REPORT & ADVISORY BOARD REVIEW COMMISSION

Comments received between October 12th and October 23rd, 2012

Why couldn't the chair still announce her decision today, even if the final vote was put off?

Also, why are only the comments submitted between Oct 9-12 posted online? Shouldn't you have all comments available for public review?

– Leonie Haimson

Why was the vote postponed?
– Leonie Haimson

Dear Commission members:

My middle school sons are both in classes of over 30. This is a fact, and it should not be obscured or hidden. Instead, it should be openly admitted, addressed, and remedied.

We now have the largest class sizes in the early grades in 13 years, and the number of children sitting in trailers has not significantly diminished, even though the condition of these trailers has continued to erode. Instead of attempting to obscure the lack of progress we have made, our public officials should be spurred towards providing our students with reasonable sized classes, located in adequate and safe structures.

To eliminate the November reporting on class size and the annual report on temporary classroom units (TCUs) would severely undercut transparency, accountability and the public's right to know the extent to which large classes and substandard facilities continue to undermine the quality of education that NYC public school children receive. If the Department of Education were allowed to eliminate and/or restrict the reporting on these two critical issues, it would harm our ability to accurately diagnose the extent of these problems and adequately address them.

I urge you to retain the mandate for these two reports, the November class size report and the annual TCU report, which the City Council approved and the Mayor signed into law in 2005. Now is not the time to turn your back on NYC children.

Yours sincerely,
Cynthia Wachtell

To Members of The Commission-

I have been informed that the Commission will soon be voting on whether or not, to continue reporting to the public information regarding the number of trailers be used as classrooms and also information involving the size of classes.

I cannot imagine any other motive behind this move, other than to keep this information secret from the public (including the parents of children in the NYC public school system),
in order to prevent the public from expressing its view.
If the Commission is concerned about how the public will respond to this information, then the Commission should "change the information",

by building more schools and more classrooms.

I find the thought of this to be completely outrageous.
All it indicates to me is fear, by those in control, form those it purportedly is supposed to serve.

The Commission's point of view on various subjects can differ from those of the public-
But- to deny the public the facts and information that allow it to form its own opinion is unacceptable.

I urge you to vote in favor of keeping this information open and available to the public at large.

Thank you,
Jeremy F. Orden
(Parent of 3 NYC public school students)

Dear Commission members:

To eliminate the November reporting on class size and the annual report on temporary classroom units (TCUs) would severely undercut transparency, accountability and the public's right to know the extent to which large classes and substandard facilities continue to undermine the quality of education that NYC public school children receive. If the Department of Education were allowed to eliminate and/or restrict the reporting on these two critical issues, it would harm our ability to accurately diagnose the extent of these problems and adequately address them.

We now have the largest class sizes in the early grades in 13 years, and the number of children sitting in trailers has not significantly diminished since these laws were passed in 2005, even though the condition of these trailers has continued to erode. Instead of attempting to obscure the lack of progress we have made, our public officials should be spurred towards providing our students with reasonable sized classes, located in adequate and safe structures.

I urge you to retain the mandate for these two reports, the November class size report and the annual TCU report, which the City Council approved and the Mayor signed into law in seven years ago. Now is not the time to turn your back on NYC children.

Yours sincerely,

--
Alyson Levy
PFFR

CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
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Ari Hoffnung
DEPUTY COMPTROLLER
FOR PUBLIC AFFAIRS

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October 22, 2012

Elizabeth Weinstein
Chair
Report and Advisory Board Review Commission
Mayor's Office of Operations
253 Broadway, 10th Floor
New York, New York 10007

Dear Chair Weinstein:

The Comptroller's Office is deeply troubled that the Report and Advisory Board Review Commission is considering an end to the reporting requirements on class size and Temporary and Non-Standardized Classroom Units (TCUs).

Class size reduction is a critical component of any strategy to improve student achievement and classroom conditions. But class size reduction cannot happen without accurate and timely reporting on class size. Likewise, the annual reporting requirement on TCUs is essential to providing a comprehensive picture of the physical state of schools.

The reporting requirements on class size and TCUs reflect the fundamental ideal that the public deserves accountability and transparency from its government. Any action to remove the legally mandated reporting requirements is an affront to that ideal.

An unfortunate backdrop to this debate is that the Department of Education (DOE) has not lived up to its class size reduction mandates. These mandates are part of the Contracts for Excellence. In the last school year, for example, the average class size in K-3rd grades was 24. In 2006–2007, it was 21.

The DOE has also failed to make good on its commitment to remove all TCUs by 2009, as part of the Department of Education FY2005–2009 Capital Plan. There are only five fewer TCUs (363) today than there were in 2005 (368).

The public has a right to know what is going on in its schools. These reporting requirements are meant to provide a picture of the conditions of our schools and classrooms that, in turn, serves as the basis to improve those conditions. Eliminating or limiting the reporting requirements would be a disservice to parents, students, teachers, and administrators, especially amidst failed DOE commitments.

Sincerely,

Ari Hoffnung

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CATHERINE NOLAN
37th Assembly District
Queens County

CHAIRWOMAN
EDUCATION COMMITTEE

COMMITTEES
Rules
Veterans
Ways and Means
Corporations, Authorities, and Commissions

October 15, 2012

Elizabeth Weinstein, Chair
Report and Advisory Board Review Commission
Mayor's Office of Operations
253 Broadway, 10th Floor
New York, NY 10007

Dear Ms. Weinstein:

It has come to my attention that the Report and Advisory Board Review will be holding a meeting on October 30th 2012. The purpose of this meeting is to decide whether the board should vote on whether to eliminate 21 reporting requirements and advisory boards, including the New York City Department of Education's (NYC DOE) legally mandated reporting on class size and Temporary Classroom Units (TCU's).

As you know, in 2005, the New York City Council passed several laws that mandated reporting about class size and TCU's. These laws were passed to address the many concerns parents had on the relationship between the effect of class size and substandard faculties and the education of our public school children. Eliminating any of these reporting requirements should be thoroughly vetted before any vote is taken while seeking public comment from parents, students, teachers and other educational advocates.

I am very concerned about the proposed elimination of the mandated reporting for TCU's. As Chair of the Assembly Education Committee, I have seen the many detrimental effects of the use of TCU's in the borough of Queens and New York City. TCU's are essentially trailers and do not provide an adequate environment for students to learn. The argument has always been made that TCU's are needed to house students temporarily while school construction is being completed. Many of these structures, however, have been at schools for years, even decades. I have raised this issue with the NYC DOE every year during public hearings, asking if their is a plan and timeframe to end this practice once and for all. In March of this year, I, along with 32 of my Assembly Colleagues sent a letter to Chancellor Walcott expressing our concern about TCU's.

New York City's mandated reporting requirement about TCU's is justified and a step in the right direction toward bringing accountability and a more public process to the removal of TCU's from the city schools. This reporting requirement is also the basis for a bill that I sponsor (A.9895) which would require New York City to report the total

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E-mail: nolanc@assembly.state.ny.us

number of TCU's in the school district. This bill passed the Assembly and I look forward to working on it again during the next legislative session.

Eliminating TCU's sooner rather than later should be a priority that we all can agree on. Keeping the New York City reporting requirement for TCU's is needed to ensure that this priority is accomplished.

Sincerely,

Catherine Nolan

da

Comments received between October 9th and October 12th, 2012

Dear Commission members:

Your commission and parents need to know the data on class size. To eliminate the November reporting on class size and the annual report on temporary classroom units (TCUs) would severely undercut transparency, accountability and the public's right to know the extent to which large classes and substandard facilities continue to undermine the quality of education that NYC public school children receive. If the Department of Education were allowed to eliminate and/or restrict the reporting on these two critical issues, it would harm our ability to accurately diagnose the extent of these problems and adequately address them. Class size is one of only 4 factors that are shown to have a measurable effect on student performance. PArent want to know and the the mayors office SHOULD want to know how and where class size is growing and shrinking and holding steady so that our schools can be improved.

We now have the largest class sizes in the early grades in 13 years, and the number of children sitting in trailers has not significantly diminished since these laws were passed in 2005, even though the condition of these trailers has continued to erode. Do not attempt to obscure the lack of progress we have made, Public officials should be striving towards providing our students with reasonable sized classes, located in adequate and safe structures. And Public officials should collect data twice a year so they can track how many students begin the school year but drop out before school ends.

I urge you to retain the mandate for these two reports, the November class size report and the annual TCU report, which the City Council approved and the Mayor signed into law in seven years ago. Now is not the time to turn your back on NYC children.

Yours sincerely,

Anne Kenney,

Brooklyn public school parent

Dear Commission members:

Class size is the NUMBER ONE concern of NYC public school parents, as evidenced in the DOE's own survey.

To eliminate the November reporting on class size and the annual report on temporary classroom units (TCUs) would severely undercut transparency, accountability and the public's right to know the extent to which large classes and substandard facilities continue to undermine the quality of education that NYC public school children receive. If the Department of Education were allowed to eliminate and/or restrict the reporting on these two critical issues, it would harm our ability to accurately diagnose the extent of these problems and adequately address them.

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I urge you to retain the mandate for these two reports, the November class size report and the annual TCU report, which the City Council approved and the Mayor signed into law in seven years ago. Now is not the time to turn your back on NYC children.

Yours sincerely,
Sean Grandits
NYC public school parent, Laguardia High school

Dear Commission Members:

I am the mother of two young men who have attended New York City schools since kindergarten. One started college this fall, and the other is in 11th grade. Class size has been a perpetual issue for them, especially in middle and high school. Please DO NOT eliminate the required reporting on class sizes.

We now have the largest class sizes in the early grades in 13 years, and the number of children sitting in trailers has not significantly diminished, even though the condition of these trailers has continued to erode. Instead of attempting to obscure the lack of progress we have made, our public officials should be spurred towards providing our students with reasonable sized classes, located in adequate and safe structures.

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Yours sincerely,

Mary-Powel Thomas

former president, District 15 Community Education Council

former parent, P.S. 38, M.S. 51, Brooklyn Technical High School

current parent, LaGuardia High School

Dear Commission members:

We now have the largest class sizes in the early grades in 13 years, and the number of children sitting in trailers has not significantly diminished, even though the condition of these trailers has continued to erode. Instead of attempting to obscure the lack of progress we have made, our public officials should be spurred towards providing our students with reasonable sized classes, located in adequate and safe structures.

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Yours sincerely,

Molly Moody

Research Associate

Class Size Matters

Dear Commission members:

We now have the largest class sizes in the early grades in 13 years, and the number of children sitting in trailers has not significantly diminished, even though the condition of these trailers has continued to erode. Instead of attempting to obscure the lack of progress we have made, our public officials should be spurred towards providing our students with reasonable sized classes, located in adequate and safe structures.

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Yours sincerely,

Mary Illes parent at Hamilton Heights School District 6

Dear Commission members:

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Yours sincerely,

Name, address, and affiliation if any

Alane Salierno Mason
Vice President and Executive Editor, W.W. Norton & Company

Dear Commission members:

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Yours sincerely,

Jocelyn anker

Dear Commission members:

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Yours sincerely,

Tanya Pollard,
Professor, Brooklyn College and CUNY Graduate Center
Parent, children at P.S. 107, Brooklyn

Dear Commission members:

We now have the largest class sizes in the early grades in 13 years, and the number of children sitting in trailers has not significantly diminished, even though the condition of these trailers has continued to erode. Instead of attempting to obscure the lack of progress we have made, our public officials should be spurred towards providing our students with reasonable sized classes, located in adequate and safe structures.

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Yours sincerely,

Sandra Rivera

Dear Commission members:

We now have the largest class sizes in the early grades in 13 years, and the number of children sitting in trailers has not significantly diminished, even though the condition of these trailers has continued to erode. Instead of attempting to obscure the lack of progress we have made, our public officials should be spurred towards providing our students with reasonable sized classes, located in adequate and safe structures.

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I urge you to retain the mandate for these two reports, the November class size report and the annual TCU report, which the City Council approved and the Mayor signed into law in 2005. Now is not the time to turn your back on NYC children.

Yours sincerely,

David Rosenberg

Dear members of the Report and Advisory Board Review Commission:

As recently announced, on October 30, 2012, you will vote on whether to eliminate 21 reporting requirements and advisory boards, including the DOE's legally mandated November report on class size and its annual report on Temporary Classroom Units (or TCUs.)

Two laws were passed by the City Council in 2005, mandating reporting on class size and TCUs, because parents, elected officials, and other members of the public were concerned that excessive class size and substandard facilities substantially disadvantaged our public school children. Yet there was little data available to delineate the scope of the problem. The legislation required twice yearly reporting on class size and annual reporting on TCUs.

The Mayor himself recognized the seriousness of the problem, as shown by the fact that in 2006 he promised to reduce class size in grades K-3 to 20 or less, and eliminate the need for TCUS or trailers, by means of an accelerated capital plan.

Yet because of the mandated reporting on class size and TCUs, we know that class sizes in grades K-3 have grown sharply every year since 2007. Classes in these grades are now the largest in 13 years, and the numbers of TCU's have not significantly diminished.

Now, the DOE proposes eliminating the November class size report, and merely keeping the February report, claiming that the second report is more "accurate." Yet the reality is that the November report contains the MOST accurate information we have about the class sizes that children experience during the first few months of the year.

These months are a crucial period for students to be able to form attachments with their teachers and engage in learning. Yet in many NYC schools, children face class sizes of 30 or more during this time, and/or are switched from class to class in order to meet the union contractual limits.

By the time of the February class size report, which includes class size data on January 31, class sizes are smaller, not because the DOE has hired more teachers, but because thousands of students have dropped out or been discharged from their schools.

This sad phenomenon results in part from the inadequate conditions they were subjected to earlier in the year. Thus, it is critical that the DOE be required to continue the November report, in order to capture the actual classroom conditions that students encounter at the start of the year which cause them to struggle and become disengaged in school.

As regards TCUs, the DOE has asked to entirely eliminate these annual reports, at various points making mixed and sometimes contradictory claims, including that the data in these reports is replicated elsewhere, that is not "essential," and/or not "required" by the original legislation. These claims are all factually incorrect. More information on this is attached.

- Our earlier testimony on the continued need for this reporting is posted here: http://shar.es/5I7yk
- The testimony of CM Jackson, as well as other public interest groups on the continued need for this reporting is posted here: http://shar.es/5I7IX

- The testimony of Michael Mulgrew, President of the UFT, is posted here: http://shar.es/5I7O3
- The DOE's official response to the public testimony is here: http://shar.es/5I7Q7
- Our reply, debunking the DOE's claims, and showing the need to retain both the November class size report and annual TCU report, is attached.

Feel free to follow up if you have any questions.

Again, I urge you to retain these two critical reports, for the sake of transparency, accountability and to help achieve a better school system for NYC children.

Thanks so much,

Leonie Haimson

Executive Director

Class Size Matters

class size matters
124 Waverly Place, NY, NY 10011
phone: 212- 674- 7320
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email: info@classsizematters.org

Class Size Matters Response to DOE comments on the proposed elimination of the November class size report

Submitted to the Report and Advisory Board Review Commission
October 11, 2012

Class sizes remain a critical problem in our schools, and have increased every year since 2007. In the early grades, they are now larger than they have been in 13 years. Reducing class size is the top priority of parents, even on the DOE's own surveys. And yet the DOE would like to eliminate the November class size reports, required by a law passed in 2005, and instead report on class sizes only in February.

The February reports, based on January 31 figures, include data on classes that have significantly already diminished in size, since thousands of NYC high school students have dropped out or been discharged by that time. Allowing the elimination of the November class size report would convey a significant distortion of reality, and prevent the public's right to know class sizes during the first few months of the year.

Numerous other official reports are based on the audited October 31 enrollment figures reflected in the November class size reports, including the DOE's capacity reports known as the "Blue Book". These figures also help determine individual school funding by the DOE. For these same officials to claim that the audited October 31 enrollment is too unreliable to recount in their class size reports is far-fetched. Moreover, eliminating the November report would also lessen the pressure on DOE to address the overcrowded conditions that NYC students continue to face each fall.

Below is our rebuttal to the DOE's response to the public testimony.

Point-By-Point Rebuttal of DOE Claims

PUBLIC TESTIMONY: We need both reports because they reflect two separate student counts – October 31 and January 30. Each report adds unique value to understanding the breadth of the problem with over-sized classes. This case is best made in viewing high

school data. Year-to-year we've seen high school class sizes show significant fluctuation between the two counts. If the administration only released the February report for instance, the public would miss the typically larger class sizes in the fall.

***DOE rebuttal**: "The testimony incorrectly assumes that the DOE is providing data from the first semester in the November report and the second semester in the February report. Rather, the same underlying data is analyzed for both reports. However, the data for the November data is unaudited and not yet verified. The February report is based on audited data of school and class registers. The February report is based on the Department's official enrollment data."*

OUR RESPONSE: There is nothing in the public testimony quoted above that assumes that the February class size report contains data on class sizes during the second semester. It is true that the original point of advocating for two separate class size reports was to have figures for class sizes at the start of both semesters, including when high school classes are reconfigured in the spring. Unfortunately, the DOE has never complied with the original intent of the law, and simply uses the February report to report on the size of classes at the end of the first semester.

For DOE now to insist that they should <u>only</u> have to report on class sizes at the <u>end</u> of the first semester even more flagrantly ignores the original purpose of the legislation, which was to bring pressure on DOE to reduce class sizes as quickly as possible at the beginning of each semester, and to accurately reflect the condition of overcrowded classrooms that undermine the quality of education that NYC students receive.

As the analysis included in our original testimony reveals, high school class sizes on average fall by 4% in general education classes and 11% in special education classes between October 31 and January 31 of each year. This occurs not because the DOE has hired more teachers, but because thousands of students have dropped out or been discharged from schools over this period, in large part as a result of being subjected to inadequate learning conditions in the form of overcrowded classes. It is noteworthy that DOE did not attempt to dispute this fact.

> **PUBLIC TESTIMONY:** The average class sizes reported in February are generally smaller than those in the November report, sometimes lower by as much as 1 to 2 students per class, especially at the high school level.

***DOE rebuttal:** "Class size can be reduced due to several factors; movement between and out of NYC DOE schools, graduating students, students dropping out, discharges, etc. More importantly, the February report is based on final audited data that allows for the DOE to capture this data and ensure a more accurate picture of class size."*

OUR RESPONSE: Here the DOE admits that the February report reflects the figures AFTER students have dropped out or been discharged from school. Accurate data would reflect class sizes at the beginning of the year, before this occurs.

> **PUBLIC TESTIMONY:** The November report contains class size data based on the October 31st register, more than a month and a half into the school year, and the date when enrollment numbers are considered official by DOE. This provides an important view of class sizes fairly early in the school year, when it is of greatest interest to parents and advocates, so that they can push to have large classes reduced. The February report is based on enrollment information as of January 30th, reflecting changes due to students being discharged, dropping out, graduating or moving from one school to another.

DOE rebuttal*: "This statement is inaccurate. The November report is snapshot of data and not the audited register of classes and class sizes. Final changes to registrars are due at the end of December, which includes the data from the first semester. The data is audited through the month of January. The February report gives more accurate data and allows for the NYCDOE to align cost to class sizes and class organization."*

OUR RESPONSE: The reality is that the Oct. 31 audited register figures provide the basis for the DOE's Blue Book, its official school capacity and utilization report. The Oct. 31 audited register figures also determine each school's funding level. If it is accurate enough for these purposes, it is certainly accurate enough to use for calculating class size and reporting to the public.

Suggested Improvements in reporting on class size:

Even as it is important for the DOE to maintain two different annual class size reports, this reporting could be substantially strengthened and improved.

Each of the DOE class size reports, in November and February, currently contains multiple errors, and substantially underestimates the actual sizes of classes in many schools. This occurs because schools often count inclusion classes as two separate classes: one composed of general education students, and the other comprised of students with disabilities. This leads to the class size being reported as half its actual size.

A similar inaccuracy occurs in the case of "bridge" or mixed age classes, with students at each grade level reported as attending a separate class, even though they are assigned to the same class at the same time with the same teacher.

In some cases, the class size of different subjects (e.g. Physics I and AP Physics) is reported separately, even though again, students taking these courses are often bunched together in the same classroom at the same time, with the same teacher. In each instance that we have identified errors, they have led to DOE underreporting class sizes as significantly smaller than they are in reality.

It would be relatively simple for officials to devise a more accurate way of calculating class sizes, by sorting ATS register figures by room number and class period. Yet they have refused to do so, despite repeated requests. It is disconcerting that the DOE, which has spent millions of dollars devising data systems to collect test scores for accountability purposes, refuses to make any adjustments to allow for more accurate reporting of class size.

It would also be beneficial if DOE agreed to abide by the intent of the law, and in its second annual report included data on class sizes during the second semester when high school classes are reconfigured, rather than simply report on smaller class sizes at the end of the first semester, after thousands of students have dropped out or been discharged from school.

Conclusion:

We urge the members of the Commission to maintain the mandate for two separate class size reports, one in the fall and the other in the spring. Additionally we ask the Commission to recommend that DOE officials strengthen and improve their reporting on this critical issue, to ensure that their reports accurately reflect the overcrowded conditions that NYC students face and that substantially undermine the quality of the education they receive.

class size matters
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email: info@classsizematters.org

Class Size Matters Response to DOE comments on the annual Temporary and NonStandard Classroom (TCU) Report

Submitted to the Report and Advisory Board Review Commission, October 10, 2012

Initial Rationale by DOE for eliminating the TCU report

In their latest document, posted on the Report and Advisory Board Review Commission website, the NYC Department of Education attempts to refute the testimony of Robert Jackson, Chair of the NYC Council Education Committee the United Federation of Teachers, Class Size Matters, and others. These individuals and organizations point out the importance of the NYC Department of Education's continuation of its annual report on Temporary Classroom Units (TCUs) for the sake of transparency, accountability, and rational capital planning. [1]

In a May 11, 2012 testimony, Class Size Matters revealed that despite the DOE's claims to the contrary, its initial argument for eliminating the TCU report was incorrect and that most of the information contained within the report was unavailable elsewhere.[2] The DOE's claim that this information was "redundant" because it is currently included in the Department of Education's annual Report on Capacity and Utilization, (otherwise known as the Blue Book) was untrue, for the following reasons:

- The Blue Book does not contain data on how many high school TCUs are currently in existence;
- The Blue Book does not contain data as to how many actual TCU classrooms exist in ***any*** school (each TCU may contain 1-4 classrooms);

[1] For DOE response in full, see DOE Comments from testimony on Temporary and Non-Standard Classroom Report. http://www.nyc.gov/html/rabrc/downloads/pdf/agency_comments_07022012.pdf. For the testimonies of Class Size Matters, CM Jackson, and the UFT, see http://www.nyc.gov/html/rabrc/downloads/pdf/testimony_reports_and_boards_hearing%2005-11-12.pdf

[2] See the DOE statement about "redundancy" included here: Report and Advisory Board Review Commission, "Minutes of Public Meeting held on Tuesday, February 28, 2012," at http://www.nyc.gov/html/rabrc/downloads/pdf/draft_public_meeting_minutes_and_presentation_2_28_2012_v2.pdf

- The Blue Book does not contain data concerning the current usage of these TCUs (that is, whether they are being used as general education or special education classroom, or specialty or cluster rooms – i.e. for art, music or science.)[3]

After public testimony was given, the DOE seemed to drop its initial arguments. Then, however, it made new claims equally incorrect and/or unconvincing, stating that the information in the TCU report is "not essential" and that the data currently included in the TCU report is "not required under the legislation" mandating this reporting. Neither one of these claims is true.

Revised DOE rationale

What is "essential" is, of course, a subjective and relative matter. Yet for the DOE to now argue that any information beyond the mere number of TCUs in elementary and/or middle schools (the only data that is replicated in the DOE's Blue Book) is "inessential" ignores the public's right to know the total number of students attending classes in TCUs, how overcrowded these structures are, the current usage of these units, and how many additional classrooms would be necessary to eliminate them.

The DOE's claims also ignore the intent of the legislation that authorized this reporting, Local Law 122-2005, which states:

> Although the Department of Education has for years promised to eliminate the use of temporary and non-standard classrooms, it has been slow to do so. The public is not aware of the scope of these problems, as parents are generally only familiar with their children's schools. Therefore, *public pressure to improve these substandard classrooms has not reflected the level of public dissatisfaction with such facilities. The Council finds that the Department's efforts to eliminate temporary and non-standard classrooms would be aided by the annual public disclosure of the number of such classrooms*. 122-2005.1 (emphasis added).

As such, the legislation sought to increase pressure on the DOE to remove TCUs by providing clear and regular updates to the public about the scope and severity of this problem, as well as reporting the progress of the DOE in eliminating these sub-standard structures.

As the prologue to the legislation states, TCUs are "poorly heated, ventilated and lit," "they isolate children from their school communities," and "likely do not meet minimal standards for appropriate classroom design." (Section1.) Though DOE officials may dislike the enhanced public scrutiny and pressure to replace TCUs with school seats that these reports provide, this is not a convincing rationale for eliminating the report.

The DOE also repeatedly claims in its new, follow-up statement that reporting on the number of TCUs in high schools (information available nowhere else) and data on the actual number of students who are currently attending class in these TCUs are not required in the authorizing

[3] The latest Blue Book (for 2010-2011school year) is posted here: http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2010-2011-Bluebook.pdf

legislation. Even a cursory examination of the Local Law 122-2005 would reveal that this claim is false. What follows is a point-by-point rebuttal of each of the DOE's arguments, in its latest response to the public testimony, in the same format as the original document:

Point-By-Point Rebuttal of DOE Claims

1. **PUBLIC TESTIMONY:** It is important to report about non-standardized classrooms and TCUs because they are still in widespread use.

DOE rebuttal*: "The DOE is prepared to continue to report on the number of TCUs Citywide. We recognize the importance of this information. However, the actual enrollment of students in the TCUs themselves is not essential information about which the DOE needs to report. The decisions about using and replacing TCUs are based on overall student enrollment in a school; whether the main building can support the student enrollment, other available permanent structures to house these students. In addition, the number of overall TCUs has remained stable over the last few years."*

OUR RESPONSE: If the DOE is "prepared to continue to report on the number of TCUs citywide", then how would that occur if this report were eliminated? Nowhere else is this data publicly available. In addition, overall information about the enrollment, capacity, and utilization of TCUs should be disclosed, not only to communicate the scope and severity of this problem to the public, but also to aid policymakers in creating realistic projections about how many additional school seats are needed to replace them.

If they do intend to eventually replace or eliminate them, it is inconceivable why the DOE would not find it important to factor into their capital plan the actual number of students currently being educated in TCUs . For example, the fact that a trailer may hold only 12 students (a special education class) or 34 students should make a significant difference in DOE's estimates of what size classrooms should be built or how many additional seats are needed, either in a new school nearby or in the expansion of an existing school. Perhaps if DOE officials more carefully considered this data, including the thousands of students still crammed into these sub-standard structures, they would have made more progress in eliminating TCUs over the last decade. At least the above statement is honest in admitting that the number of TCUs has not declined in recent years.

2. **PUBLIC TESTIMONY:** There is no [other] report on the number of TCUs used in high schools.

DOE rebuttal*: "This information is not required under this legislation. Information on the number of TCUs at a high school can be found on the school's web site in the Annual Facilities Survey."*

OUR RESPONSE: To the contrary, <u>high school data on TCUs are required</u> under this legislation. Local Law 122-2005 states:

> The department of education shall report to the council annually, on or before October fifteenth of each year, ***the number of non-standard classrooms within the public school***

system. (emphasis added) Such report shall provide the number of non-standard classrooms, disaggregated by: school; zip code; school district; instructional region; community district; council district; and borough, and for each non-standard classroom, the number of children who attend classes in each such non-standard classroom. [122-2005§522.b]

Clearly, there is nothing in the legislation as cited above that excludes DOE from an obligation to report on the number of TCUs in high schools. Moreover, simply stating that this information can be found buried in each school's website, within its Annual Facilities Survey, should not excuse the DOE from providing the data in one coherent summary document.

There are over 400 high schools currently in NYC; assembling this data individually by logging into each school portal would be extremely time consuming and difficult for any advocate or elected official. Saying that it doesn't matter whether the DOE refuses to provide a summary report on TCUs because the data is available on individual school websites is like arguing that NYC need not release overall test score data, because each school reports its test scores separately. Furthermore, we have found that TCU data on school portals often contradicts the data in the TCU report. For more on this, see below.

3. **PUBLIC TESTIMONY:** There is no [other] report on the current use of individual classrooms within TCUs, e.g. General education, special education, specialty classrooms, and grades.

DOE rebuttal*: "The legislation does not require reporting on the use of individual classrooms in TCUs. Moreover, this information is available elsewhere -- on a school's web site in the Annual Facilities Survey. "*

OUR RESPONSE: Although reporting on the specific use of the TCU classrooms (i.e. whether the room is used for general education, special education, art, or science) is not expressly required by the legislation, this information is important for public awareness of the problem, and in order to prepare a better capital plan. Thus, the DOE should continue reporting this information, as it does currently in the TCU report.

4. **PUBLIC TESTIMONY:** It is important to report on both capacity and enrollment.

DOE rebuttal: "*The report requires only that the DOE report on the "number of children who attend classes" in the TCUs. The report does not require a reporting of both capacity and enrollment. The critical information that we will continue to report is the total number of TCUs. "*

OUR RESPONSE: This is perhaps the most incoherent and confusing statement in the DOE document. First, the DOE acknowledges that the law requires reporting on "the number of children who attend classes" in TCUs, but then contradicts this by asserting that the law does not require reporting on enrollment. What does enrollment mean but the number of children attending classes in TCUs?

5. **PUBLIC TESTIMONY:** Enrollment data helps determine how many classrooms are needed to replace TCUs.

DOE rebuttal: *"The decision whether to replace a TCU is not based on the number of students enrolled. The decision is based on the usage of the main building, the overall student enrollment in the school and whether there is an alternative site to place students*."

OUR RESPONSE: See our comments above. Without first taking into account the number of students currently attending classes in TCUs, it is impossible to know the total enrollment, and how overcrowded elementary or middle schools are,. And there is no way of knowing how many new seats are needed nearby without factoring in this data as well. DOE officials and other elected officials should take this information into account when deciding whether to replace TCUs.

6. **PUBLIC TESTIMONY:** DOE claims that this report is redundant because information about TCUs is contained in its Enrollment, Capacity and Utilization Report, also known as the Blue Book. However, the information on TCUs in the Blue Book is difficult to find, hard to decipher and much more limited in scope than what is provided in the Temporary and Non-Standard Classroom (TCU) Report.

The Blue Book does not reveal how many classrooms are contained in transportable units, nor what grade or type of instruction they are used for – only the TCU Report provides that data. Moreover, the Blue Book contains hundreds of pages that one must search through to find far less information than is provided in the concise, 20 or so pages of the Temporary and NonStandard Classroom Report.

DOE rebuttal: *"This information is not required under the legislation. The TCU report only requires reporting on the number of TCUs at a school and number of students. The Annual Facility Survey which is available on each school's web site details the number of TCUs and the use of each TCU."*

OUR RESPONSE: Yet again, a very unconvincing rebuttal. See our general comments and responses to Points 1 and 4 above. Moreover, it is indeed true that the TCU data in the Blue Book is difficult to find, and contains far less information than the TCU report is mandated to include. We urge the members of the Commission to take a look themselves at the Blue Book to ascertain the truth of this statement. [4] Moreover, the Blue Book contains **no information** about the usage of these structures in any school, the number of TCU classrooms, or the number of TCUs being used by high schools. The latter information may be available on individual HS websites, but again, collecting it, school by school, is extremely difficult and time-consuming.

7. PUBLIC TESTIMONY: It is important to report about TCUs because of the need to address the conditions in the TCUs themselves.

DOE rebuttal: *"This concern is not relevant to the report that the DOE requests to have eliminated. We are proposing only to eliminate the requirement to report on the number of children who attend*

[4] The latest Blue Book (for 2010-2011school year) is posted here: http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2010-2011-Bluebook.pdf

classes in each non-standard classroom. The DOE routinely inspects the TCUs but the legislation does not require us to report on the conditions in the TCUs themselves."

OUR RESPONSE: DOE mischaracterizes the connection between the expressed intent of the legislation and the information included in the current report. It is widely known that most of the TCUs on school grounds in NYC have remained in use far beyond their intended lifetimes. As a result, many are leaky, moldy, and even hazardous. Thus, it is important to know how many children are potentially affected in these ways.

Omissions, Errors and Misleading Data Ignored By DOE:

In addition to the weak and sometimes factually-incorrect arguments made by the DOE in response to public testimony, the Department has also failed to acknowledge the various errors and omissions in the TCU report that we highlighted in our earlier testimony. These include the following:

- Neither the Blue Book nor the TCU report has data on how many high school students are currently attending class in TCUs or trailers. This is required by the authorizing legislation, and should be included in the TCU report.

- Neither the Blue Book nor the TCU report includes data on how many elementary and middle school students take art, science, drama, or other non-core classes in TCU classrooms. This is required by the authorizing legislation, and should be included in the TCU report.

- The capacity and enrollment of many District 75 special education TCU classrooms is missing in both the Blue Book and the TCU report; this data is required by the authorizing legislation and should be included in the TCU report.

Part I of the TCU report provides data for the number of TCU units per school and total enrollment of each excluding high school and non-general education classes in elementary and middle schools. Part II of the TCU report specifies the number, use and capacity of each of the TCU classrooms, as each unit may include from one to four classrooms. And yet in comparing the data from Part I and Part II of the DOE's latest TCU Report, and comparing this data to information in the Blue Book from the same year, we found the following discrepancies:

- The total enrollment of TCUs at a particular elementary or middle school often differs without explanation between the Blue Book and the TCU report of the same year.

- Data is often inconsistent even between Parts I and II of the same TCU report. (We can provide specific examples of this conflicting information, if the Commission members would like to see them.)

- The way in which total enrollment and capacity is reported by DOE on the initial page of the TCU report is highly misleading. The TCU report features a chart of TCU enrollment and capacity, side by side, making it appear that on average, TCUs are underutilized, as the total enrollment is far less than their total capacity, as follows:

2011 Report on Temporary and Non-Standardized Classrooms

	# 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
2010-11	363 **	8,582	12,630	1,043,886

Yet unmentioned in this chart is the fact that the TCU enrollment figures listed as (Actual) do not include any high school students attending classes in TCUs, or elementary and middle school students attending art, music or science in these units. Yet the capacity figures include ALL TCUs units, including those at high schools as well as those being used for art, music, etc. by elementary and middle school students.

When only the number of TCU units are included for which there is also enrollment data, that is, only those being used as general education elementary and middle school classrooms, it is clear that the TCUs are extremely overcrowded, at 109% utilization, according to the latest available TCU report (for the 2009-2010 school year), as follows.

# of TCU Units	*# of TCU Classrooms*	*TCU Enrollment (Actual)[from Blue Book]*	*TCU Enrollment (target capacity from Blue Book)*	*TCU Enrollment (Capacity from TCU Report Pt. 2)*	*Average Utilization of TCU's [Blue book enrollment/ capacity]*
294	487	8,691	7,980	9,135	109%

Recommendations for Improvement

There should be no question that the annual TCU report must be retained; it is the only place which summarizes this critical data and the only stand-alone report in which the total number of TCUs and critical enrollment, capacity and use of TCUs can be found. All of this data should be made available to the public and utilized by DOE and other elected officials in order to assess whether the city is making adequate progress in reducing the number of these substandard structures, and replacing them with actual school seats, and how many children are affected.

However, there are several ways in which the TCU report can and should be improved:

1- The report should include the total number of high school students attending class in TCUs, as the legislation specifies. This could be reported as the total number of such students,

and classes held in each TCU classroom each day, along with the average class size and the capacity of each TCU classroom.

2- The report should also include the total number of elementary and middle school students taking art, music or other non-core subjects in TCUs, in a format similar to the above.
3- The TCU summary table should compare apples to apples; that is it should include only the capacity figures for TCU units and/or classrooms for which enrollment is also reported.
4- In order that Part I and Part II not contain contradictory data, the report should consist of only one spreadsheet, with each school listing the number of TCU units and classrooms, with their capacity, usage and enrollment reported side by side.
5- Though not specified in the original legislation, it would also be extremely useful for the age and condition of each TCU to be noted in the report, to better estimate the how soon they should be replaced.

Conclusion

It would be deeply disappointing for the Commission to allow an administration which repeatedly claims that it is "data-driven" to eliminate reporting on TCUs, given how many schools and children continue to be subjected to their substandard conditions. One would hope that the members of this Commission would recognize this fact, and require more information and increased clarity in the TCU reports, rather than relieve the DOE from the responsibility of reporting this information to the public.

Prepared by Leonie Haimson and Elli Marcus, Class Size Matters

Continuation of comments received between October 9th and 12th, 2012

Has ACS requested the elimination of this Commission?

Thank you,

edith holzer | director of public affairs

council of family and child caring agencies

I would like to know when the Inter-Agency Advisory Council on Towing (Administrative Code 320-521) Date and meeting so i can be there .I was on the one and only Tow Advisory Board with the DCA. Thank you Anthony Aquilino CEO Universe Towing Inc. Bronx,New York

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Geez, I hadn't realized there were all these Boards and Commissions

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No comments received between July 5th and October 8th, 2012

Comments received between May 19th and July 5th, 2012

Name: Leonie Haimson

Comments: what is the timeline for further hearings or your decision-making process over the summer? I would like to submit comments on how the reporting of class size and trailers could be IMPROVED rather than eliminated; when should I do this?thanks,

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Which reports or boards are to be included in the "first set of waivers"? Or do you mean you will vote on them all?

And when do you anticipate announcing the date of your vote?

You mean that there is a second set of even more reports/boards that you might vote to eliminate after that point?

Comments received between May 11th and May 18th, 2012

(see "public testimony" for official testimony provided for the May 11th public hearing)

Submission to the Report and Advisory Board Review Commission

Of the New York City Council

By the United Federation of Teachers

Michael Mulgrew, President

May 14, 2012

The United Federation of Teachers (UFT) wishes to thank the Report and Advisory Board Review Commission for the opportunity to share our views on reporting class size and temporary classroom units. We commend your commission for taking the time to scrutinize the demands on the New York City bureaucracy and to seek ways to streamline reporting and make all agencies efficient. While we don't support exempting the Department of Education (DOE) from reporting scrutiny, the greater priority we believe, is examining the impact of reducing or eliminating critical information that parents use to judge the quality of their children's education.

We strongly urge this commission and the full New York City Council to maintain the current reporting by the Department of Education (DOE) on class size and transportable classrooms.

Before adopting the mayor's recommendations to reduce reporting in these areas, we must remember what came before and anticipate the possible outcomes.

Class Size Reporting

Before class size reporting, teachers, parents and the public were without clear information on class sizes by school. The only consistently available data for city schools were derived from the New York State Education Department (NYSED) system-wide averages aggregated by grade only. The city's education community could not tell how many classes were too large, where the biggest class size problems existed or any pertinent details at the school level. Worse, the data was always two years old—or more.

The City Council's addition to the New York Charter law in 2005 requiring the DOE to report average class sizes at the school, district and grade level twice a year moved the agency toward greater transparency and enabled parents and advocates to lobby effectively for the needs of their children. The DOE's development efforts in designing the class size report have largely paid off; the report is extensive, detailed, user friendly and it's been fine-tuned over time.

Additionally, we need both reports because they reflect two separate student counts – October 31 and January 30. Each report adds unique value to understanding the breadth of the problem with over size classes. This case is best made in viewing high school data. Year-to-year we've seen high school class sizes show significant fluctuation between the two counts. If the administration only released the February report for instance, the public would miss the typically larger class sizes in the fall.

Most significantly, using these new reports the Campaign for Fiscal Equity was able to quantify the number of classrooms needed in order to reduce class size in each grade and school to comply with state mandates, and identify where the DOE most needed to add seats. Combined with the School Construction Authority's Enrollment-Capacity-Utilization Report (The Blue Book), it allowed the public to see in detail where there is available space, and whether new capacity should be added. In addition, it can pinpoint what grade levels, what districts and neighborhoods may require more classrooms.

Temporary and Non-standard Classroom Reporting

The law also requires annual detailed reporting on “temporary and non-standard classroom” space. Temporary in our view, is a misnomer. According to our review of the data, in 2001 3.86% of all public school students in traditional schools elementary through high school were in temporary structures. By 2011 the number had dropped a mere percentage point still leaving 2.86% or 28,605 of our school children trying to learn in structures never meant for long-term use. This translates to a reduction of only about 1,000 children per year back to standard classrooms.

The UFT has received numerous complaints about these trailers and their current conditions — most of them are over 10 years old. The wooden ramps are rotting, the metal siding is coming loose and other deteriorating conditions are developing. In addition, environmental issues have developed in some of the trailers. Providing instruction under sub-standard conditions compromises children’s education. Parents need to know what is going on in their schools and the earlier in the school year, the better.

The administration proffers a modest cost saving as a rationale for eliminating the November class size report and redundancy with the Blue Book as it relates to eliminating the report on temporary classroom space. But what about the cost to children who linger too long in over-size classes or risk hazards in unsuitable space improperly labeled temporary?

In addition, while the class size reporting provides a solid template for public scrutiny, the Blue Book could offer further refinements and more accurate views of capacity and utilization. It is why for instance, as the CFE pointed out in its 2007 report “A Seat of One’s Own,” class size data reports and the Blue Book must be considered together, because changing class size modifies the capacity of a school.” And from its 2010 report “Capacity Counts,” we agree with the CFE’s assessment that “Inaccuracies, inconsistencies, and a lack of transparency have wide and durable repercussions.”

In weighing the benefit to the parents, their children and the public against the negligible savings of some staff time, we believe the balance overwhelming tips toward more comprehensive, accurate reporting at the earliest possible date. Despite its preliminary nature, parents are better able to advocate for their children earlier in the term with the November class size report; and limiting their access to the temporary structures data by eliminating the October report we believe is ill-advised.

We reject the administration’s view that eliminating these reports constitutes progress. To the contrary, it’s a step backwards. We can do better for the children in our public schools. As the administration seeks greater accountability, safeguarding these reports would be a step in the right direction.

Here is my testimony which I hope will be posted online.

Also, though your website says that people can submit comments through email, there is no longer any email address that I can find on your website.

Instead there is a web form which does not allow attachments.

The email address should be made available on the public comment page as well as the contact page.

Also, the link to the public comments themselves is hard to find. It is linked to from a page called

Comment Submission Policy

http://www.nyc.gov/html/rabrc/html/meetings/public_comments.shtml#csp

"As of April 20, 2012, all new comments sent by mail or email will be posted on a weekly basis to this site subject to the Commission's Comment Submission Policy."

Instead there should be a separate page, each of them separately linked to, called Comment Submission Policy and Public Comments already received. And both should have the email address one can use.

Thanks,

Leonie Haimson

Executive Director

Class Size Matters

Comments received between May 4th and 5pm on May 10th, 2012

Dear Commission Members,

I write to express my strong support for the retention of the Preliminary Mayor's Management Report ("PMMR").

As Chair of the City Council's Finance Committee, I am especially attuned to the City's fiscal challenges and the difficult choices and trade-offs that must be made during the budgetary process. Given these challenges, it is critical that we have the right tools and information in order to make well-informed and fiscally responsible decisions. The PMMR is an important tool for making these very difficult choices. The PMMR assists the Council in evaluating the Mayor's Preliminary Budget, allocating resources, and establishing priorities – all of which ultimately inform decisions that are made in the Executive Budget. Rather than eliminate the PMMR, I urge this Commission to consider and recommend ways that the PMMR could be made stronger, namely by linking performance measures with the budget.

Together with the Mayor's Management Report ("MMR"), the PMMR was created in direct response to the City's fiscal crisis of the early 1970s.[1] While both reports play an important role in the Council's oversight of the performance of City agencies, it is the PMMR that was intended to be used in the preparation of the Executive Budget.[2] It is for this reason that the release of the Mayor's Preliminary Budget and the PMMR are timed together. Importantly, the PMMR is required to contain:

- Actual agency performance for the first four months of a fiscal year relative to established performance goals and measures;
- Proposed performance goals and measures for the next fiscal year based upon appropriations proposed in the Mayor's Preliminary Budget;
- An appendix linking these proposed program performance goals and measures to appropriations made in the Preliminary Budget; and

[1] State Charter Revision Commission for New York City, "Preliminary Recommendations of the State Charter Revision Commission for New York City," June 1975.
[2] *Id.* at 11.

- An explanation of significant changes to program performance goals and measures as a result of budgetary modifications.[3]

This information – which is not contained in other budgetary documents – enables the Council to examine during the budget process whether agency funds are being used efficiently and allocated properly.

Admittedly, the PMMR has never fully realized its intended purpose as a budgetary tool, in large part because of the poor alignment between budgetary units of appropriation and actual agency programs. Moreover, in recent years the PMMR has become less useful, as the Bloomberg administration has reduced much of the content it is required to provide regarding the linkage of performance goals and budget appropriations. But these are reasons to focus on improving the PMMR, not eliminating it.

In addition to its review of the continued usefulness of reports, this Commission is also empowered to issue recommendations to the Mayor and Council on how to make certain reports more effective and useful.[4] Notably, the Mayor's Office of Operations recently convened a "roundtable" of experts tasked with offering recommendations for improving the MMR. One of the key areas the Roundtable is tackling is creating stronger links to the budget. The types of improvements being considered by the Roundtable would greatly improve the PMMR, making it the highly useful budgetary tool that it was originally meant to be. I urge the Commission to consider the work of the Roundtable in its deliberations, and, in addition to affirming the continued usefulness of the PMMR, issue recommendations for making the PMMR more effective.

Thank you for your careful consideration of this important matter. I am confident that in the end you will agree that the retention of the PMMR is in the City's best interest.

Respectfully,
Domenic M. Recchia, Jr.
Councilmember, 47th District
Chair, Committee on Finance

Dear Report and Advisory Board Review Commission,

My children attend Manhattan's PS 87 & MS 54, and I think it is extremely important that class-size and overcrowding date be publicly shared with parents, politicians, and other community members.

The Mayor talks repeatedly about the parents' right to know, and yet on issues that parents care deeply about, class size and overcrowding, the DOE is proposing to eliminate that right.

The November class size report is critical for several reasons. Contrary to the claims of DOE, it is more accurate than the February report, particularly in high school, as the latter reports class sizes after thousands of students have dropped out or been discharged from their schools. It is also far more u seful for parents to find out class sizes in their children's school as early in the year as possible.

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[3] N.Y.C. Charter § 12(b).
[4] N.Y.C. Charter § 1113(f).

The trailer or TCU report is critical because nowhere else is there any data on how many how many actual TCU classrooms there are, or the current use of any of these rooms. Sadly, according to the latest data, there were 600 TCU classrooms in 2010-11.

I urge you to reject DOE's proposals to eliminate these reports. Instead, they should be significantly enhanced and improved, to provide parents and other members of the public a mor e reliable and complete picture of the sorry and substandard conditions under which thousands of New York City schoolchildren are subjected to every day.

Yours,

Cynthia Wachtell
Director of the S. Daniel Abraham Honors Program &
Research Associate Professor of American Studies
Stern College
Yeshiva University

Dear Report and Advisory Board Review Commission

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Yours,

Brooke Parker
District 14 public school parent

Dear Commission Members:

I write to express my strong support for the retention of the Outreach Programs Report and the Permanent Housing Needs Report. These reports, put out by the Department of Homeless Services ("DHS"), help ensure that the needs of one of the City"s most vulnerable populations are being met. Especially in these tough economic times, during which there has been a troubling spike in homelessness, these reports continue to be highly relevant and useful.

As Chair of the City Council"s Committee on General Welfare, I know all too well the difficult challenges the City faces in serving our homeless population. In recent years, budget cuts have led to a reduction in services and resources for those city residents who have fallen upon hard times and find themselves in need of housing assistance. At the same time, the City"s homeless population has been increasing. As of May 4, 2012, there were 41,132 homeless individuals relying on DHS for shelter, including 8,715 homeless families and 16,884

homeless children.1 DHS‟ own annual survey revealed a 23 percent increase in the number of homeless persons living on the streets from 2011 to 2012.2 By some estimates, homelessness in New York City is at its highest level since the Great Depression.3

The DHS reports being considered for “waiver” provide an important source of information for ensuring that in this difficult environment the City is still meeting the needs of the homeless. One of DHS‟ core functions is to develop and operate outreach programs to identify and assist homeless families and individuals who are living in public spaces.4 The “Outreach Programs Report” requires DHS to report information that indicates how effectively DHS is serving this function. Specifically, in the Outreach Programs Report, DHS is required to report – on a quarterly basis – the following information:

- The number of contacts with homeless families and individuals;
- The number of placements in transitional housing resulting from such contacts; and
- The number of referrals of persons so contacted to programs or services.5

In recent years, the bulk of the City‟s outreach efforts have been performed by organizations through contracts with DHS. Thus, the information required to be contained in the Outreach Programs Report is especially useful, as it enables City officials to evaluate the sufficiency of these contractors‟ efforts and performance.

Unfortunately, in recent years, DHS has failed to provide much of the information it is required to report under the law. Notably, in 2007, DHS ceased reporting on the number of referrals of homeless persons contacted by outreach programs; in 2009, DHS stopped reporting on the number of placements in transitional housing resulting from contacts.6 DHS claims that the information in the Outreach Programs Report is redundant to the outreach and placement indicators in the MMR.7 But this is only because DHS has neglected to provide the appropriate information in the Outreach Programs Report. Instead of eliminating this important report all together, this Commission should call on DHS to fulfill its reporting obligations.

Similarly, the Permanent Housing Needs Report provides information to the Council that is highly useful for evaluating the adequacy of the City‟s current housing capacity for homeless families and individuals, for determining future needs, and for making long-term policy decisions. In this report, DHS must provide projections regarding the permanent housing and the transitional housing and services needed to house homeless families and individuals expected to be housed, including housing provided by the Department of Housing Preservation and Development and the New York City Housing Authority (“NYCHA”).8

This information is not redundant to information in the Average Daily Overnight Census (“ADOC”), as has been suggested by DHS.9 The ADOC is an important report that details the number of families with children, adult families, and single adults that stay overnight in homeless shelters. The ADOC, however, does not indicate how much overall need DHS projects in the short- and long-term, and does not distinguish need by type of housing (e.g. permanent supportive housing vs. federally subsidized private housing). Moreover, the ADOC does not provide information regarding housing provided by NYCHA. Clearly, there is important information contained in the Permanent Housing Needs Report that is not contained in the ADOC.

Finally, the information contained in the Permanent Housing Needs Report is information that DHS must necessarily compile in order to make short- and long-term budgetary and operational decisions. Thus, the minimal resources that DHS devotes to compiling this report – two staff members, fifteen hours per year -- represents resources that DHS expends irrespective of this reporting requirement.

The Commission is tasked with the worthy objective of identifying and eliminating reporting requirements that are “outdated, redundant, or use valuable resources for little public benefit.”10 I respectfully submit that these two reports do not fit the bill for any of these criteria. Given the current state of affairs outlined above, transparency and accountability regarding DHS‟ efforts to address homelessness is needed now more than ever. And as discussed above, both reports contain information that is not reported in other places. Finally, these reports do not require significant resources to compile, and it hardly needs stating that there is significant public benefit to ensuring that adequate efforts and resources are being made to provide for the City‟s homeless population.

Thank you for your careful consideration of this important matter. I am confident that in the end you will agree that the retention of these reports in the City‟s best interest.

Respectfully,

Annabel Palma
Chair, Committee on General Welfare
NYC Council Member, 18th District

Endnotes:

1 NYC Department of Homeless Services, *available at* www.nyc.gov/html/dhs/html/home/home.shtml (last visited May. 7, 2012).
2 "Survey finds 23% more homeless in NYC," *The Wall Street Journal*, April 27, 2012.
3 *See* Coalition for the Homeless, "State of the Homeless 2011: „One in Three": A Plan to Reduce Record New York City Homelessness and Reverse the Failed Policies of the Bloomberg Administration," April 11, 2011.
4 N.Y.C. Charter § 612(a)(7).
5 Id.
6 *See* DHS, Outreach Programs Report, FY"12 Q1, at n.1 & 2.
7 *See* Presentation, Report and Advisory Board Review Commission, February 28, 2012, at 3.
8 N.Y.C. Charter § 614.
9 *See* Presentation, Report and Advisory Board Review Commission, February 28, 2012, at 4.
10 *See* N.Y.C. Charter § 1113(e)(1).

I plan on attending the Reports and Advisory Board Review Commission hearing this Friday, May 11th to offer testimony on behalf of Common Cause/NY

Brian Paul
Research & Policy Coordinator
Common Cause/NY

Dear members of the Commission on Reports:

As a parent, I urge you not to allow the DOE to eliminate any of its mandated reporting on class size or trailers. This is information that is critical for parents to know.

The November class size report contains class size data based on the Oct. 31 audited register. Not only is the February report too late in the year to help parents and advocates concerned about this issue, but it is far less accurate, as it gives the size of class sizes at the end of January, after thousands of NYC high school students have already dropped out or been discharged from their schools.

The TCU report is also necessary, as there is no data anywhere else, including in the DOE document called the "Blue Book,' on how many high school trailers remain (at least 73, in the TCU report); no data on how many actual TCU classrooms there are (at least 600, according to the TCU report) and no data on the current use of any of these classrooms (whether for general education core subjects, special education students, or art, science or drama rooms). Only the TCU report has information on these matters.

Sadly, the city has utterly failed to make significant progress in either of these areas in the last decade. Indeed, our schools have about the same number of TCUs as in 2006,the earliest year for which we have data, and this year, ou r students are suffering from largest class sizes in the early grades than in any year since 1998, despite repeated promises that both the numbers of trailers and the size of classes would be considerably reduced.

While the DOE may want to suppress information from parents on these two critical problems, allowing them to do so would do a grave disservice to our children, and to the transparency and accountability that New Yorkers have a right to expect from their government.

Yours sincerely,

Jennice Saiyad,
Parent of pubblic middle school student

To Whom It May Concern:

I will be testifying on behalf of Citizens Union at the May 11th hearing of the Reports & Advisory Board Review Commission.

Please let me know if you require further information. I would appreciate confirmation of my email.

Thank you,
Rachael Fauss

Policy and Research Manager

Citizens Union/Citizens Union Foundation

Comments received between April 20th and May 3rd, 2012

As a public school parent, I respectfully request that you maintain the transparency to which the NYC DoE so proudly aspires. Class size is one of the most important factors parents consider when choosing a school. It tells us more about the state of our schools than almost every other factor, including student test scores, and it ensures the quality of teaching our children receive. Additionally, that reporting is mandated by law. Since there are no parents on the commission, please know that we parents are indeed the stake-holders, and we care deeply about overcrowding in our schools. The quality of New York City public education matters more to me and my future than anyone else because my children sit in those classrooms every day, work hard to concentrate with crowds of distractions, and trust the adults in power to make honorable decisions. Honor the law. Please.

Kari Steeves

Dear members of the Commission on Reports:

As a parent and teacher, I urge you not to allow the DOE to eliminate any of its mandated reporting on class size or trailers. This is information that is critical for parents to know.

The November class size report contains class size data based on the Oct. 31 audited register. Not only is the February report too late in the year to help parents and advocates concerned about this issue, but it is also far less accurate. It gives the size of class sizes at the end of January, after thousands of NYC high school students have already dropped out, been discharged from their schools. In addition, students who have suffered from over-crowded classes have endured months of gross educational neglect and invisibility. My daughter's over-crowded high school held classes in the hallway, which made hearing and discussion extremely difficult.

The TCU report is also necessary, as there is no data anywhere else, including in the DOE document called the "Blue Book,' on how many high school trailers remain (at least 73, in the TCU report); no data on how many

actual TCU classrooms there are (at least 600, according to the TCU report) and no data on the current use of any of these classrooms (whether for general education core subjects, special education students, or art, science or drama rooms). Only the TCU report has information on these matters.

Sadly, the city has utterly failed to make significant progress in either of these areas in the last decade. Indeed, our schools have about the same number of TCUs as in 2006, the earliest year for which we have data, and this year, our students are suffering from largest class sizes in the early grades than in any year since 1998, despite repeated promises that both the numbers of trailers and the size of classes would be considerably reduced.

While the DOE may want to suppress information from parents on these two critical problems, allowing them to do so would do a grave disservice to our children, and to the transparency and accountability that New Yorkers have a right to expect from their government.

Yours sincerely,

David Dobosz
Coalition for Public Education and
Grassroots Education Movement

Dear members of the Commission on Reports:

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Yours sincerely,

Karen Sprowal
SLT/PTA member of P.S.75/ Emily Dickinson School

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Sadly, the city has utterly failed to make significant progress in either of these areas in the last decade. Indeed, our schools have about the same number of TCUs as in 2006, the earliest year for which we have data, and this year, our students are suffering from largest class sizes in the early grades than in any year since 1998, despite repeated promises that both the numbers of trailers and the size of classes would be considerably reduced.

While the DOE may want to suppress information from parents on these two critical problems, allowing them to do so would do a grave disservice to our children, and to the transparency and accountability that New Yorkers have a right to expect from their government.

Yours sincerely,
Antiqua Lewis