# What was left out of Cuomo Commission report: Class size & school overcrowding

by Leonie Haimson
Executive Director, Class Size Matters
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www.classsizematters.org

# CFE lawsuit & decision re class size

- In 2003, NYS Court of Appeals held NYC students deprived of constitutional right to a sound basic education. Key issue: class size.

- "Plaintiffs presented measurable proof, credited by the trial court, that NYC schools have excessive class sizes, and that class size affects learning."

- "Plaintiffs' 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."
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- "[T]ens of thousands of students are placed in overcrowded classrooms, taught by unqualified teachers, and provided with inadequate facilities and equipment. The number of children in these straits is large enough to represent a systemic failure." (Campaign for Fiscal Equity, Inc., et al. v. State of New York, et al., 100 N.Y.2d 893, 911-12 (2003) ("CFE II").

# CFE costing out study

- Expert educators assembled to decide what class sizes necessary to provide an adequate education in NYC and other high needs districts.
- Panels included Carmen Farina, current NYC Chancellor.
- These “professional judgment panels” concluded that much smaller classes in all grades were required in high needs districts.
- No more than 14 students per class in grades K-5th.
- No more than 22 students per class in middle schools.
- No more than 18 students per class in high school.
- These recommendations, along with other necessary programs and services, were costed out by consultants.
- Estimates then provided the basis for $5.6 billion in additional funds that the court originally ordered.

# Researchers & stakeholders agree

- Class size reduction one of 4 reforms proven to work through rigorous evidence, acc. to Inst. Education Sciences, research arm of US Ed Dept. *

- This contrasts with some reforms promoted by Cuomo Commission, such as teacher incentive pay or online learning -- where evidence scant or non-existent.

- Benefits especially large for disadvantaged & minority students, very effective at narrowing the achievement gap.

- In 2008 survey, 86% of NYC principals said they were unable to a quality education because of excessive class sizes.

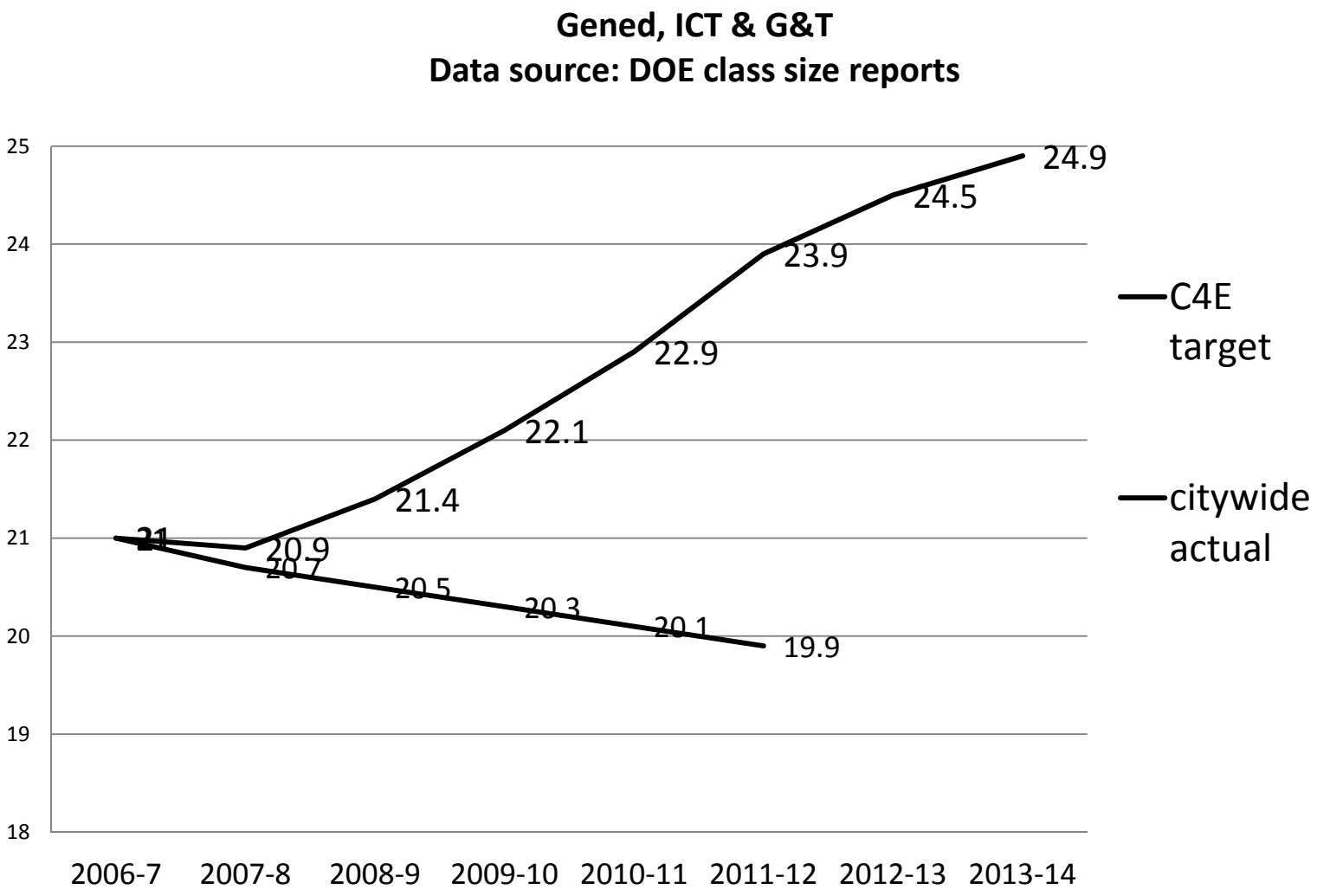
- Smaller classes top priority of parents on DOE's learning environment surveys every year since 2007, when 1st given.

# C4E settlement

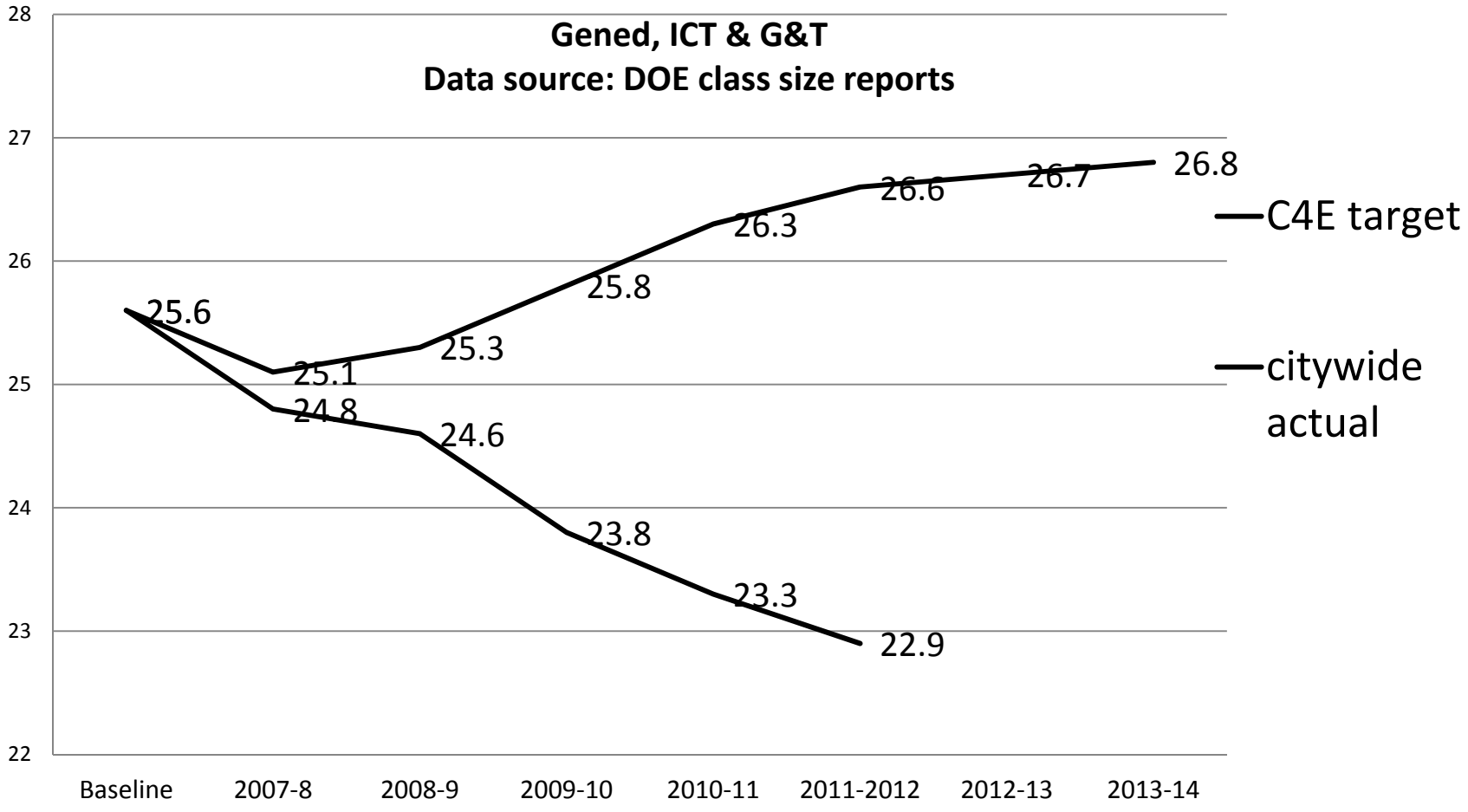
- April 2007, NY State attempted to settle CFE lawsuit by passing the Contracts for Excellence (C4E) law and reformed the funding system.
- Legislature agreed to send billions in additional aid to NYC & other high needs school districts to be spent in six approved areas, including class size reduction, and to reform the funding system.
- ***In addition, NYC had to submit a plan to reduce class size in all grades***.
- In fall of 2007, NYSED approved DOE C4E plan: to reduce class sizes to average no more than 20 students per class in K-3; 23 in grades 4-8 and 24 in HS classes over 5 years (HS later raised to 25 students).
- In return, NYS has sent more than $3 billion in C4E funds cumulatively to NYC since 2007, though funding has never reached its promised full level & other state cuts have undermined this effort.

Yet instead ***class sizes have increased sharply above C4E goals in grades K-3 for the last six years***

19% increase since 2006

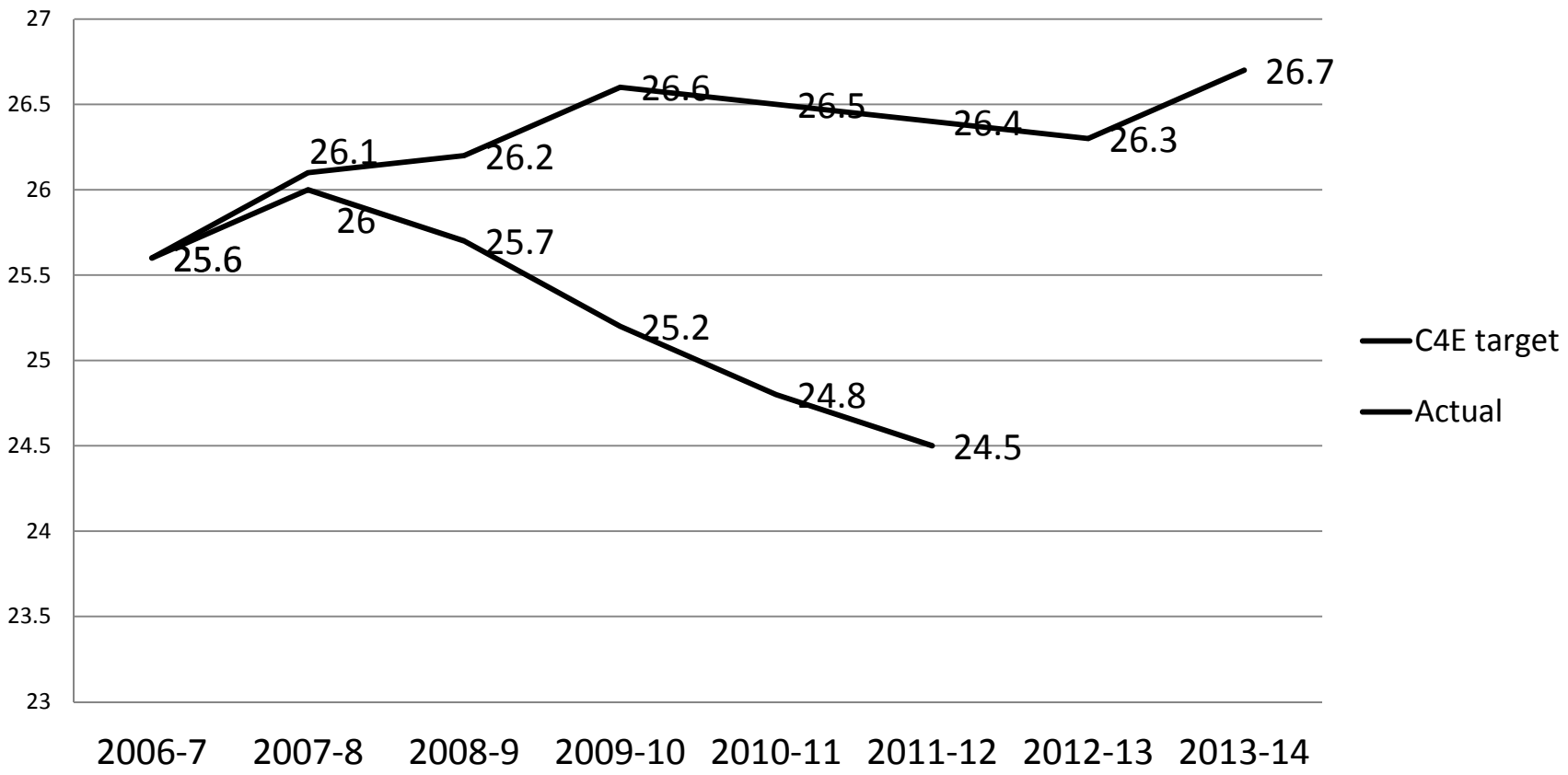


# Class sizes in Grades 4-8 have also increased 6 years in a row -- 7% since 2007



# Class sizes have increased in core HS classes citywide as well, by 4% since 2006, though the DOE data is unreliable*

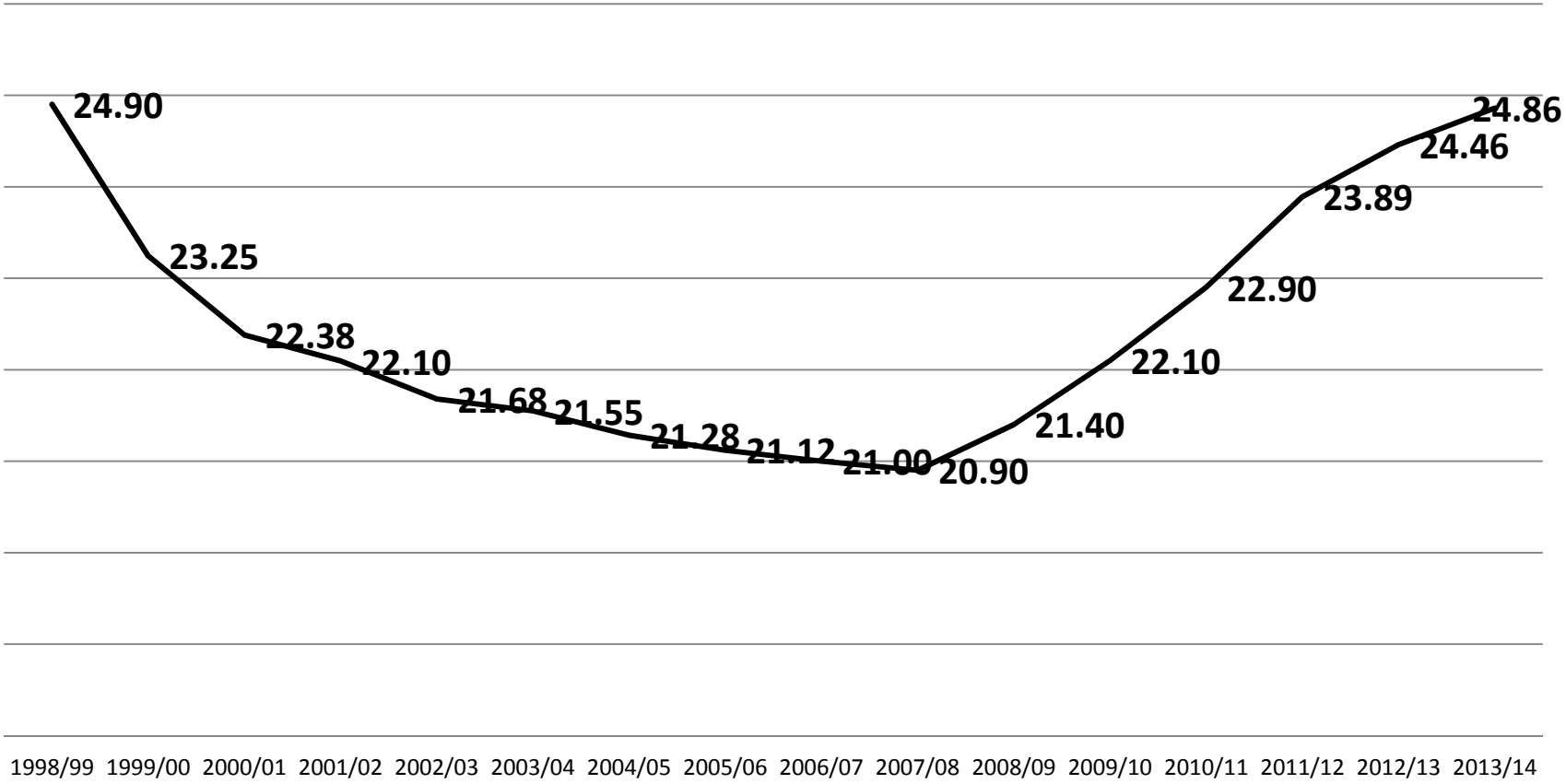
(Gened & CCT fr/DOE calculations)




*DOE's class size data is unreliable &
their methodology for calculating HS averages have changed year to year

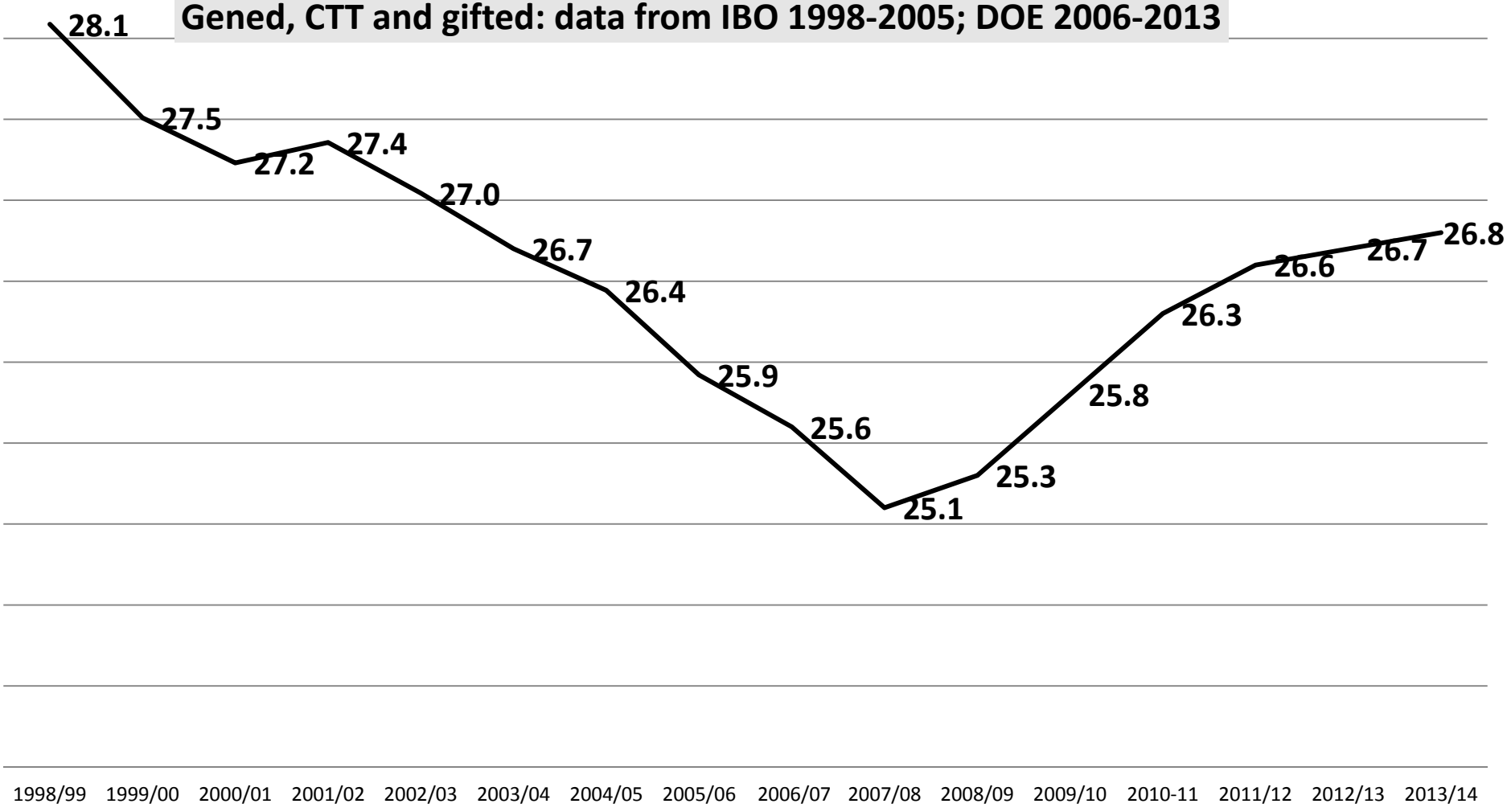
# Long term data: Class sizes K-3 are now the largest since 1998

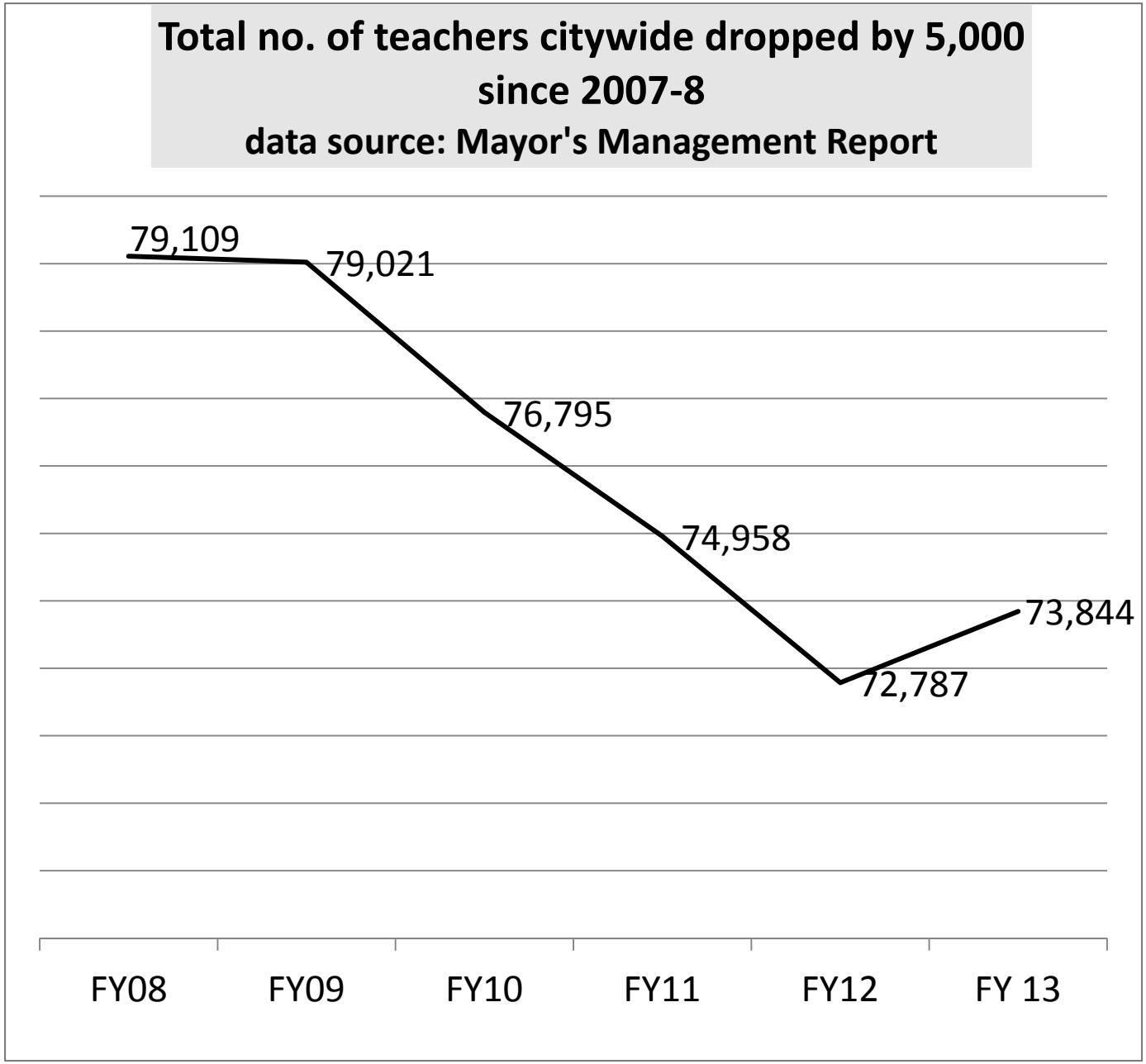
**General ed, CTT and gifted: data from IBO 1998-2005; DOE 2006-2013**



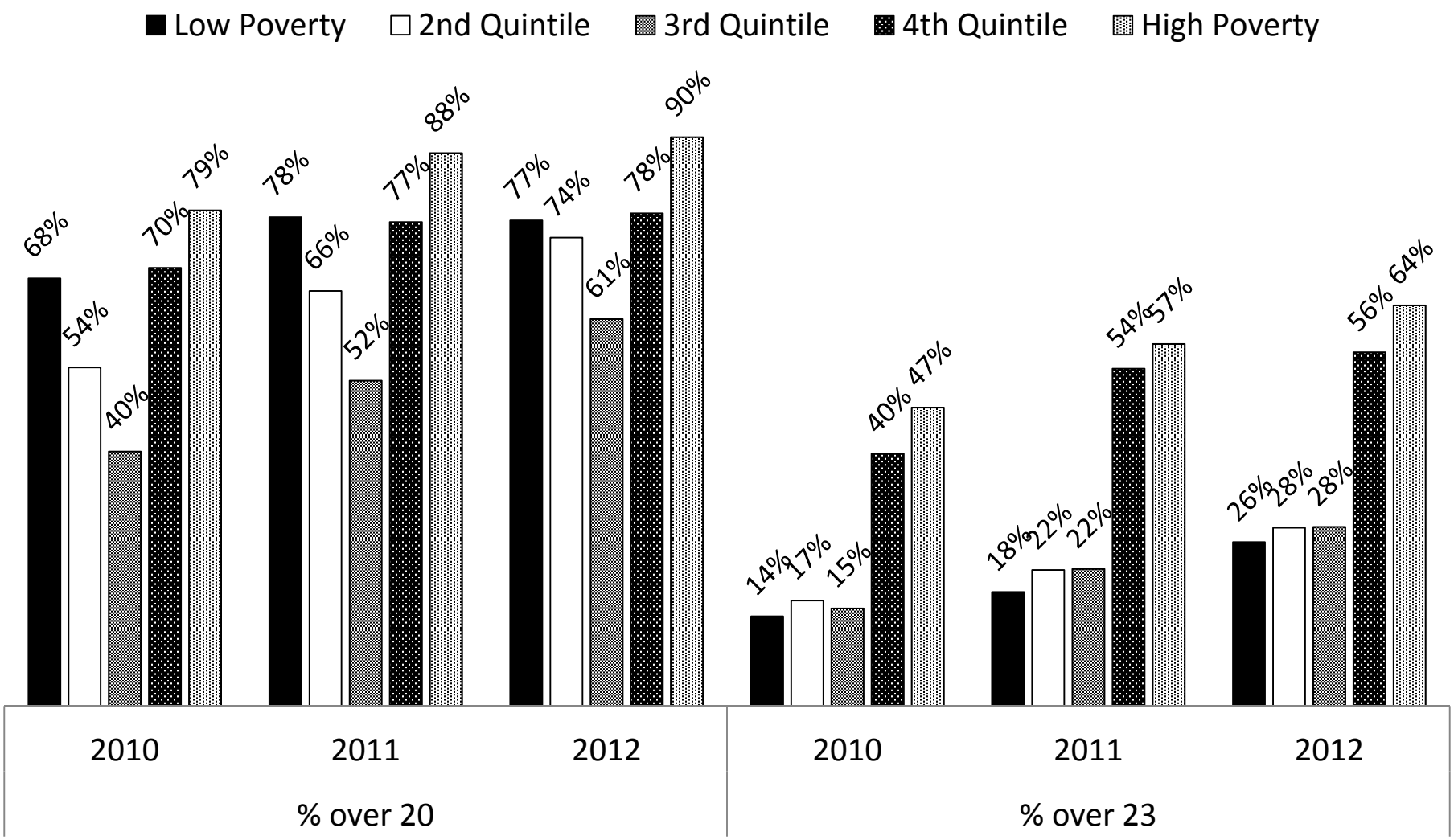
# Class sizes 4th-8th largest since 2002

**Gened, CTT and gifted: data from IBO 1998-2005; DOE 2006-2013**



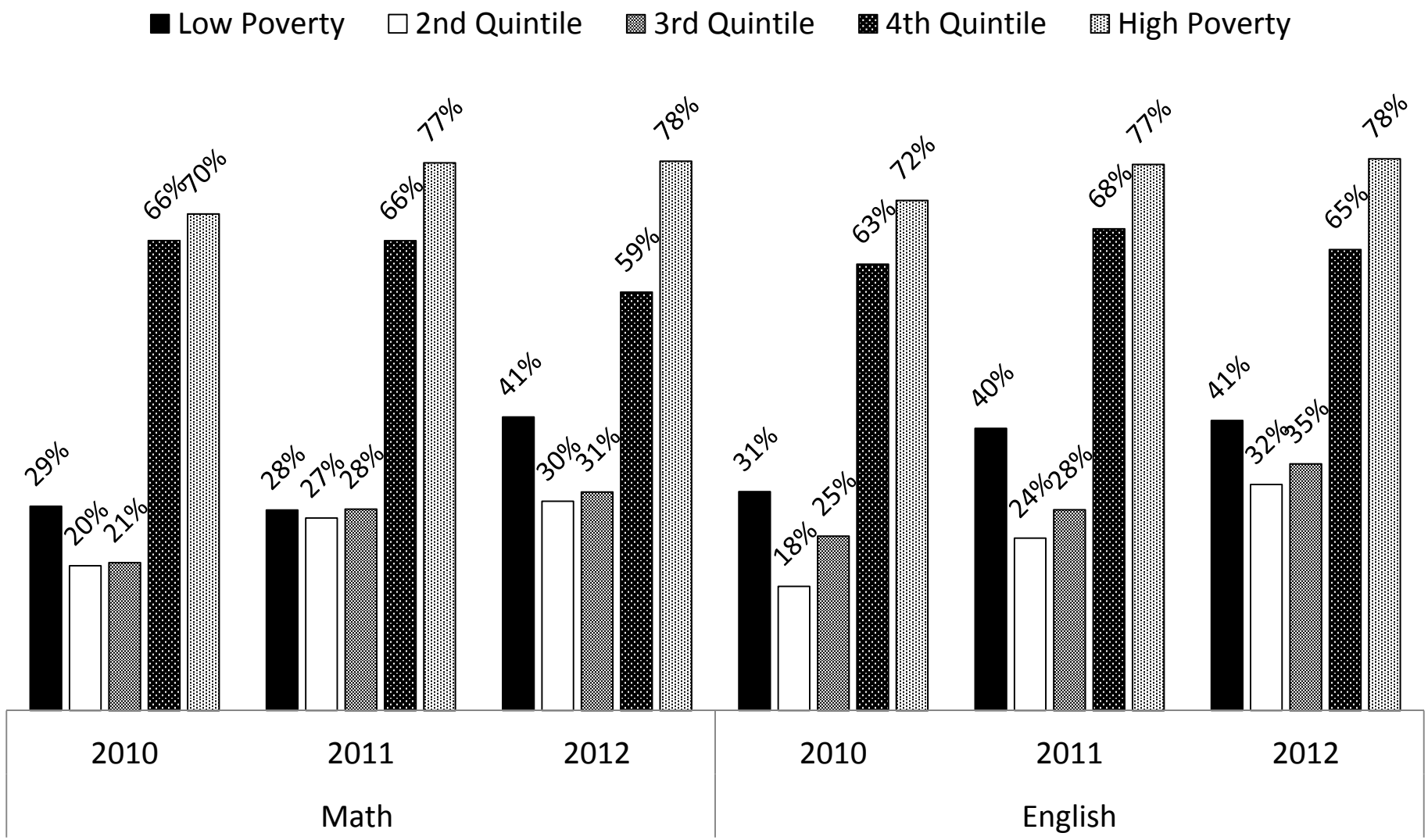

Total no. of teachers citywide dropped by 5,000 since 2007-8
data source: Mayor's Management Report
79,109
79,021
76,795
74,958
72,787
73,844
FY08
FY09
FY10
FY11
FY12
FY 13

# % of Children in Schools with Average Class Size over 20 & over 23
## Elementary Grades 2010 –12, by Income
***Slide prepared by Bruce Baker, Rutgers Univ.***




**Note:** Average Class Sizes based on enrollment weighted school level data drawn from the 2011-12 NYSED School Report Cards database. Approximately 1,000 schools per quintile (quintiles by school, not enrollment weighted).

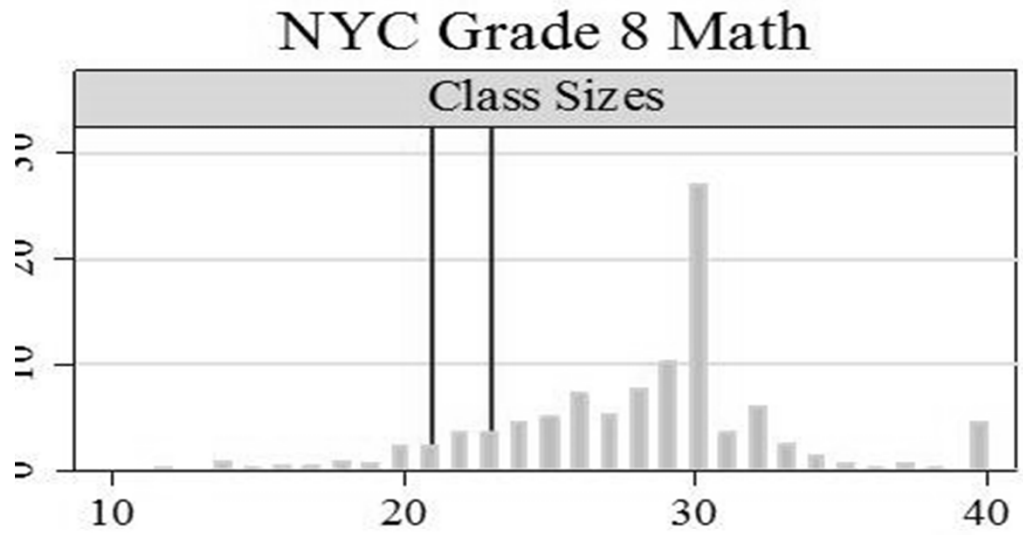
# % of Children in Schools with Average 8th Grade Class Size over 23
## School Report Cards 2010-2012
***Slide prepared by Bruce Baker, Rutgers Univ.***

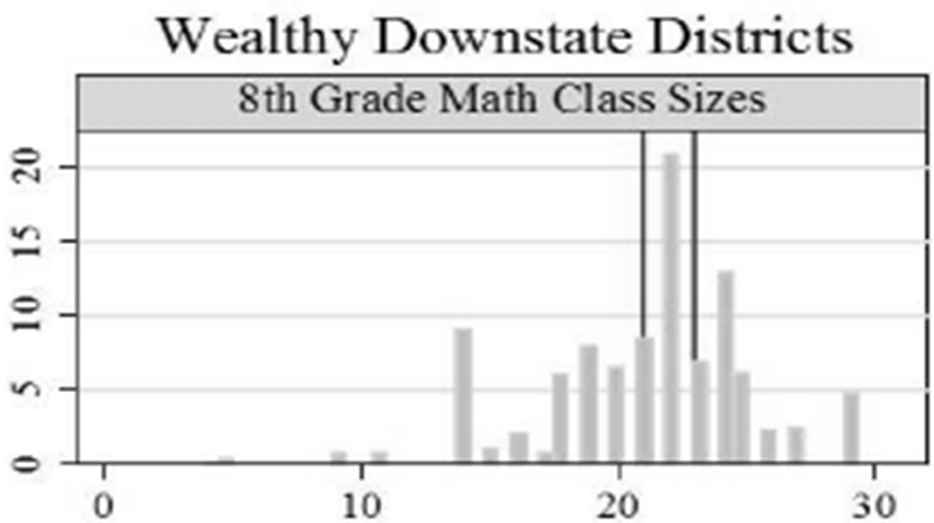



**Note:** Average Class Sizes based on enrollment weighted school level data drawn from the 2011-12 NYSED School Report Cards database. Approximately 1,000 schools per quintile (quintiles by school, not enrollment weighted).

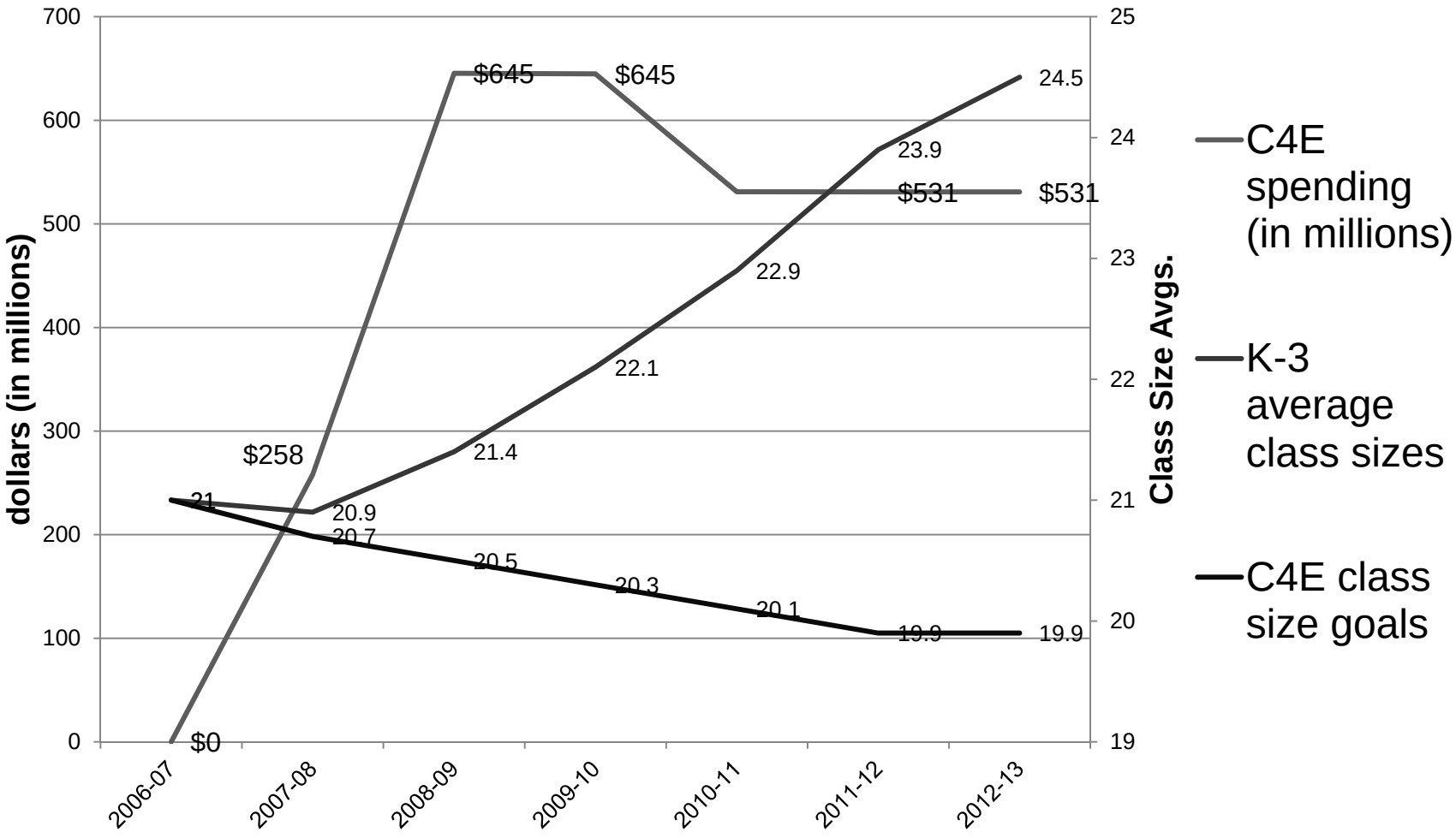
# Distribution of Grade 8 math classes

*Source: Bruce Baker from 2012 state report cards*



# C4E funding flat-lined; but even when increased; city's class sizes grew!



# WHY despite C4E law did class sizes increase?

- DOE has never spent any C4E funds in their district-wide or targeted programs for class size reduction; though this was their primary legal obligation .

- Since 2007, DOE has cut school budgets 14%– contradicting C4E prohibition against supplanting

- In 2010, DOE eliminated Early grade class size funding for grades K-3– despite C4E plan promise to maintain it

- In 2011, DOE decided to stop capping class sizes in 1st-3rd grades at 28, leading to ***34 times the number of students in classes of 30 or more in these grades compared to 2007.***

# Other ways DOE has worked to increase class size

- Many MS and HS NYC principals say that when they use discretionary funds to reduce class size, DOE simply sends their school more students, undermining their efforts.

- DOE has never aligned its capital plan to goals in class size plan, despite required by C4E regs – making it impossible to reduce class size in overcrowded schools.

- DOE's removed any mention of class size standards in 2009 from instructional footprint which helps determines where new schools will be co-located.

# School overcrowding has worsened

- According to DOE own figures, 54% of NYC elementary students now in school buildings 100% utilized or more; 79% in buildings at 80% or more

- Most experts believe these figures underestimate actual level of overcrowding b/c of flaws in utilization formula.

- New 5 yr Capital plan, DOE admits to need at least 49,000 new seats but only has funded 33,000 seats.

- Again, most experts believe 49K significant underestimate, given need to accommodate enrollment growth, reduce class size, and provide space for expanded preK

- We need an independent assessment of need for new school seats & an expansion of existing capital plan