



class size matters

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***Testimony of Leonie Haimson, Executive Director of Class Size Matters
Before the Report & Advisory Board Review Commission
On why the DOE's should continue to be obligated to report on class size and
TCUs (temporary classroom units)***

May 11, 2012

I want to thank the members of the Commission for holding this hearing today, so that members of the public can give input about which reporting requirements currently required by law should or should not be eliminated.

The NYC DOE has proposed that they be allowed to eliminate their legal mandate to report class sizes in the public schools each November, as well as produce an annual report on TCUs, or temporary classroom units or trailers – both reports enacted into law in 2005.

Over the last few months, the Mayor has loudly proclaimed the parents' right to know when it comes to the Teacher Data reports.¹ These reports, based on flawed state exams, have shown to have as much as a 70% error rate in the middle range, and be especially unreliable for teachers with high and low-scoring students. Yet that when it comes to issues that parents care most about, class size and overcrowding, the NYC Department of Education are trying to deny them this critical information.

The number one priority for public school parents in NYC, year after year, according to the DOE's learning environment surveys, is class size.² And despite the Mayor's repeated promises, in 2001 when he first ran for office, and again in 2005, in his State of the City address, that he would reduce class sizes in grades K-3 to 20 or less, class sizes in these grades are now the largest in 13 years.³ In 2007, as part of its mandated Contracts for Excellence plan, the DOE also promised the state to reduce class sizes in all grades; but average class sizes have risen every year since then.⁴

¹ Dana Rubinstein, "Bloomberg on public teacher evaluations: Parents have the right to know," Capital, Feb. 28, 2012.

² NYC DOE, "School Survey Citywide Results," June 2011 at <http://goo.gl/H23f4>, accessed 5.11.12. See Appendix for chart.

³ See Appendix for more on Mayor's promises in this regard.

⁴ See Appendix for charts.

So what is the argument that the DOE is now making for their request to eliminate the November class size reports? Although I am unable to find an explanation in writing, during recent NYC Council hearings, Michael Tragale, Chief Financial Officer of DOE, claimed that the annual November class size report was unnecessary, since more “accurate” figures are available in the subsequent February report:

To me in terms of the class size report, I understand that the first report, the November report does not include audited information and that's why we felt that we would just utilize the one report, the February report, which basically has the audited information that's included so it's a more accurate report. So that we don't have to go with a preliminary information based un-audited, we just go out with one report based on the audited register information.⁵

Yet this statement is untrue.

- The November report is based on the **audited October 31 enrollment figures**, the same audited figures which determine the amount of school aid that the city receives from the state.
- The audited October 31 enrollment figures also provide the basis of the DOE’s annual report on capacity and utilization, otherwise known as the “Blue Book,” that analyzes the extent of overcrowding in our schools.⁶
- The city is already obligated to collect and report to the state class size figures in the fall, to show whether they have met or how far they have fallen short of their annual class size reduction targets, required through the Contracts for Excellence law, passed by the Legislature in 2007.
- Parents also deserve to know these figures as soon as possible at the beginning of the school year. Why should they have to wait until February to hear about class sizes in their children’s public schools?
- The November reporting period provides an additional incentive to DOE to resolve class size violations earlier in the year – which even now, often drag onto Thanksgiving and beyond;
- The class size report released in February 15 is **actually less accurate** than November reports. Why? The February report, based on January 31 figures, shows significantly smaller class sizes, especially in high school, ***as a result of thousands of students who drop out or are discharged each year between October 31 and January 31.***

Approximately 4 percent of high school students in general education and inclusion classes and 11 percent of high school students in special education classes leave school each year between

⁵ See NYC Council, Transcript of the Minutes of the Committee on Education, Hearings on the Expense budget, March 27, 2012, p. 244.

⁶ NYC DOE, and School Construction Authority, “2010 – 2011 Enrollment, Capacity and Utilization Report,” Sept. 2011; at <http://goo.gl/B19tP>, accessed 5.11.12.

Oct. 31, 2011 and January 31; causing average high school class sizes to drop between .5 to 1 students per class, depending on the school. .

Yet the class size report was advocated for by parents and education activists in 2004 to reveal the learning conditions that our students experience each fall when they enroll in school. These class sizes, in turn, help determine whether NYC children are provided with the opportunity for a quality education: and whether they will be engaged in their classes, receive an adequate opportunity to receive attention and support from their teachers, which in turn helps determine whether they will stay in school through graduation. While the DOE may prefer to only report the smaller classes that occur at the end of the semester, after high school students have become disengaged, discouraged and drop out, to allow this sort of subterfuge and revisionist history to occur would do a grave disservice to students and the transparency that the law was supposed to provide.

When City Council Education Chair Robert Jackson asked Ernest Logan, head of the principal's union, during the March 27, 2012 budget hearings on whether he believed the November class size report should be eliminated, Mr. Logan responded this way:

I believe that we should stick with the October 31st report. Historically, we know that we can identify students who are [Long term] absentees, that works well for us. I think that [after that] we started playing around with the numbers.⁷

Now there are important ways that class size reporting should be improved, rather than eliminated:

- The original intent of requiring a second round of class size reporting in February was so that the data on class sizes during the second semester of high school would be available, when students are re-scheduled into new courses. Yet the DOE has never complied with the intent of the law, and instead only provides data in the February report about class sizes at the end of the first semester.
- Even more importantly, the class size report has deep flaws and is inaccurate in many instances. In all-too many schools, it radically underestimates the size of classes by reporting ICT or inclusion classes as two separate classes, one containing special education students and the other with general education students, which halves the actual size. The same occurs in many cases with mixed grade classes. There are hundreds of schools in which class sizes are systematically underestimated in this way. Though we have pointed this out to DOE and complained about the miss-reporting for many years, so far they have refused to take action to correct these systematic flaws.

The TCU report

The mandate to continue the annual Report on Temporary and Non-Standardized Classrooms, or TCUs, is just as important. The issue of trailers and TCUs is a controversial matter that comes up frequently, because many of these structures are substandard and long past their lifetime: leaky, moldy and rotting away.

⁷ See NYC Council, see above; p. 295. See also NYC Public School Parents Blog, “City Council hearings: More cuts to schools and even larger classes next year as contracts grow fatter?” March 28, 2012; <http://goo.gl/UiUFt> accessed 5.11.12.

Just as on class size, this administration has failed to live up to their promises about trailers. In the same 2005 capital plan in which the mayor pledged to reduce class size in all schools in grades K-3 to twenty or less, he also pledged to eliminate trailers by 2009. Yet there are now nearly as many TCU units as there were in that year; 363 in 2010-11, compared to 368 in 2005-6, according to the latest TCU report.

Most recently, NYS Assembly Education Chair Cathy Nolan asked Chancellor Walcott about the continued existence of hundreds of trailers at the Assembly budget hearings in January, and Chancellor Walcott responded that the TCUs remained because principals “want them.”⁸

Subsequently, in March, when CSA president Ernie Logan was asked about this same issue at a City Council budget hearing, he responded this way:

*As it goes for the trailers, we've been at this now—this administration's been in here ten years, we still have trailers sitting in here. I also heard testimony yesterday that we created seats, but we haven't gotten rid of any trailers. And then there was a comment made in Albany when the Chancellor testified and he said my members liked the trailers. Well I have yet, I've been asking around, which one of my members like the trailers. They would like to have a permanent place for their students to be. The trailers have never been environmentally safe and sound, whether it's heating or air conditioning issues or air quality. Students deserve to be in a classroom setting. And if you want to use the trailer for administrative offices, fine, but you should not be trying to educate children in trailers. And especially when we have the wherewithal to build classrooms.*⁹

If, as I have heard, the DOE argues that the information in the TCU report merely replicates information included in the annual report on school utilization and capacity called the “Blue Book”, this is also untrue:

- There is **no data** in the Blue Book on how many high school trailers exist. According to the 2009-2010 TCU report, there are 125 classrooms in 73 TCU units in 17 high schools. There is also no data in the Blue Book on their official capacity. Only the TCU report contains this information.
- There is **no data** in the Blue Book on how many actual TCU classrooms there are in any of the schools, which can range from 1-5 classrooms per TCU unit. Only the TCU report reveals that there were 600 classrooms housed in TCUs in 2010-11.
- There is also **no data** in the Blue Book on the current use of any of the TCU units, and whether they contain general education classrooms, special education classrooms, art, science or drama rooms; only the TCU report contains this information.

At the same time, the TCU report – like the DOE’s class size reporting -- is extremely flawed and contains incomplete and contradictory data.

⁸ Zack Fink, “Albany Lawmakers Visit Stalemate Over State Teacher Evaluations,” NY1, Jan. 23, 2012.

⁹ See NYC Council, Transcript of the Minutes of the Committee on Education, Hearings on the Expense budget, March 27, 2012, pp. 295-6.

- Neither the Blue Book nor the TCU report has data on how many high school students are currently being educated in trailers.
- Neither report has data on how many elementary nor middle school students take art, science, drama, or other non-core classes in TCU classrooms.
- The capacity and enrollment of many District 75 special education classrooms is missing in both reports, as well as this data for many other classrooms.

There are also major inconsistencies between the two sources of data. In comparing the DOE's 2009-2010 Report on Temporary and Non-Standardized Classrooms, using Part I and Part II of the report, as well as with the information provided by the 2009-2010 Blue Book, we found:

- The total enrollment of TCU's and the enrollment and capacity of TCU's in specific schools often differs without explanation between the Blue Book and the TCU report.¹⁰
- Essential data is missing both in the TCU report and the 2009 Blue Book,¹¹ and data is inconsistent even between Parts I and II of the TCU report.¹²

But the most egregious flaw in the TCU report is that the report's summary chart produces the ***misleading impression*** that TCU's are underutilized. The DOE's summary chart, with TCU

¹⁰ The TCU Report lists an enrollment of 8,819 for PS/IS general education core classrooms, while the Blue Book total enrollment for these classrooms amounts to 8,691. There is no explanation for this discrepancy. An example is PS5 in District 6, listed in the Blue Book with a target capacity of 84 students for its two TCUs, while Part II of the TCU demonstrates that these two TCU's, each with one classroom, are used as an Art room and a Science lab, each with a capacity of 28 students for a total of 56 students. There is no explanation for the difference in capacity between the two reports, and both reports fail to provide enrollment data for these classrooms. Yet another example: P.S. 280 in Building x910 in District 10 according to the TCU report, has 4 TCUs with a total enrollment of 92 students. In Part 2 of the TCU report, more information about these TCU's demonstrates that they consist of 5 classrooms, one of which is a D75 Special Ed classroom. Each of the general classrooms has a capacity of 20 and the D75 classroom has a capacity of 12, producing a total capacity of 92. The enrollment and the capacity are identical in the TCU report, suggesting a utilization of 100%. However, the 2009 Blue Book, which does not specify capacity or enrollment by room or classify each TCU room, lists a target capacity of 129 students for the same four TCU's.

¹¹ For example: P.S. 40 in Building Q988 is listed as having 3 TCU's with an enrollment of 0 students in Part I of the TCU report, while Part II of the TCU report only lists one classroom for P.S. 40 (despite Part I data suggesting that at a minimum, Part II should provide data for three rooms), and categorizes it as a Theater arts/Drama room with a capacity of 28 students. The 2009 Blue Book, however, lists 2 TCU's (not 3 or 1, as Part I and Part II of the TCU report respectively suggest), one with a capacity of 0 students, and one with a capacity of 75 students. There is no explanation for the discrepancies.

¹² For example: P.S. 30 in Building Q962 in what district is listed in Part I of the TCU report as having two TCUs with an enrollment of 0 students (suggesting the rooms are used for a purpose other than general education classrooms.) This school is not mentioned at all in Part II of the report, which includes the number of classrooms per TCU, capacity, and function of each room. The 2009 Blue Bok lists, as expected, an enrollment of 0 for the TCU's but includes a target capacity of 112 students. There is no explanation as to why P.S. 30 is not included on the TCU Report Part II list.

enrollment listed next to capacity, makes it appear that TCUs are only about 70 percent full, as follows:

| | # of TCU Units | TCU Enrollment (Actual) | TCU Enrollment (Capacity) | Total Enrollment |
|----------------|-----------------------|------------------------------------|--------------------------------------|-------------------------|
| 2005-06 | 368 * | 10,215 | 15,477 | 1,055,986 |
| 2006-07 | 399 | 11,004 | 16,077 | 1,042,078 |
| 2007-08 | 402 ** | 10,929 | 14,063 | 1,035,406 |
| 2008-09 | 387 ** | 10,115 | 13,293 | 1,029,459 |
| 2009-10 | 373 ** | 8,819 | 12,773 | 1,038,741 |

* TCU units used by elementary and middle school but with zero enrollment are excluded in the 2005-06 report. Without the exclusion, total number of TCU units is 385.

** Includes 5 TCU units placed at John Bowne high school as temporary swing space for a construction project in the main building.

Yet what this chart **does not reveal** is that the enrollment figure reported above contains data only for elementary and middle school general education core classes, with NO enrollment listed for the thousands of high school students housed in TCUS, and no enrollment for students in grades K-8th using TCUs for art, drama, science or special education.

At the same time, the capacity column includes ALL the TCUs, including the capacity of high school units and those used for art, drama, special education etc. in elementary and middle schools, where enrollment data is lacking. Thus, the chart that appears in the TCU report is not an apples to apples comparison, and is highly deceptive.¹³

If one analyzes only those TCUs that the DOE provides data for **both capacity and enrollment**, one discovers that the TCU classrooms are very overcrowded, with an average utilization rate of 109 percent. See chart below:

P.S./I.S. TCUs with general education core classes in 2009-2010

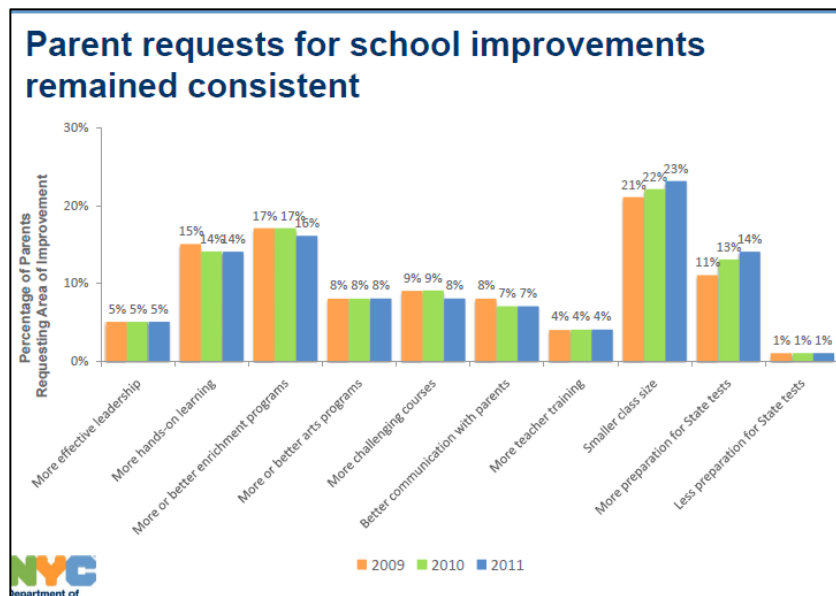
| # of TCU Units | # of TCU PS/IS Gen Ed core Classrooms | TCU PS/IS Enrollment* | TCU PS/IS TCU Capacity* | Average Utilization of TCU's [Blue book enrollment/ blue book target capacity] |
|-----------------------|--|------------------------------|--------------------------------|---|
| 294 [TCU report] | 487 [TCU report] | 8,691 [Blue Book] | 7,980 [Blue Book] | 109% |

To conclude, while the DOE might like to eliminate its mandated reporting on class size and TCUs, for the Commission to allow this to occur would significantly undermine the transparency and accountability that New Yorkers deserve from our government, not to mention the disservice it would do the children of this city.

Instead, these reports should be significantly enhanced and improved, to provide parents and other members of the public a more reliable and complete picture of the sorry and substandard conditions under which New York City children continue to encounter every day in their public schools.

Appendix: From NYC DOE, “School Survey Citywide Results,” June 2011

The Learning environment survey results, showing smaller class size the top priority of parents among ten options every year for the past three years, since the survey was instituted.



Mayor’s promises to reduce class size and eliminate trailers: When he first ran for election in 2001, and then again in 2005, the Mayor promised to reduce class sizes in all schools in grades K-3, and to eliminate trailers or Temporary Classroom Units.¹⁴

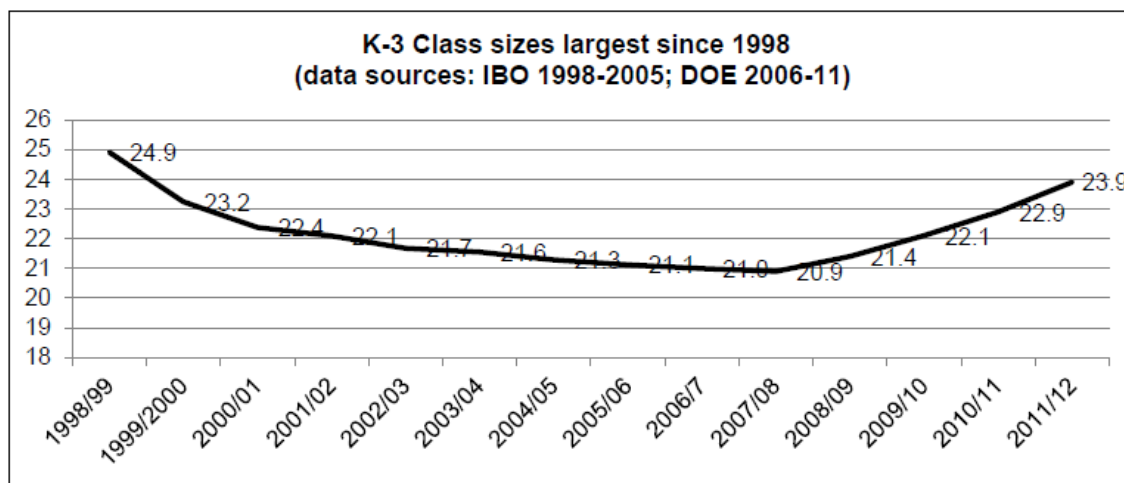
As late as in February 2008, in the amendment to the school capital plan, the administration still was claiming that the plan would achieve the following goals:

¹⁴ For an archived copy of campaign literature, see <http://web.archive.org/web/20011001055946/http://www.mikeformayor.org/downloads/edubk3a.pdf>. See also NYC Public School Parents, “Bloomberg’s original campaign promises: how’d he do?” October 22, 2009; and “Class sizes sharply rising & 7,000 violations this fall despite Bloomberg campaign promises,” September 24, 2011. See also Fernanda Santos, “Mayor Bloomberg’s Promises for Education: An Annotated Scorecard” NY Times, SchoolBook, Jan. 13, 2012; Juan Gonzalez, “Students lose out at crowded Bx. School,” March 2, 2012.

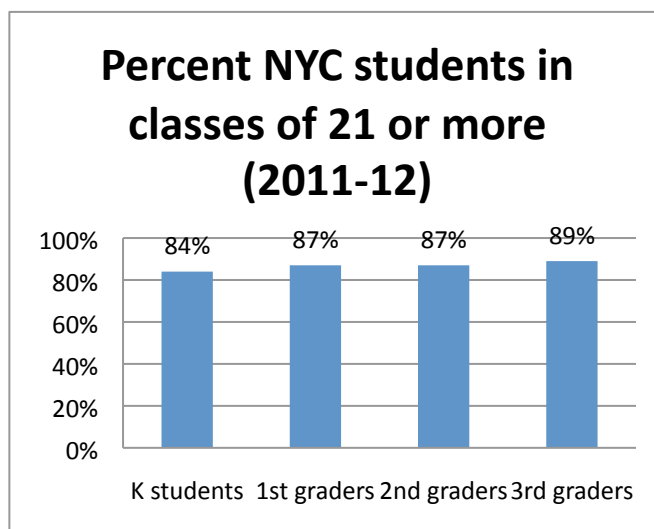
- Transition from the use of Transportable Classroom Units (TCUs), as well as mini-schools over 20 years old, throughout the system.

- Institute class size reduction for Grades K–3 at every elementary school throughout the City.¹⁵

Yet instead, of reducing class size in K-3, class sizes in these grades are now larger they have been at any time in the last 13 years.



Indeed, 84 percent of Kindergarten students, 87 percent of 1st and 2nd graders, and 89 percent of 3rd graders are in classes of 21 or more, exceeding the limits the Mayor pledged would be achieved by 2009.¹⁶



¹⁵ Michael R. Bloomberg, Joel I. Klein “Children First 2005 – 2009 Five-year Capital plan, Proposed 2008 Amendment”, Feb. 2008, p. 32, http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/200802_CapPlanAmendment.pdf

¹⁶ These figures are based on the Oct. 31, 2011 figures in the Nov. 15, 2011 class size report, posted at <http://schools.nyc.gov/AboutUs/data/classsize/classsize21512.htm>