

**New York City Department of Education
Assessment of 2012-13 Contracts for Excellence Public Comment**

Public Comment Timeline

- February 8, 2013 In anticipation of the 2012-2013 Contracts for Excellence process, all CECs (Community Education Councils) and the CCHS received an email requesting that Contracts for Excellence be placed on the agenda of a public meeting falling between February and March. **This timeline was due to delayed guidance from the New York State Education Department.** All CECs received an email regarding the need to reschedule C4E presentations to fit the new public hearing timeline – February 13 – March 22.
- February 8, 2013 The preliminary 2012-2013 Contracts for Excellence plan was released and all CEC meeting dates which had been confirmed at the time were posted on the DOE's website, initiating the public hearing and public comment period, which, according to SED's regulations, must be at least 30 days in length.
- February 13 – March 22, 2013 32 public hearings were held - One CEC (CEC5) had scheduling conflicts and could not hold a meeting during the public comment period. The full schedule of C4E hearings can be found here: [2012-2013 Public Hearing Calendar](#). Please note that **C4E statute and regulations require that NYC hold at least one C4E hearing per borough.** NYCDOE went beyond this requirement by holding one hearing per district—resulting in multiple hearings in each borough.
- Public hearing transcripts are available here: [Public Comment Assessment](#)
- (Note that some of the CEC meetings do not have a transcript, due to technical problems with recordings and instances in which there were no public comments to record.)
- March 25, 2013 Public comment period concluded
- May 9, 2013 Assessment of public comments released on DOE website

Overview of Public Comment Period

From February 13th to March 22nd, 2013, the New York City Department of Education held hearings in each of the 32 community school districts and one hearing for the Citywide Council on High Schools (CCHS) to discuss the City's preliminary 2012-2013 Contracts for Excellence proposal. Additionally, during this same period, the public was given the opportunity to submit written comments on that initial plan in several ways, including a specially designated email address: contractsforexcellence@schools.nyc.gov.

The public comment period associated with the updated plan yielded over 90 emails to the contractsforexcellence@schools.nyc.gov address as well as written comments submitted in conjunction with oral testimony given at the 33 public hearings. A summary of the substance of comments received is provided below, along with the DOE's responses.

The NYC Department of Education thanks all parents, students, community members, superintendents, school employees and CEC members who took time to participate in the 2012-2013 Contracts for Excellence public engagement process.

Summary of Questions, Comments and Concerns

Category: Public Hearing Process

Topic:	C4E Presentations
Substance of Comments:	<ol style="list-style-type: none"> 1. The presentation should be distributed in advance so parents have time to digest the information and come to the meeting prepared to give meaningful feedback. 2. The presenter of the C4E plan was neither the architect of the plan nor the expert in implementation. 3. Where are copies of the transcripts and hearings? 4. Is it possible to get explanations of what the programs on slides 6 and 7 actually mean?
DOE Response:	<ol style="list-style-type: none"> 1. The citywide C4E presentation was posted on the DOE website on February 13th. District-specific presentations were distributed to CECs prior to each CEC's scheduled meeting. The comment process was open for over 30 days, which gave parents and community members additional time to provide substantive feedback if they were unable to do so at the actual CEC meetings. 2. District Superintendents and Central Office Network Budget personnel present the C4E plan. They are fully versed in the intricacies of their district budgets and the C4E plan allocations. 3. Copies of transcripts and hearings will be posted online and can be found here: Public Comment Assessment 4. More detail is provided on the Contracts for Excellence portion of the DOE website, including explanations of all terms and programs.

Topic:	Hearings
Substance of Comments:	<ol style="list-style-type: none"> 1. The opportunity for public comment wasn't well advertised – the DOE should have distributed posters or flyers. 2. The state and the city scheduled C4E presentations too late in the school year, after funds had already been allocated. 3. NYCDOE's Contracts for Excellence Plan was pre-approved before any public hearings were held. 4. NYCDOE did not hold borough hearings. 5. Presenting the C4E plan at a regular CEC meeting that has other items on the agenda is not effective for getting public engagement.
DOE Response:	<ol style="list-style-type: none"> 1. A media advisory was issued on February 12th advertising the start of the C4E public hearing process, which included links to flyers, translated into 9 languages. CECs were also engaged in setting dates to host the C4E presentation, and to include C4E as an item on their meeting agendas. 2. While schools had already budgeted these funds, principals were aware that their use of these funds is contingent upon SED's approval of NYC's Contracts for Excellence plan. Principals are notified that their proposed uses of these funds are subject to a public process and that they are expected to take feedback from parents, students, teachers, etc. into account. 3. NYC's Contracts for Excellence plan has not been pre-approved. 4. C4E regulations state: "In the city school district of the city of New York, a public hearing shall be held within each county of such city." At least one C4E hearing was held in each of New York City's five counties between February 13th and March 22nd 2013. 5. While we realize that CECs have other agenda items at each meeting, due to the

	<p>timeline of the C4E public hearing process, and the need to fit 33 presentations into a 30-day window, some overlap between C4E presentations and other important issues may occur. However, even if there were other items on the agenda, C4E presentations were completed and public comment was received.</p>
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Category: Allocations

Topic:	New York City's Contract Amount for Fiscal Year 2013
Substance of Comments:	<ol style="list-style-type: none"> 1. Can you explain the following statement on your C4E proposal: "Please note, as indicated in the FY12 SAM, NYSED allowed NYCDOE to take a portion of the 17.53% reduction from year 1 Maintenance of Effort funds. This leaves \$348 million for school allocations and district-wide programs in FY13 and \$182 million of year 1 MoE embedded in Fair Student Funding for a FY13 total C4E amount of \$530 million. This presentation represents the \$348 million." What does this mean, and how exactly are the rest of the C4E funds being spent? 2. What does maintenance of effort actually mean, given that DOE has not maintained effort on its own support for staffing, but has cut school budgets repeatedly over the last five years, leading to sharp increases in class size?
DOE Response:	<ol style="list-style-type: none"> 1. NYSED reduced C4E funds to NYCDOE by 17.53%. The remaining C4E dollars are distributed to schools based on NYSED methodology for needs targeting and within the eligible program areas allowed under C4E guidelines. 2. Maintenance of Effort (MOE) means that programs already in place should be maintained but no additional funds are provided for new or expanded programs. NYCDOE has complied with MOE provisions to the extent possible given the reduction in C4E funding.

Topic:	School Allocations
Substance of Comments:	<ol style="list-style-type: none"> 1. How are funds allocated to schools? 2. Why have you not allocated any "targeted" or district-wide funds for class size reduction in this or any previous C4E plan, given that reducing class size is a requirement in the law, the top priority of NYC parents in the DOE's surveys, and the state's highest court in the CFE case said that lower class sizes would be necessary to provide NYC students with their constitutional right to a sound basic education? 3. The PowerPoint references that participating schools were chosen based on a) overall student need and b) capacity to carry out the specific programs. Which schools received an allocation? 4. The information provided at the meeting should include a slide that breaks down the allocation by each participating school in the district. It should also list the categories that a school has identified. 5. Describing the district's proposed discretionary funding in a lump sum does not provide insight into the goals of the participating schools/The overview does not indicate how a principal/school selects the category of need.
DOE Response:	<ol style="list-style-type: none"> 1. C4E discretionary funds have always been distributed to schools based on NYSED methodology for needs targeting, which takes into account, among other things, each school's total enrollment, the number of special education students, the number of students for whom English is a second language, and the number of students performing below State learning standards or who are at risk of not graduating. C4E regulations mandate that 75% of the city's total C4E funding goes to the top 50% of needy schools, as identified through this methodology. In keeping with this mandate, funds were first distributed on a per capita basis and in the following years, because there were no new C4E funds after FY09, schools received the same amounts minus any cuts to C4E. 2. C4E district funds were targeted to reducing class size under ICT in the amount of ~\$81M for 2012-2013 and under Collaborative Team Teaching in prior years. 3. A list of all schools receiving C4E funds can be found here. 4. Thank you for your feedback. More information can be found on the Contracts for Excellence portion of the DOE website, including individual schools allocations. 5. The C4E presentation provides a citywide view as well as a district view for C4E

	allocations. As is the case for all school budgeting, the principal in consultation with the SLT determine how C4E funds will be allocated across the eligible categories. In addition school level data can be found here .
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Topic:	Use of C4E Funds
Substance of Comments:	<ol style="list-style-type: none"> 1. How do you expect to track whether principals have used their available C4E funds appropriately, given vague assurances like “minimize class size growth”? 2. Are outside vendors hired to support the administration run the C4E programs? 3. Has any portion of the C4E funds gone to support General Education? 4. Please explain how College and AP related services are being used. Is it being used to support the high need students only? 5. What additional support/resources can be given to schools that are persistently failing?
DOE Response:	<ol style="list-style-type: none"> 1. Like any other funding source in a school’s budget, C4E funds are allocated by principals in accordance with regulatory requirements and following consultation with their SLTs. After the money has been allocated, adjustments and assessments are made throughout the school year. Schools are supported and monitored by their networks to ensure that funds are spent appropriately. 2. For certain programs and initiatives, schools may choose to work with outside vendors - typically community based, non-profit organizations - which have approved contracts with the DOE. This may include educational or professional development consultants. 3. Yes, funds are allocated to general education classes as well as CTT and other classes. Schools are required to allocate their C4E dollars within the eligible program areas allowed under the C4E regulations: reducing class size; increasing student time on task; improving teacher and principal quality; restructuring middle and high schools; expanding access to full-day pre-kindergarten; or supporting model programs for English language learners (ELLs). 4. The law requires that “Districts must target funds to students with the greatest educational needs, including but not limited to students with disabilities, students with limited English proficiency or who are English language learners, students living in poverty, and students with low academic achievement and give priority to schools serving concentrations of such students”. Funding is provided for College and AP related services that include students who fall into one or more of these categories. 5. Parents are a vital resource when it comes to supporting schools. A key way that parents can get involved in improving their schools is via participation in the school’s SLT, or School Leadership Team. SLTs play a significant role in creating a structure for school-based decision making and shaping the path to a collaborative school culture. SLTs are a vehicle for developing school-based educational policies and ensuring that resources are aligned to implement those policies. Functioning in a collaborative manner, SLTs assist in the evaluation and assessment of a school’s educational programs and their effect on student achievement. For more information about becoming an SLT member (as well as other ways of becoming a parent leader), please visit: http://schools.nyc.gov/Offices/FACE/BecomingaParentLeader/default.htm

Category: Class Size Reduction

Topic:	Class Size Reduction
Substance of Comments:	<ol style="list-style-type: none"> 1. Class sizes are the largest they have been in 14 years 2. DOE continues to co-locate new schools in school buildings, taking up every possible inch of space and depriving schools of the ability to lower class size in the future 3. DOE has demanded that special needs children be accommodated in general education and inclusion classes at maximum contractual levels, despite the fact that these students need smaller classes most of all. 4. DOE has eliminated the early grade class size funding in 2010, despite a promise to the state to keep the program intact 5. Is there a uniform plan or rubric that schools must follow or does each school decide independently how to reduce class size in their schools? 6. What does this statement mean: "Due to major fiscal changes and challenges since the induction of C4E, NYCDOE and SED are having ongoing communication about NYCDOE's class size requirements?" What does the state want you to accomplish in the area of class size, and if so, what is the problem? 7. What happened to last year's class size reduction proposal? Was it approved by the state and if so, where is it posted? There is no approved C4E plan posted on your website since 2009-2010. Why do you not present any data on class size in your presentation, or specific information about your goals to reduce class size moving forward? 8. Why has the DOE failed to align the "Blue Book" utilization formula or its school capital plan to any class size reduction goals, other than those in K-3, even though this is required by state law? 9. Why is there no mention on the C4E webpage about the provision in the state law that obligates NYC to have a plan to reduce class sizes in all grades? 10. What is the difference between minimizing and reducing class size? (slide 12)
DOE Response:	<ol style="list-style-type: none"> 1. For the past several years, the level of C4E funding has decreased while at the same time; there have been across-the-board salary increases due to seniority and educational attainment. This means that more funds are needed to maintain the same number of teachers as the prior year. Instead of receiving more money, the NYC school district has received less in C4E funding. 2. Co-locations allow us to use our limited facilities efficiently while simultaneously creating additional educational options for New York City families. The DOE seeks to fully utilize all its building capacity to serve students. Building council committees also meet regularly to discuss space sharing and other operational issues. If there is insufficient space to accommodate a school's changing space needs within a building, the DOE will investigate strategies for managing enrollment and work to investigate alternative space solutions. 3. Inclusion classes provide additional teachers that significantly reduce the student-teacher ratio. Students with IEPs are placed in classes in accordance with the requirements in their IEPs. Additionally, DOE does not demand that class sizes be kept at the maximum, but rather, DOE 1) allocates every possible dollar to schools by absorbing cuts from central as much as possible, 2) provides extra funds for schools based on their counts of students with disabilities in recognition of their additional resource needs through equitable funding formulae, and 3) provides principal autonomy to invest funds left over after covering classes at the maximum, if any. Schools are welcome to choose lowering the class size of inclusion or general education classes that include students with disabilities as long as they stay within their allocation and meet all their mandates. 4. Grant funding under the New York State Early Grade Class Size Reduction (EGCSR) Program was discontinued after the 2006-2007 school year. System-wide, DOE used State EGCSR funds, plus significant additional funding from federal grants and local tax levy, to produce a meaningful and steady decline in average class sizes in grades K-3. 5. The Commissioner's Regulations provide several means by which class size reduction may be accomplished, such as creating an additional class or adding a teacher to an existing class. School principals have discretion to employ any of these methods in reducing class size in their schools.

	<p>6. Because C4E funding has been reduced in recent years, it has not been possible to implement class size reduction to the extent initially hoped for when the Contracts for Excellence legislation was enacted. NYC DOE and the State are conferring on methods to implement a strategy that would reduce class size for the lowest performing or most overcrowded schools.</p> <p>7. C4E regulations originally required NYC to establish a class size reduction plan as prescribed by the commissioner AFTER his/her consideration of the recommendation of an expert panel. However, the previous commissioner never established such a panel and as an interim solution, in 2007, NYC proposed a temporary plan for class size reductions to be achieved by 2011, <i>contingent upon available funding</i>. The 2007 “interim plan” was also contingent upon maintenance of state funds. However, in the current fiscal climate, NYCDOE has experienced budget cuts for the past four years and anticipates further cuts in future years. The availability of C4E funds has enabled NYCDOE to keep class sizes much lower than they would have been if schools did not receive C4E at all. Preliminary class size data for FY 12 indicates that overall, on average, schools have been able to keep class size increases below what might have been expected given the 2.4% budget cuts schools experienced. The class size reduction plan is under discussion with SED. As a result, it was not posted on the C4E web page.</p> <p>8. The original 5 year Class Size Reduction plan was aligned to the Capital Plan at that time. The analysis of a school’s capacity to add a new class requires consideration of more factors than are captured in the Blue Book, such as shifts in enrollment and student academic needs. Therefore, educational leaders familiar with the specific considerations of the specific schools, including the school principals themselves, must engage in a holistic evaluation of a school’s capacity to create a new class.</p> <p>9. See information here: http://schools.nyc.gov/AboutUs/funding/c4e/classsize.htm</p> <p>10. Schools that have not increased class size over the previous year are in effect minimizing class size increases.</p>
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Category: C4E Programs

Topic:	ELL
Substance of Comments:	1. What does ELL innovative programs mean?
DOE Response:	1. Programs in this category are intended to support schools in adopting “best practices” for raising achievement among English Language Learners

Topic:	Time on Task
Substance of Comments:	<p>1. Define categories for Time on Task. What is Time on Task?</p> <p>2. The district needs money for after school funding.</p> <p>3. Time on Task – i.e., “at risk or tutoring services”, Can this service be provided by an individual outside agency, like a consultant?</p>
DOE Response:	<p>1. Time on Task include programs such as supplementary before or after school programs, lengthened school year, dedicated additional instructional time, and individualized tutoring. These programs focus on students who may require additional or increased individualized attention in order to raise achievement.</p> <p>2. C4E funds set aside by schools under “Time on Task” include afterschool instructional programs. Schools choose programs/initiatives that best serve the needs of the student population.</p> <p>3. Schools may choose to work with an outside vendor, agency, or consultant as long as they have an approved contract with the DOE.</p>