. Families whose lives -- already upended by the pandemic -- have been further traumatized by the DOE and mayor's refusal to provide what the majority of us opted for last year and continue to ask for this year.

As mentioned before, NYC CEFT's vision and priorities for the Academic Recovery Plan are as follows:

- Fully funded schools are more than just teacher salaries and even hiring more teachers. It means taking informed, measurable steps to create safe schools where students can learn without worry or risk of violence, or becoming infected during a pandemic by a potentially fatal virus. It means being able to receive individualized instruction in a classroom that has all of the space, tools and professionals it needs to be effective. It means rigorous and culturally responsive curriculum, enrichment academic programs across the spectrum, career and technical schools, academic and community initiatives to educate whole families and communities, building reparations, new construction to help reduce class size, STEAM and building 21st centuries schools for STEAM initiatives, fully funding arts curricula for a well-rounded education, expanding dual language to all schools and more languages, creating pathways for parents to be educated about their child's education and to really participate. Etc.
- It means addressing the incredible number of missed opportunities in NYC to truly support our neediest students with staff such as paraprofessionals, guidance counselors, nurses psychiatrists, and nutritionists.
  - The pandemic has highlighted inadequacies in our education, mental health, and medical systems. Asthma and diabetes are the top two comorbidities for covid cases in pediatric ICUs across the country. And unfortunately, here in NYC, they are the top 2 medical conditions that students in historically underserved communities face - having a school nurse, nurse's aid and nutritionist on site would mean immediate, critical support for addressing these health challenges long term.
  - Our children are also facing a mental health crisis like never before as the pandemic continues to take their loved ones, connections with family and friends, community support systems, and a large piece of their childhood. If our schools had mental health clinics staffed by enough counselors, social workers, and psychiatrists on site, then creating a trauma-centered approach to reopening schools could have been handled locally by those who know the students most and can best target interventions and services. Instead we're witnessing an awful vacuum on the ground now, resulting in terrible consequences that groups like us and mental health professionals have been warning the city and DOE about for months.
  - In District 75 and beyond, students with special education needs and IEPs who require services often go without, with parents being told that there just aren't enough resources and staff. In my own experience, I've asked twice during my son's IEP meetings for Occupational Therapy and a paraprofessional, and been told twice that there just isn't enough staff to provide that kind of support to him. I've been told that only children who are extremely disabled receive these kinds of services. Whether or not that was true is debatable but from talking with our group's vice president, Amy Tsai, who leads our District 75 response, it is an accurate description of educational funding inadequacies for children with special needs in NYC. With full funding, there is no excuse for any parent to EVER be told that there just isn't enough staff to help their student succeed.
  - The pandemic also highlighted the importance of community and coming together to support one another through a crisis. Funding schools to become hubs for their

community is one of NYC CEFT's goals. What does this look like? As I mentioned before, having mental health staff on site and medical or wellness clinics that are fully staffed means that not just "community schools" can provide these services but any number of schools in a community to make access to healthcare, social services, adult education, job resources, and beyond possible for a larger number of the city's underserved and most vulnerable.

- Doing so also means creating new physical spaces for communities to come together at schools such as community gardens that become part of the school's curriculum as well as part of the community's food supply. At my son's school in Brooklyn, there is a community-based organization called Edible Schoolyard NYC that was empowered to reimagine a large parking lot behind the school and create the most incredible, high-functioning micro farm I've ever seen. It also features a child-size kitchen space where families come together to share recipes and cultures over the food that was actually grown in the garden and harvested by students and staff. There's even a chicken coop of beloved characters that provide ample eggs for these culinary classes. On a whole, the garden is a magnet for students' curiosity, imaginations, and education. It's also a wonderful gathering space for parents, educators, and members of the community to meet and exchange ideas or just connect. There is nothing like it for miles around -- but there should be and could be a lot more community resource like it with full funding and an optimal spending plan.
- The pandemic created a need for remote learning but also opened a whole new way of thinking about what education in NYC can look like with the technology that we now have. Full funding means not having to sue the DOE for devices or broadband connectivity for all students, as has happened in the past 18 months. NYC CEFT would like to see funding for this technology, training, and staff for a remote learning program in schools, available to those students and parents who can benefit most from it. The Oswego school district in upstate NY has such an ongoing program so it certainly is possible for NYC to have one downstate, too. Doing so would help immediately address overcrowding in schools with lower class sizes overall. We can and should do this. We saw school administrators and teachers work quickly to create a remote platform in weeks... imagine what can be accomplished with thoughtful planning AND resources! As I've mentioned in other testimony to city government, my son was one of thousands of students who benefited academically in remote learning. I recognize that this was not the case for a significant number of students, but many parents within our group have reported success stories like mine as well as across the country. Remote learning is a powerful tool that we have yet to fully develop or fund even -- shelving it prematurely is a terrible mistake.
- One of the pillars and purposes of our group, NYC CEFT, is to educate families so that they can be their own best advocates. Parent engagement is something that is talked about CONSTANTLY by the DOE and City Hall and has been mentioned here many times already today. But parent engagement in reality is rarely solicited in any meaningful way and definitely not welcomed. I've heard parent leaders from across the city say, "if they invite me to be a partner, they can't expect me to be a silent partner." Full funding means not just parent coordinators in schools but also a parent EDUCATOR who would help empower students' caregivers to have a strong voice and

communication with school leaders would help better determine what the school budget's priorities should be so that when money does flow in, it addresses needs equitably.

- And of course we envision that full funding means parents are no longer expected or asked to provide basic school supplies like glue and photocopy paper, or purchase tools like musical instruments and uniforms, or fund learning such as field trips, travel costs or enrichment programs.

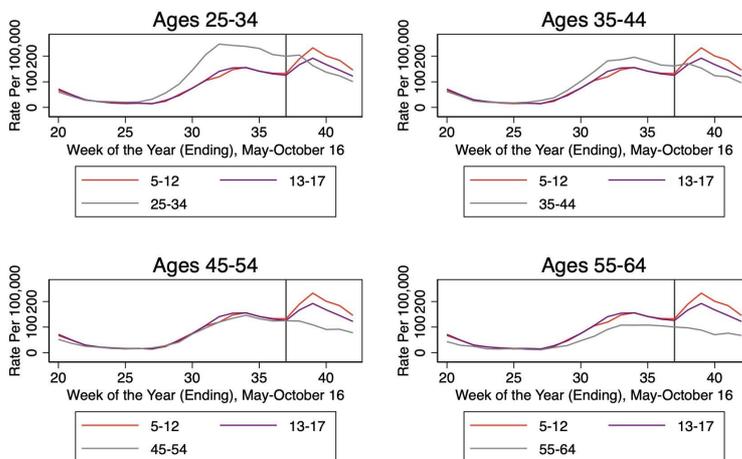
The Academic Recovery Plan was intended to meet the needs of our children, families, and schools so we can provide an equitable and exceptional education to every NYC student and foster lasting change in the city long beyond the pandemic. This committee's oversight is critical to ensuring that happens. Thank you for your diligence.

In Solidarity,

Jennifer Goddard, Vice President of Communications

[JenniferG@cefnyc.org](mailto:JenniferG@cefnyc.org)

### NYC COVID Case Rate by Age Group Compared With School-Aged Kids



\*

Graph by Jen Jennings, Prof. at Princeton's School of Public & International Affairs and Director of Education Research (posted 10/23/21 at [https://mobile.twitter.com/eduwonkette\\_jen](https://mobile.twitter.com/eduwonkette_jen))

**From:** Paulette Ha <superha74@yahoo.com>

**Sent:** Wednesday, October 27, 2021 1:55 PM

**To:** Testimony; Treyger, Mark; Brannan, Justin

**Cc:** Ellen McHugh - CCSE Citywide; Erika Newsome; Morgan Rose

**Subject:** [EXTERNAL] Testimony for the Oversight hearing on Academic Recovery Services

My name is Paulette Healy and I am the 1st VP on the Citywide Council on Special Education and a member of Parents for Responsive Equitable Safe Schools(PRESSNYC). The roll out of Academic Recovery programs are supposed to support children with IEPs that may have regressed and experienced academic setbacks as a result of the pandemic. As of right now, our students with disabilities have lost precious instructional time and services due to the ongoing staffing shortages and the failures by the Office of Pupil Transportation to transport our children to their sites. Academic Recovery can not start without staffing in place. The intention of these supports were not meant for an abundance of assessments or to line the pockets of big testing companies such as Pearsons and Aperture but that is exactly what we are seeing. Why would assessments be prioritized over the actual implementation of services? Is the DOE intent to tie up families in lengthy litigation over getting compensatory services instead of investing in practices that can go towards staff retention like an equitable living wage and active engagement in order to sustainably address the existing staffing shortage? We have already heard the DOE double talk on how much staff has been hired and how many are still needed. The deficits are in paras, social workers and special education instructors. These staffing shortages directly affect our students with disabilities. There is no recovery without the necessary support in place. That means staffing, transportation, training, supplies, access to space, equipment and an investment to develop those in support roles the opportunity to become better

educators in the long run. I also emphasize transportation because our children in D75 with developmental disabilities are bussed out of their communities 85% of the time. Therefore, in order for these students to receive these recovery services, there needs to be transportation in place to bring the child home from the after school program. They can not just walk home or get dropped off at their community school on Saturday. And as of right now, we still have children still waiting for their bus route to get serviced so we have no confidence busses will be in place by the time these recovery services are rolled out. Lastly on the topic of overcrowding, we can alleviate many of our overcrowding problems by offering a permanent remote learning option. Even though the DOE refuses to divulge attendance numbers we as parent leaders doing the grassroots work know that thousands of families still refuse to send their children into the unsafe overcrowded environments and are still demanding a remote option. Establishing a permanent remote option will reduce class size, allow better staff retention for staff who need the medical accommodations and allow an appropriate learning environment for students that thrived during remote learning including students with disabilities. I know I sound like a broken record but in spite of an increase of ACS visits and continued harassment by borough attendance officers, families are still keeping their children home until a remote option is restored, therefore it bears repeating. We have over 6000 positive cases since school started. Our schools are not safe. Thank you Esteemed Council Members and Chair Treyger for this opportunity to testify today.



New York Performance Standards Consortium  
[www.performanceassessment.org](http://www.performanceassessment.org)

## TESTIMONY SUBMITTED TO THE EDUCATION COMMITTEE IN CONNECTION WITH OCTOBER 27, 2021 HEARINGS ON ACADEMIC RECOVERY FOR NYC SCHOOLS

Chair Treyger and members of the Education Committee:

We write concerning the recent Department of Education mandate that all students in public schools in grades k-10 (and, in some districts, 11th and 12th graders as well<sup>1</sup>) take standardized tests three times each year. For students in grades k-3, principals were able to choose from iReady, Acadience and MAP Growth exams. For high schools, despite the Department’s repeated reference to principals “selecting” the MAP Growth test, it is the only option available to them and, as explained below, they have been denied the opportunity to use other screeners.

We have serious concerns about all of these standardized tests, as they inevitably result in narrowed and formulaic curriculum and teaching to the test. In this testimony, however, we will address only the MAP Growth specifically.

We have three specific areas of concern:

### **I. The new testing mandate is not truly about learning loss, but rather about obtaining a data point for each student in the system, regardless of whether that data point is valid or not, in order to micromanage schools.**

When then Chancellor Carranza announced a new testing regime he dubbed “Edustat” in September, 2019, he received considerable pushback from parents, teachers, and the City Council. Chairperson Treyger remarked, “The irony was not lost on me that at my hearing on a hyper-testing culture in our school system, the education department drops this announcement of a new assessment.”<sup>2</sup>

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<sup>1</sup> Superintendents were given the discretion to ask their principals to test only 9th and 10th graders. Accordingly, in some districts 11th and 12th graders did not have to take the tests.

<sup>2</sup> Alex Zimmerman, “Carranza wants to assess NYC students throughout the year, but critics decry overtesting”, Chalkbeat, Sept. 27, 2019; available at

Mr. Carranza’s proposed system involved administering “formative assessments” to all students four times a year.<sup>3</sup> This year’s testing mandate is eerily reminiscent of Edustat, with the small tweak of reducing the number of assessment windows from four to three.

While the Department has offered these “screeners” for the purpose of measuring learning loss, there are many reasons to doubt they are being mandated for that purpose.

**The tests are not valid for use in measuring learning loss and it is against professional standards to use them in that capacity.**

As Seton Hall Professor Christopher Tienken (Department of Education Leadership, Management and Policy) notes in the attached letter,

The creators of the MAP test themselves do not claim that the test is a valid measure of learning loss, as the test was not developed for that purpose. . . . Neither a rationale, nor independent evidence has been provided by NWEA [the publisher of the MAP] that the MAP is a measure of learning loss.

Professor Tienken notes further that using the tests for that purpose would therefore violate Standards 1 and 1.1 of the Standards for Educational and Psychological Testing (AERA, APA, & NCME, 2014).<sup>4</sup>

**Schools have been denied the ability to use the screeners they are familiar with to assess students.**

More than 40 high schools that we know of, both in and out of the Consortium, requested to use screeners other than the MAP Growth to assess their students. The Consortium requested a meeting with the Department to explain the screeners that would align with their system of teaching and learning, and were led to believe a meeting was imminent. However, the meeting did not happen, and on the afternoon of Friday, September 24, the last business day before the window for testing opened, all Consortium principals were told they were required to use the MAP Growth to assess their students. Principals in other, non-Consortium high schools who had requested to use alternate screeners were likewise informed at the last minute their requests were denied.

If the true purpose of these tests is to determine where students are academically after the pandemic interruptions, there is no reason not to allow schools to use the tools they know best.

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<https://ny.chalkbeat.org/2019/9/27/21121783/carranza-wants-to-assess-nyc-students-throughout-the-year-but-critics-decry-overtesting>. Last accessed Oct. 27, 2021.

<sup>3</sup> Id.

<sup>4</sup> See attached letter from Professor Tienken, p. 2.

The Department's decision to reject those requests from those schools therefore suggests that measuring learning loss is not, in fact, the true purpose.

Principals were told that the criteria for any alternative screeners they might propose was that they be valid, reliable, and yield data that could be reported to the central Department. As demonstrated above and below, the MAP Growth tests are neither valid nor reliable; their only "virtue" is thus that they provide data for use by Tweed to monitor school "performance" (as measured by standardized test scores, which is what this is all about).

**Parents are not, according to the Department, allowed to opt their children out of the tests.**

In a Department meeting on or about October 16, 2021, superintendents were told that they should communicate to their principals that parents are not allowed to opt their children out of these tests - that if parents do not want their children to be tested, they would need to keep them home on testing days (and presumably, testing make up days). Since the tests occur on at least three days each round, that would require parents to keep their children home nine days each year (five percent of the year).

This is an extreme position. Even the State Education Department has acknowledged that parents have a right to opt their children out of standardized tests, as has the City with respect to State tests in the past.<sup>5</sup>

The only explanation for this new rigidity - in denying schools their choice of assessments and parents the right to opt their children out of them - is that the Department is using the pandemic and "learning loss" as an excuse to reinforce the "hyper-testing culture of the school system" that Chair Treyger decried in 2019.

**II. The MAP Growth tests provide no benefit to the high school students required to take them.**

Before turning over at least 18 instructional periods to administering standardized tests,<sup>6</sup> the Department of Education must have evidence to demonstrate that students will benefit from them in some way. There is no such evidence for the MAP Growth tests.

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<sup>5</sup> While the SED does not have a formal written policy regarding opting out, it has acknowledged the right of parents to do so. See NYSUT "Facts for Parents on Opting Out of State Tests For 2020-21", available at <https://www.nysut.org/resources/special-resources-sites/nys-learning-standards/articles/fact-sheet-17-5-facts-for-parents-on-opting-out-of-state-tests>. Last accessed Oct. 27, 2021. In a 2019 FAQ the Department stated that principals will respect the decisions of parents to opt their children out. See <https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/nys-grades-3-8-exams-student-participation-guide-parents.pdf> ("If, after consulting with the principal, any parent still wants to opt their child out of the exams, the principal will respect the parents' decision.")

<sup>6</sup> Each test takes at least two periods to administer. For reading, mathematics and a make up, that is at least six periods per administration. There are three rounds per year.

**The MAP Growth Test for *reading* provides no benefit to high school students and is therefore invalid for use in high schools.**

The NWEA's own data tables show that the expected growth for high school students (2.5 points for a ninth grader, decreasing for grades 10-12)<sup>7</sup> is lower than the margin of error for scores on the test (2.8-3.5 points).<sup>8</sup> It is as if a weight loss doctor suggested a program to lose five pounds, but only had scales accurate to within seven pounds, so neither the patient nor the doctor would have any way of knowing whether the program accomplished anything.

**Use of the MAP Growth tests in high school *mathematics* is even less supported by NWEA's data than the invalid reading tests.**

The NWEA acknowledges that the math tests the DoE has contracted for “have insufficient numbers of students taking these assessments to support norms at this time, and there is no projected date by which there will be enough data.”<sup>9</sup> In other words, at this point, NYC high school students taking these tests are acting as guinea pigs providing data to the NWEA so that some day - they can't say when - they will have sufficient numbers to support norms.

### **III. The MAP Growth tests are pedagogically indefensible.**

As Professor Tienken notes in his letter, teachers, students and parents cannot even see the test questions to know which questions they answered correctly and which they did not:

**The opaque nature of the reporting and test secrecy creates a situation in which the teacher and parent/guardian do not receive actionable information that can be used to drive instruction or conduct in-depth error analysis necessary for targeted remediation.<sup>10</sup>**

As a basic matter of teaching and learning, it is indefensible to give students a test that neither they nor their teacher can see later, only reporting back a number score. Professor Tienken notes that such scores do not reveal any actionable information, since “in some cases, students understand the content, but might be confused by the format of the question, and subsequently

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<sup>7</sup> NWEA reports show the expected growth diminishing as kids get older. For a 9th grader, the expected growth over the course of a year is 2.51 points; for a senior, it's .52 points. [See 2020 NWEA MAP Growth normative data overview, data table \(2020 Reading Student Growth Norms\) at p.4, accessible at <https://teach.mapnwea.org/impl/MAPGrowthNormativeDataOverview.pdf>](https://teach.mapnwea.org/impl/MAPGrowthNormativeDataOverview.pdf). Last accessed Oct. 27, 2021.

<sup>8</sup> “Typical SEM [standard error measurement, aka margin of error] values for the MAP Growth test range from 2.8 to 3.5 [points].” [See “Standard error of measure: Definition and calculations,” accessible at \[https://connection.nwea.org/s/article/Standard-Error-of-Measure--1405100514753?language=en\\\_US\]\(https://connection.nwea.org/s/article/Standard-Error-of-Measure--1405100514753?language=en\_US\)](https://connection.nwea.org/s/article/Standard-Error-of-Measure--1405100514753?language=en_US). Last accessed Oct. 27, 2021.

<sup>9</sup> “2019 Norms for MAP Growth Course-Specific Tests in Algebra 1, 2, and Geometry Overview,” at p. 2, accessible at <https://teach.mapnwea.org/impl/CSNormsOverview.pdf>. Last accessed Oct. 27, 2021.

<sup>10</sup> Tienken letter (attached), pp. 2-3, “Weakness #3” (emphasis in original).

provide an incorrect response,” and without access to the questions, the teacher cannot know whether that is the case.

Professor Tienken highlights two other concerns with the use of the MAP Growth - that it is not aligned to NYS learning standards or the grade levels of students to whom it is given (Weakness #2) and that it does not align to the City’s standards-based learning environment (Weakness #4).<sup>11</sup> As Professor Tienken’s qualifications make clear, his criticisms should be taken seriously by policy-makers.

For the foregoing reasons, we believe that the City is wasting the time and effort of teachers who are required to administer these tests and the students who are required to sit for them, and the money of tax-payers who have already spent \$36 million for them.<sup>12</sup>

While the Department has not explained how it plans to use these data in the future, it seems likely that principals whose schools fail to post high growth on the tests will be called on the carpet to explain. They will, in many cases, then direct their teachers to teach to the test in order to raise scores, and curriculum in their schools will be narrowed accordingly, with all subjects other than math and reading deemed non-essential. At that point, the Department’s claims that these are “low stakes” tests will ring hollow, and the time and money wasted will seem insignificant next to the harm done to the schools and students in them.

Respectfully submitted,

Ann Cook  
Phyllis Tashlik  
**The New York Performance Standards Consortium**

Dated: October 27, 2021

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<sup>11</sup> Id. at pp. 2-3.

<sup>12</sup> Christina Veiga, “NYC’s COVID catchup plan for students? More tests. Here’s what we know about them,” Chalkbeat, Oct. 13, 2021, available at <https://ny.chalkbeat.org/2021/10/13/22724875/nyc-covid-learning-loss-testing-nwea-map-iready-acadience>. Last accessed Oct. 27, 2021.



## **Department of Education Leadership, Management, & Policy**

October 12, 2021

To Whom It May Concern:

This letter is in reference to the New York City Department of Education's decision to mandate use of the NWEA MAP test in the schools that are part of the New York Standards Performance Consortium. My comments are based on my research background as an Associate Professor of Education Leadership, Management, and Policy. I also have public school administration experience as a PK-12 assistant superintendent, middle school principal, director of curriculum and instruction, and elementary school assistant principal, and began my career in education as an elementary school teacher. I am currently the Research Professor in Residence for the American Association of School Administrators (AASA) and the current editor of the Kappa Delta Pi Record.

My research interests focus on curriculum and assessment policy and practice at the local, state, national, and international levels. I was appointed to the Italian National Agency for the Evaluation of Universities and Research Institutes (ANVUR) in 2021. In 2019, I was selected as the Lead Author and Principal Investigator for the AASA Decennial Study of the Superintendent and was invited to be a member of the Professors of Curriculum organization in 2015. The Seton Hall College of Education and Human Services named me Researcher of the Year in 2020 and 2014 and I received the Truman Kelley Award for Outstanding Scholarship from Kappa Delta Pi in 2013. The Institute of Education Sciences recognized my research about the effects of professional development on student achievement and the National Staff Development Council (Learning Forward) awarded me the Best Research Award in 2008. I have served as an expert witness in court cases involving education quality of schools in New York and New Jersey.

I have authored over 90 publications including eight books, multiple book chapters and numerous articles. My third book, *Defying Standardization: Creating Curriculum for an Uncertain Future* was awarded *Outstanding Book* by the Society of Professors of Education in 2019. My co-authored books include, *The School Reform Landscape : Fraud, Myth, and Lies* with Don Orlich and *Education Policy Perils: Tackling the Tough Issues* with Carol Mullen and *The Risky Business of Education Policy*, also with Carol Mullen.

I present papers regularly at state, national, international, and private venues and consults with public schools in the U.S. and international schools on three continents to improve education for all students. I have ongoing research collaborations with colleagues at the Università degli Studi Roma Tre, Rome, Italy, the University of Catania, Sicily, and was named as a visiting professor at both universities.

The Consortium has a long and well researched history of implementing curriculum-based assessments that measure higher order thinking, provide teachers with timely actionable evidence of student learning, and have high levels of reliability. The assessments used by the Consortium are criterion-referenced, customized to the New York State mandated curriculum, and measure

important critical thinking and performance-based skills that tests like the MAP cannot assess. The construction of the MAP test, in terms of the question formats and scoring system, limits how critical thinking can be assessed, and it excludes authentic performance assessment.

The NWEA MAP demonstrate several weaknesses that should disqualify them from being used in Consortium schools as a measure of learning loss.

### **Weakness #1**

*MAP tests were not designed to measure learning loss*

Test results are only valid for the purposes for which the underlying test was constructed. The Joint Committee on Standards for Educational Evaluation (1994) stated that validity “concerns the soundness or trustworthiness of the inferences that are made from the results of the information gathering process” (p. 145). The authors of the Standards for Educational and Psychological Testing (AERA, APA, & NCME, 2014) defined test score validity as “the degree to which the evidence and theory support the interpretations of test scores for proposed uses of tests” (p. 11). The test result must accurately represent the construct, or characteristic being judged, in the context in which the construct is used. **The creators of the MAP test themselves do not claim that the test is a valid measure of learning loss, as the test was not developed for that purpose.**

Standard 1.0 from the Standards for Educational and Psychological Testing (AERA, APA, & NCME, 2014) states that there needs to be evidence that the test was designed for the specific purpose for which its results are used (e.g., learning loss and remediation) and that the results are an accurate and consistent indicator of the student performance relative to the purpose of the exam. The authors extend their warning about using test results for multiple interpretations in multiple contexts: “No test permits interpretations that are valid for all purposes or in all situations. Each recommended interpretation for a given use requires validation” (AERA et al., 2014, p. 23). Standard 1.1 further recommends, “A rationale should be presented for each intended interpretation of test scores for a given use, together with a summary of the evidence and theory bearing on the intended interpretation” (AERA et al., 2014, p. 23). Neither a rationale, nor independent evidence has been provided by NWEA that the MAP is a measure of learning loss.

### **Weakness #2**

*The MAP test includes content that is not found in the NYS curriculum standards and content that is not aligned to the grade level of the students.*

Research by Catherine Taylor, Professor Emeritus, University of Washington, and others, has demonstrated that some questions used on the NWEA MAP test were not aligned to the state’s curriculum standards, the format to demonstrate understanding of a standard, and/or the grade level of the students taking the test. **There are often questions included on the MAP test that do not match the grade level being tested because the MAP test is adaptive. By definition, it must include content that extends below and above the grade level being tested.** Both construct validity and content validity become important concerns in cases in which tests include content that is not found in the state grade level standards. Construct and content validity play important roles in the invalid interpretations made about individual student academic strengths and weaknesses, especially when tests include skills and knowledge that are not aligned to the students’ grade level or actual curriculum.

### **Weakness #3**

*Teachers, students, and parents/guardians cannot see the test questions after the test.*

It is impossible to know, given the current methods that MAP uses to report its results, the specific aspect of a NYS curriculum standard in which students struggled, nor is it possible to see the actual format of the question to help target the specific type of remediation necessary. In some cases, students understand the content, but might be confused by the format of the question, and subsequently provide an incorrect response. **The opaque nature of the reporting and test**

**secrecy creates a situation in which the teacher and parent/guardian do not receive actionable information that can be used to drive instruction or conduct in-depth error analysis necessary for targeted remediation.** Actionable information is crucial in the case of learning loss because the purpose of the assessment should be to provide the teacher with specific evidence about specific standards that need to be remediated, and information about the format in which the skills were tested.

**Weakness #4**

*The vendor of the MAP test claims the test is adaptive.*

The MAP test vendors claim that students receive questions at the level of difficulty at which they are successful. That means that every student experiences a different test – it is not a pure criterion referenced or standards-based assessment. New York schools operate in a standards-based/criterion-based policy environment. All instruction is aimed at having all students achieve the same standards or criterion, and decisions are made about students based on the evidence of how well they achieve the mandated standards. The construction and function of the MAP tests does not align with a standards-based environment.

In summation, a multiple-measures approach to assessment derived from curriculum-based measures, like those used in Consortium schools, can yield a more complete picture of students' cognitive, social-emotional, and physical development and increase the chances that any interpretations made could be more valid representations of the construct being measured.

Regards,

Christopher H. Tienken, EdD  
Associate Professor  
Seton Hall University  
Department of Education Leadership, Management, and Policy  
christienken@gmail.com  
www.christienken.com

Testimony in response to [Intro 2374](#), introduced by the Speaker Corey Johnson and Council Education Chair Mark Treyger.

I am a parent living in Jackson Heights, Queens, whose 9yo son currently attends 4th grade at P.S./I.S 217 Roosevelt Island.

I would like to write in strong support for reducing overcrowding in public school classrooms. One of the side effects that I have witnessed of social distancing requirements during the Covid-19 pandemic has been more space allotted to each child and fewer students competing for teachers' time and attention -- in effect, class sizes and student/teacher ratios were temporarily reduced. My son's Summer Rising class 2021 was less than 12 students, and for a brief few weeks at the beginning of the 2021-22 school year when social distancing was still possible, his class size was 17 students. During those times, I have seen huge improvement in his mood, engagement, willingness and ability to learn when there were less students in the room with him. When his 4th grade class size was increased from 17 to 30 students in early October, I noticed a drastic difference take place. He is now finding it much harder to concentrate, is more anxious about school and has a hard time getting the teacher's attention, all of which now make it harder for him to learn.

I believe allocating more space per child (as well as more time and attention, due to teachers having less students to communicate with) will result in better results overall for our children and by extension our families and NYC's future as a whole.

Anna Lee  
35- 80th Street  
Jackson Heights, NY 11372

First I would like to thank you for the opportunity to testify on behalf of my daughter shes only nine and I am her voice.

My name is Barbara Scott my child goes to public school in Brownsville Brooklyn she has not attended school since September 13th because we feel as her parents Barbara and Robert Scott that is not safe in the school building. Children cannot social distance in the lunch room or in the auditorium. Children don't have they face mask on constantly germs are always spreading.

The mayor and the Board of Education have been less than forthcoming with the covid cases in our schools they have changed policies to even more endanger our children's lives. So for these and many more reasons we would like a remote option to keep our children safe and healthy. After all this is over. As a parent it is unbelievable that the school and the d.o.e. threaten parents with ACS just for trying to keep our children safe.

The schools have been no help to parents who feel like me the schools are not safe right now for our children to return they have made it difficult and made it clear that we CHOOSE to keep our child home. We are in a world pandemic there is no choice about keeping your child safe and healthy as best as you can as a parent how dare they, tell me how to keep my child safe. They are also violating federal law by not providing my child and many others who have IEP'S with the services they deserve and are entitled to by the Disability Act.

So again please help us keep our children safe by recommending a remote option for all who want it. It is our children's right to have a free and public education.

Thank you

Barbara Scott

Robert Scott

I am Chris Whitney, a New York City parent and early childhood public-school educator. In my 13 years of teaching, I've taught groups as large as 25 students and as small as 16. I can say, without hesitation, that smaller class sizes are essential to providing the children of New York City with education that is more targeted to their needs. As the sole teacher, I have a limited amount of time to plan and deliver instruction to my students each day, week, and school year. A large chunk of my time is spent on materials preparation. With less students, I am able to cut down on my materials preparation time and spend that time on other, more essential tasks, like planning. Additionally, I am able to allocate more time per student with less students. Less time on materials preparation and more time per student means more time or opportunities for:

- reviewing student work
- reviewing student observations and notes
- reflecting on student strengths and needs
- consulting colleagues about students
- family outreach and meetings
- 1:1 student meetings
- small group student meetings
- students to share ideas and questions during class discussions
- students practice in whole-class setting

All of this work is critical in me getting to know my students, so that I may best support their growth and success in my class. In short, smaller class sizes mean that each student gets more of my time and attention. This is especially critical in an early childhood classroom when students are so young and just learning how to be in school and away from their families.

I urge the City Council to pass Int 2374-2021: A Local Law to amend the administrative code of the city of New York, in relation to classroom capacity.

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**From:** theshappys <theshappys@aol.com>  
**Sent:** Wednesday, October 27, 2021 10:35 PM  
**To:** Testimony  
**Subject:** [EXTERNAL] Testimony from David Shapiro

Hello,  
My name is David Shapiro.  
I am 73 years old and a retired NYC Public School Teacher  
I taught Adaptive Physical Education for grades K-12 in Washington Heights and Harlem.  
I was an active participant in the Special  
Olympic Games and I had great pride when I saw a student with disabilities excel at having “fun”.  
Due to health issues I had no choice but to retire  
When I met with the retirement specialist I was relieved to learn that my health benefits would remain as they  
were when I was an active employee.  
Now, out of the blue I am faced with a “choice” where there is no choice.  
Most tests that are keeping me alive will be subject to pre authorization. So, what is my choice? I will need to  
pay over \$600 per month  
I’m not sure how we will do it and what will happen to my wife.  
These are the things that keep me up at night and make me wonder. Why?  
I’m asking you to save our health benefits that we worked for. The benefits we earned as employees in good  
faith  
Thank you  
David Shapiro

Thursday, Oct. 28, 2021

Dear City Council Members:

As a professor of education at CUNY Lehman College for 24 years and as the Department Chair of the Counseling, Leadership, Literacy, and Special Education Department, I can think of no more powerful intervention to support all of our students and educators, based on years of educational research, than to dramatically lower class sizes across the DOE. Twin pandemics of COVID19 and racism continue to harm all students, families, and educators. This is absolutely the right time to do the right thing and lower class sizes in the name of educational equity and to continue to attract and retain families and educators in the DOE. Public school students, families and educators deserve the best and until we lower class sizes significantly, we don't have that in NYC. The Bronx Deserves The Best. When will that happen?

Sincerely,

Stuart Chen-Hayes, Ph.D., NCC  
Department Chair (interim), Counseling, Leadership, Literacy, and Special Education (CLLSE)  
Professor/Program Coordinator, M.S.Ed. in Counselor Education: School Counseling  
CUNY Lehman College  
Carman Hall B-20A  
250 Bedford Pk Blvd W, Bronx, NY 10468  
stuartc@lehman.cuny.edu  
Pronouns: He/Him/His

I have taught in public and charter schools in the city, and my son has attended NYC public schools his whole life. As both a teacher and a parent, I know the transformative difference a smaller class makes.

Many of my students experience enormous stress from an early age. Some have to take care of themselves and their little siblings in the evenings while their parents work a second or third job. Some live in homeless shelters. Some live in foster homes. Some come from war-torn countries, where they missed several years of school. I've had kids come to school the day after one of their parents was deported or a favorite aunt was shot dead. Not surprisingly, kids from low-income neighborhoods often arrive in school hyper-vigilant and risk-averse. It takes a lot of personal attention to get them to feel safe enough to learn.

When I teach in a class of 20 students, I'm able to give kids that personal attention. I can hold individual conferences with students, invite them to have lunch with me in the classroom, create differentiated materials that push them from where they are to the next level, and call their parents to tell them the smart things their kids say.

In contrast, when I have 34 kids in the classroom, I never have time to confer with individuals, only groups. I don't reach out to parents unless something is seriously wrong. I don't even know exactly where each child is in their understanding of the material let alone differentiate instruction meaningfully. I always feel rushed and defeated — and so do the kids.

With each additional student, there is an exponential rise in the noise level, the number of hands in the air, the number of interactions everyone has, and the inputs the brain has to deal with. Children who have already experienced a lot of stress find this additional brain load overwhelming. They are more likely to shut down or become explosive — and that triggers other students to misbehave. Smaller classes are calmer, quieter, more functional environments, where stressed-out kids can allow themselves to learn.

NYC kids are subjected to classes that are up to 30% larger than in the rest of the state. This is despite the fact that the city is finally getting the funding it needs to stop this injustice. New York City kids deserve the same small classes and personal attention kids in the rest of the state get. Please vote yes on Intro 2374.

Gilly Nadel

For context, I am a public school parent and a co-founder of the grassroots organization NYC Opt Out.

I spend a lot of my (unpaid) time advocating for a reduction of the excessive and unneeded standardized testing foisted on New York City's school children. More often than not, these tests, which are generic mass-produced tools not rooted in a school's specific curriculum, fail to advance our students' learning, while perpetuating race and class inequities. "Drill and kill" test prep excites neither students nor teachers and sucks away time that could have been devoted to a more stimulating, inquiry-based pedagogy, one that builds on students' innate sense of curiosity and drive to learn.

There are myriad reasons why our schools continue to over-use these instruments, despite a body of research and expertise that points to alternative, and arguably more effective, ways of evaluating students. Given the subject of this hearing, however, I'll focus on just one of the reasons standardized testing continues to hold sway in our system: large and unwieldy class sizes.

Alternative, more holistic assessments frequently demand that the teacher spend significant time getting to know their students and analyzing the work they produce. The schools of the [New York Performance Standards Consortium](#) are a case in point. The "performance-based assessment tasks" (PBATs) that students in Consortium schools undertake in lieu of the Regents exams are varied and dynamic. They call for multiple readings and revisions; students confer frequently with their instructors (and each other) to give and receive feedback. This extra time spent on educators getting to know students and their work deeply pays off: Consortium students outperform their peers on several important metrics.

*"Students in Consortium schools begin high school more educationally and economically disadvantaged than their peers and yet are more likely to graduate from high school, attend college, and persist in college than demographically similar peers. Those who go on to attend CUNY are more likely to be Black and Hispanic and are more likely to be from the Bronx than their CUNY peers. Early evidence suggests that Black males, in particular, benefit from a Consortium education when compared to Black males educated in traditional high school settings: They are noticeably more likely to persist in college and to receive higher grades."*

While it is true that New York State controls the number of schools in the Consortium, it would seem that even without official sanction other schools could adopt some Consortium assessment practices, thereby making progress on graduation rates and other metrics as the Consortium schools have. Unfortunately, this has proved largely elusive. One reason, certainly, is that it is very difficult, both in terms of time and approach, to prep students for mandated standardized tests (Consortium schools have a waiver from all but the ELA Regents) and for PBATs. But if magically that complication were removed, it would *still* be challenging because it is a much heavier lift to implement these types of practices if class size is such that it is impractical, if not impossible, for teachers to gain deep knowledge of all students --and in too many NYC classrooms that is precisely the case.

The NYCDOE's reaction to this situation is precisely backwards from what it should be. Instead of focusing on reducing class size in order to create the conditions that could allow for more effective and holistic assessment--which leads to greater student success--the department has decided to accept the fact that class size will be too large for that to work. This has the domino effect that the Department then finds it needs to "help" teachers in super-sized classes get to know their students' strengths and weaknesses, and so spends tens of millions on dubious mass-produced assessment tools. This has been especially egregious this year, with the Department introducing new standardized tests, euphemistically described as "screeners" or in a hat tip to George Orwell "wellness checks," and a new social-emotional questionnaire (DESSA). The Department spent \$36 million on the screeners and \$18.7 million on DESSA. In contrast, it spent only \$18 million on a class-size reduction pilot, when smaller class sizes could have eliminated the perceived need for the screeners in the first place. So now we have kids as young as kindergarten testing three times a year, on instruments that many seasoned educators have expressed grave doubts about--and this is as the pandemic continues to upend their young lives and, for most students, ON TOP of the state tests, Regents exams, etc that are already mandated.

Assessment of our students is too important to offload to products purchased off the shelf. Instead, we must create the conditions that allow our teachers, who hold masters and sometimes doctorates in education, to use their professional training to craft assessments that reflect the students in front of them, not the theoretical "student" for whom the MAP was designed.

When we have this rare infusion of money we should not waste it on something as inessential as the MAP, which a [U.S. Department of Education study found has no statistically significant](#)

[impact on student achievement](#), and others like it. Instead, let's spend it on things known to yield benefits to all children: arts enrichment, more school counselors, librarians, teacher training and materials for project-based learning, field trips, and, yes, smaller class size. Those will be an investment in our future.

Our children more than deserve it.

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**From:** <kaelin\_99@hotmail.com>  
**Sent:** Wednesday, October 27, 2021 2:54 PM  
**To:** Testimony  
**Subject:** [EXTERNAL] Smaller class sizes.  
**Attachments:** Screenshot\_20211027-143425\_01\_01.jpg; Screenshot\_20211027-143628\_01\_01.jpg;  
Screenshot\_20211027-143614\_01\_01.jpg; Screenshot\_20211027-143558\_01\_01.jpg;  
Screenshot\_20211027-143544\_01\_01.jpg; Screenshot\_20211027-143531\_01\_01.jpg;  
Screenshot\_20211027-143447\_01\_04.jpg

To whom it may concern,

I am a mother of 2 public school students. I am writing this testimony because my children are going into school every day to a dangerous environment. My children's classes are overcrowded and there is no space to properly socially distance. My oldest son school is having ongoing Covid cases since the school year began. Please help protect our children either by reducing class sizes or by offering a remote, or hybrid option. Our children deserve a safe environment in order to be effective at learning. We should not wait until our children get sick. We should all come together and avoid our CHILDREN getting a virus that may potentially make them really sick and die.

P.s. I submitted proof that Covid cases are ongoing in my son's school and and he's being exposed on a daily basis. Please help us!

Yours truly,  
A concerned parent





RTSCH@buildings.nyc.gov

RTSCH@buildings.nyc.gov

Yesterday



Greetings [redacted]  
located at [redacted]  
Community,

This message is from the DOE COVID-19 Response Situation Room. Please see below for a summary of COVID-19 activity in your school building as of 10/26/2021. All information reported below has been verified by the New York City Department of Health and Mental Hygiene (DOHMH).

<b>Number of Ongoing COVID-19 confirmed cases.</b> This represents all current confirmed COVID-19 cases, including the cases confirmed today and any other cases that have members of your school community under quarantine. These cases resulted in a Classroom Closure, a Partial Classroom Quarantine, a Non-Classroom Quarantine or No Intervention as indicated below.	1
<b>No Intervention:</b> Staff or student in the school tested positive, but no members of the school community were exposed.	0
<b>Classroom Closed:</b> The positive case is either a student, teacher, paraprofessional, or other types of classroom-based educators, and the most likely result is an entire classroom quarantining.	0
<b>Partial Classroom Quarantine:</b> The positive case is a student, teacher, paraprofessional, or other types of classroom-based educators, and the most likely result is a partial quarantine of a classroom	1
<b>Non-Classroom Quarantine:</b> The staff type is someone who wouldn't necessarily be in a classroom and does not require the quarantine of a classroom (e.g. school secretary, parent coordinator, facilities staff). The most	0



RTSCH@buildings.nyc.gov

RTSCH@buildings.nyc.gov

Mon



Greetings [redacted]  
located at [redacted]  
Community,

This message is from the DOE COVID-19 Response Situation Room. Please see below for a summary of COVID-19 activity in your school building as of 10/25/2021. All information reported below has been verified by the New York City Department of Health and Mental Hygiene (DOHMH).

<b>Number of Ongoing COVID-19 confirmed cases.</b> This represents all current confirmed COVID-19 cases, including the cases confirmed today and any other cases that have members of your school community under quarantine. These cases resulted in a Classroom Closure, a Partial Classroom Quarantine, a Non-Classroom Quarantine or No Intervention as indicated below.	1
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<b>Non-Classroom Quarantine:</b> The staff type is someone who wouldn't necessarily be in a classroom and does not require the quarantine of a classroom (e.g. school secretary, parent coordinator, facilities staff). The most likely result does not include the closure of a classroom.	0



RTSCH@buildings.nyc.gov

RTSCH@buildings.nyc.gov

Oct 24



Greetings C

located at 1

Community,



This message is from the DOE COVID-19 Response Situation Room. Please see below for a summary of COVID-19 activity in your school building as of 10/24/2021. All information reported below has been verified by the New York City Department of Health and Mental Hygiene (DOHMH).

<b>Number of Ongoing COVID-19 confirmed cases.</b> This represents all current confirmed COVID-19 cases, including the cases confirmed today and any other cases that have members of your school community under quarantine. These cases resulted in a Classroom Closure, a Partial Classroom Quarantine, a Non-Classroom Quarantine or No Intervention as indicated below.	1
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RTSCH@buildings.nyc.gov

RTSCH@buildings.nyc.gov

Oct 22



Greetings Community,

located at 1

Community,



This message is from the DOE COVID-19 Response Situation Room. Please see below for a summary of COVID-19 activity in your school building as of 10/22/2021. All information reported below has been verified by the New York City Department of Health and Mental Hygiene (DOHMH).

<b>Number of Ongoing COVID-19 confirmed cases.</b> This represents all current confirmed COVID-19 cases, including the cases confirmed today and any other cases that have members of your school community under quarantine. These cases resulted in a Classroom Closure, a Partial Classroom Quarantine, a Non-Classroom Quarantine or No Intervention as indicated below.	1
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RTSCH@buildings.nyc.gov

RTSCH@buildings.nyc.gov

Oct 21



Greetings (redacted)  
located at (redacted)  
Community,

This message is from the DOE COVID-19 Response Situation Room. Please see below for a summary of COVID-19 activity in your school building as of 10/21/2021. All information reported below has been verified by the New York City Department of Health and Mental Hygiene (DOHMH).

<b>Number of Ongoing COVID-19 confirmed cases.</b> This represents all current confirmed COVID-19 cases, including the cases confirmed today and any other cases that have members of your school community under quarantine. These cases resulted in a Classroom Closure, a Partial Classroom Quarantine, a Non-Classroom Quarantine or No Intervention as indicated below.	1
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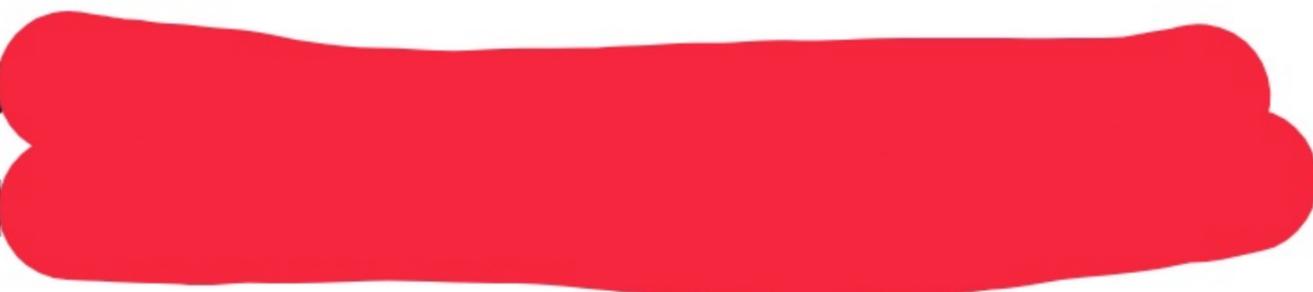
Oct 20



Greetings C

located at 1

Community,



This message is from the DOE COVID-19 Response Situation Room. Please see below for a summary of COVID-19 activity in your school building as of 10/20/2021. All information reported below has been verified by the New York City Department of Health and Mental Hygiene (DOHMH).

<b>Number of Ongoing COVID-19 confirmed cases.</b> This represents all current confirmed COVID-19 cases, including the cases confirmed today and any other cases that have members of your school community under quarantine. These cases resulted in a Classroom Closure, a Partial Classroom Quarantine, a Non-Classroom Quarantine or No Intervention as indicated below.	1
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Testimony of Shino Tanikawa  
before the New York City Council Committee on Education  
In Support of Intro. 2374 to Establish Classroom Capacity

October 29, 2021

Thank you for the opportunity to submit this testimony on Intro. 2374 to amend the administrative code of the City of New York in relation to classroom capacity. My name is Shino Tanikawa and I serve on the Citywide Council on High Schools as the Public Advocate appointee. I also co-chair the Education Council Consortium, a citywide organization of parents, caregivers, advocates and community members advocating for an equitable school system in NYC and am a member of the Steering Committee of the New Yorkers for Racially Just Public Schools. Although my perspectives are informed by the positions I serve, the opinions shared in this testimony are my own.

Class size must be reduced across all schools. Period.

The NYC Department of Education and the School Construction Authority must be held accountable and must commit to reducing class size, which is an effective mechanism for improving educational outcomes for all students, but particularly those who are historically marginalized.

Granted, it will take us a long time and billions of dollars. But those must not be reasons to reject this bill. The attitude of this administration, commemorated by the Mayor who famously claimed he cannot undo 400 years of history, is defeatist, cowardly, and unfit to serve the million plus students.

I know that this bill, if enacted into law, will clearly show us how many of our classrooms have too many students for a sound basic education. But if we do not have a clear grasp of the magnitude of the problem, how do we expect to fix the problem? It is not as if the problem will go away if we do not acknowledge it. (That is how we got into the climate crisis, by the way.)

We are in a tumultuous time in public education. Culturally responsive sustaining education (CRSE) is under attack. Efforts to make our schools anti-racist, more equitable, and less segregated (such as overhauling Gifted & Talented programs, high school admissions policy changes, etc.) are under attack. I believe reducing class size is a necessary ingredient in advancing these equity efforts. CRSE will be more effective in smaller classes because teachers will be able to form deeper connections with each student. Teachers can truly differentiate instruction in smaller classes, making the concept of G&T obsolete. The benefits of classrooms with diverse learners can be fully realized in small classes.

Let us not underestimate the necessity of small class size in our children's social emotional well being. This week I have heard from parents who were deeply concerned about the DESSA screener for assessing students' social emotional state. The screener is a standardized checklist with 40 questions for K - 8 students and 43 questions for high school students. The evaluators, who are classroom teachers, must answer each question along the 5-point scale ( never, rarely, sometimes,

often, and almost always). The efficacy of such a screening method aside (I urge the City Council to hold a separate hearing on that), do we actually believe a teacher can assess 30+ students meaningfully? Some middle and high school teachers may have to evaluate more than 100 students. All this must happen two months into the school year, with many disruptions because of the pandemic.

Parents asked for prioritizing social emotional needs of our students. But this is not what we envisioned. I believe with small classes, teachers would be able to evaluate the social emotional needs of students without using a fill in the bubble assessment sheet.

Class size reduction IS an equity issue. None of the other equity measures will be as successful, if they succeed at all, if we continue to refuse to acknowledge the need to reduce class size. We know class size will not be reduced tomorrow or next year. But acknowledging the magnitude of the problem is a good and necessary start. Please pass this bill. Our students need it more than ever.

Respectfully submitted,  
Shino Tanikawa

## Testimony on the need for small class sizes in NYC schools

As a CUNY professor, I know personally how much class size makes a difference to the quality of learning that I can give to each of my students. When classes are smaller, I can attend in more depth to students' questions, ideas, and writing; I can also draw them out individually and understand their strengths, weaknesses, and needs. But more importantly, as a mother of two daughters, I have seen firsthand the overwhelming difference that class size has made for them in NYC schools. My younger daughter, in particular, who has special emotional needs, was unable to function in public school classrooms with large class sizes. Although she is intellectually gifted – a self-taught reader at age 2, reading novels by the time she was in kindergarten – her grade school teachers (in both regular and gifted classes) were unable to address her educational level and needs, and she became so overwhelmed by the noise and number of people in her classrooms that she would act up, and was eventually thrown out of multiple public schools. We were eventually very lucky to be able to send her to a special school with very small classes, where she has flourished intellectually and socially and emotionally because teachers have been able to identify her educational level and needs and teach her accordingly, and the smaller and quieter groups have allowed her to focus and function. But this is a rare arrangement, unavailable to most NYC students. Smaller class sizes are the most powerful educational tool we have – far more significant in their impact than all the expensive computerized interventions that are routinely funded only to suffer from technical problems, become outdated, and/or develop other problems. All research has confirmed this, but our schools continue failing to live up even to their own guidelines and promises. Please support smaller class sizes today!

Tanya Pollard  
539 11<sup>th</sup> St  
Brooklyn NY 11215  
Teacher, parent, voter

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**From:** Sandra Zuckerman <szuckerman14@aol.com>  
**Sent:** Saturday, October 30, 2021 4:17 PM  
**To:** Testimony  
**Subject:** [EXTERNAL] testimony@council.nyc.gov - Google Search

<https://www.google.com/search?q=testimony@council.nyc.gov&ie=UTF-8&oe=UTF-8&hl=en-us&client=safari>

I am a NYC Board Of Education retiree. I taught High School English for twenty-seven years. I never expected to be betrayed by the union which promised to protect its members and by the city for whom we worked so tirelessly. I am eighty-two years old and have had Asthma since age twenty-eight. Should my lungs and heart be impacted by this condition and should I be in need of an expensive test or tests, I would need a private insurance agency, which must satisfy investors, to decide my fate. This is no "advantage" for anyone; it is a distinct "DISADVANTAGE" for all retirees impacted by this reckless change. The very city for whom I worked to educate our children and teach them to be good citizens, are being "sold down the river" by the city. I worked hard to show my students what is right and to face this betrayal from our city and our union is "a knife to the heart." Please do not do this to all those police and fire persons who risked their lives to protect this city as well as those who taught children and young people to do the right thing. It is now YOUR time to do the right thing for us instead of the betrayal you are planning. I urge you to think about your decision very carefully bore putting our lives at risk.

Sent from my iPhone