

Posted: October 14, 2009

New York City Department of Education Assessment of 2009-10 Contracts for Excellence Public Comment

Public Comment Timeline

August 13, 2009	CECs (Community Education Councils) in Districts 1-32, plus CCHS (Citywide Council on High Schools) were invited to hold C4E hearings at their September/early October meetings and asked to put C4E on their agendas
September 8, 2009	Preliminary 2009-10 Contracts for Excellence plan released Public comment period begins Public hearing information released
September 8- October 8, 2009	33 public hearings held (one each in Districts 1-32, plus one Citywide Council on High Schools (CCHS) hearing. Please see full schedule here: 2009-10 C4E Public Hearing Calendar . Please note that at least one hearing was held in each county in New York City, as per C4E regulations. Public hearing transcripts are available here: 2009-10 C4E Public Hearing Transcripts
October 8, 2009	Public comment period ends
October 14, 2009	Assessment of public comment released on DOE website (required within 6 days of the end of the public comment period)

Overview of Public Comment Period

From September 8 through October 8, the New York City Department of Education held hearings in each of the 32 community school districts (plus one hearing for the Citywide Council on High Schools, or CCHS) to discuss the City's preliminary 2009-10 Contracts for Excellence proposal. Additionally, during this same 30-day period, the public was given the opportunity to submit written comments on that initial plan via outlets including a specially designated email address (contractsforexcellence@schools.nyc.gov).

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

The Department thanks all parents, students, school employees and community members who took time to participate in the 2009-10 Contracts for Excellence public engagement process.

Summary of Comments Received

Category: Public Process

Topic:	School-and District-Specific Data <i>Please note that these particular questions were answered promptly as they were received by the NYCDOE.</i>
Substance of Comments:	1. Where can I find school-specific data? 2. How many schools in my district received C4E funding? How much funding did my district receive? 3. Where can I find class size data for my child's school?
DOE Response:	1. A full database of proposed 2009-10 C4E allocations by schools by line item, as well as summaries by school by C4E program area and strategy,

	<p>may be found at: http://schools.nyc.gov/AboutUs/funding/c4e/2009-10+Proposed+Citywide+Plan.htm</p> <p>2. District-level proposed allocations may also be accessed at: http://schools.nyc.gov/AboutUs/funding/c4e/2009-10+Proposed+Citywide+Plan.htm</p> <p>3. The DOE posts annual class size reports. The latest, from February 2009, can be found here: http://schools.nyc.gov/AboutUs/data/classsize/classsize.htm</p>
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Topic:	C4E Presentations
Substance of Comments:	<ol style="list-style-type: none"> 1. Presentation should be more concise. 2. Presentation was too full of jargon that audiences don't understand. 3. Presentation should have provided full context and history of purpose behind C4E.
DOE Response:	<ol style="list-style-type: none"> 1. The presentation delivered at the public hearings was the abridged version of a longer presentation posted on the DOE's website: 2009-10 C4E Proposed Plan Overview Unabridged. However, we will take your feedback into consideration for future years. 2. Thank you for this feedback. We will make every attempt in future C4E presentations to be cognizant of using too many acronyms and/or not clearly defining terms that are used. 3. An overview of the history and purpose of C4E is available on the DOE's website at: http://schools.nyc.gov/AboutUs/funding/c4e/default.htm

Topic:	Comment Window
Substance of Comments:	<ol style="list-style-type: none"> 1. Councilman Jackson should be invited to comment on the document. 2. The Oct. 8th deadline is too brief.
DOE Response:	<ol style="list-style-type: none"> 1. All members of the public were invited to comment on the DOE's 2009-10 C4E plan. 2. C4E regulations state: "There shall be a 30-day period for receipt of written public comment on each school district's proposed Contract for Excellence." The DOE's 2009-10 public comment period lasted from September 8 through October 8. A comprehensive overview of the city's proposed 2009-10 C4E plan was posted on the DOE website throughout this 30-day time period.

Topic:	Hearings
Substance of Comments:	<ol style="list-style-type: none"> 1. Why are public comments/hearings held after allocation and budgeting of C4E funding? Are schools already spending these funds? 2. Hearings should have been held in June, per SED's website. 3. Hearings should be in full compliance with all life safety codes, particularly those sections of the law that require unobstructed fire exits, smoke stop doors in hallways be closed except when they are automatically released by both local smoke detector activation and building fire alarm, that smoke stop doors leading to stairways always be closed except when used for entrance of egress to the stairs. 4. There should be borough-wide meetings.
DOE Response:	<ol style="list-style-type: none"> 1. While schools have been budgeted these funds, their use of them is not approved until NYC's Contract for Excellence plan is approved by the state. Principals are notified upfront 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. 2. In terms of the scheduling of the hearings relative to other districts in the state, the Department of Education has been in discussions with the State Education Department (SED) since the beginning of the summer to set out a timeline for its 2009-10 Contracts for Excellence process, including the

	<p>posting of a preliminary plan, the 30-day public comment period and required public hearings. Although principals were required to submit preliminary school-based budgets by June 18, many school budgets throughout the city are still being finalized as we work intensively with schools on issues ranging from how best to incorporate new Title I ARRA funds to how to absorb still-significant budget cuts with minimal impact to school programming. With the significant budget cuts experienced across the schools and the department, the budgeting process has extended well beyond the customary timeframe. The DOE opted – with the State’s consent – to wait until school communities reconvened in September to hold the C4E hearings so that parents and School Leadership Teams (SLTs) could actively engage in the discussions. The alternative was to hold the hearings in August, when schools were out of session and it would be difficult to gather principals, parents and other community members with so many out on vacation during that month.</p> <ol style="list-style-type: none"> 3. All NYC Public Schools are inspected annually by the Department of Buildings (DOB), and both the local Fire Company and the Public Buildings Unit of the FDNY. Any violations noted are referred to and addressed by the DOE Division of School Facilities. Additionally, the School Construction Authority conducts an annual Building Condition and Assessment Survey (BCAS) as required by New York State. 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 2009-10 C4E hearing was held in each of New York City’s five counties between September 8 and October 8, 2009.
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Topic:	Posting of Materials
Substance of Comments:	Website and computer access is limited to many families so posting C4E data solely on the website does not help and limits parents' access to this information.
DOE Response:	Thank you for this feedback. While we make materials available at public hearings in addition to on the web, we will explore other means of distributing plan materials to interested families next year.

Proposed Allocations

Topic:	Funding Allocations
Substance of Comments:	<ol style="list-style-type: none"> 1. Why was there no new funding given this year? 2. How did schools choose to use their funds the way they did? 3. How can I, as a parent, help to improve the school so they can get more and better funding? 4. If a school improves academically or loses needy students, will it lose some C4E funding?
DOE Response:	<ol style="list-style-type: none"> 1. Due to state budget reductions, the Department of Education received no new Contracts for Excellence funds for 2009-10 but rather received level year-over-year funding relative to 2008-09. 2. We also have always required our schools to allocate their C4E dollars within the eligible program areas allowed under the Contracts: 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). Specific decisions about how to allocate funding within the six eligible program areas is determined by our principals – who consult their Senior Leadership Teams to determine how best to meet the needs of their particular students, with the goal of achieving the maximum positive impact on student achievement. 3. One 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

	<p>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/OFEA/BecomingaParentLeader/default.htm</p> <p>4. The DOE opted to keep discretionary allocations (i.e., funds given to schools to use as they choose within the eligible program areas) stable in 2008-09 order to provide schools with year-over-year stability, without adjusting for changes in student mix. However, in cases where a school had received a targeted allocation for new CTT classrooms, ELL summer school, regular summer school, etc. in 2008-09 but no longer served the population necessary to sustain that program in 2009-10, those funds were reallocated to other needy schools that gained eligible populations this year.</p>
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Topic:	School Leadership Teams (SLTs)
Substance of Comments:	Were SLTs involved in creating school-based C4E plans?
DOE Response:	In 2008-09, schools put together C4E plans with the input of their SLTs, or School Leadership Teams. In particular, SLTs were asked to give input into how schools' discretionary funds would be used to meet overall comprehensive achievement goals as identified through the CEP (Comprehensive Education Plan) process. In 2009-10, schools were asked to maintain effort of programs begun in the prior year, or in other words, to follow the SLT's existing C4E plan. In cases where this was not possible due to changes in population or instructional strategies, principals were asked to consult with their SLTs in the larger context of overall school improvement before determining a reprioritized use of funds.

Topic:	District 75
Substance of Comments:	Why wasn't funding provided under the Contracts for District 75?
DOE Response:	The Department does not believe that it is necessary for District 75 to receive C4E funds in FY10. First, District 75 schools do not have comparable data for inclusion in the need index that SED uses to enforce the "75% of funds to the neediest 50% of schools" provision of the C4E regulation. Second, D75 schools already receive special funding for many of the supplemental programs that C4E is intended to support. While we are mandated to fully fund programs that meet the special needs of students enrolled in District 75, C4E funds give us the opportunity to do the same for needy students in regional schools who do not benefit from those mandates. Finally, students in D75 are already funded at a per capita level far greater than students in Districts 1-32.

Topic:	Supplement versus Supplant
Substance of Comments:	The C4E funds are being used to supplant, even though the purpose is to supplement.
DOE Response:	In FY10, C4E-eligible schools' discretionary C4E dollars were allocated according to C4E regulations in the same amount as the previous year. Fair Student Funding (the city's unrestricted aid) for all schools was reduced by the same percentage for all schools. We allocated Title I (existing and ARRA dollars) according to federal regulations, and then allocated ARRA State Fiscal Stabilization Funds (SFSF) – again, according to federal regulations – in a manner that equalized the reduction in all schools' total budgets at 4.9%. Guidance provided by SED on "Supplementing and Supplanting in New York State Contracts for Excellence" (see:

	<p>http://www.emsc.nysed.gov/mgtserv/C4E/doc/supplementvssupplant.doc) makes clear that in instances where the elimination or reduction of a funding source would have resulted in the loss of a C4E-eligible position or program, then the use of C4E funds to avoid that loss is not considered supplanting.</p>
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Topic:	Maintenance of Effort
Substance of Comments:	A comparison of FY09 C4E allocations and FY10 allocations shows school and district-level reductions.
DOE Response:	As allowed by the C4E regulations, to avoid disruption to schools' instructional programs – particularly given the significant budget cuts – we have maintained the amount of C4E funds from the first two years of C4E within each school's budget with only very minor exceptions. All schools that received "targeted" C4E allocations (e.g., funding for new CTT or ASD classrooms, ELL summer school, for full-day pre-kindergarten classrooms) in 2008-09 are proposed to receive those allocations again in 2009-10 as long as they retained the population necessary to maintain effort. In a small number of cases, schools that previously received these targeted funds lost the populations necessary to support those particular programs. We therefore have proposed redistribution of those funds to other high-need schools that gained eligible populations in 2009-10. Only \$23 million, or less than 4% of the total two-year Contract amount of \$644 million, is being proposed to move between schools (equivalent to \$10 million between districts) to accommodate the shift in eligible populations for the targeted programs between schools.

Contracts for Excellence Programs

Topic:	Class Size Reduction (CSR)
Substance of Comments:	<ol style="list-style-type: none"> 1. Parents don't see class sizes being reduced in their children's schools, despite the emphasis on CSR in schools' C4E plans. 2. Adding an additional teacher to a class does not reduce class size. 3. Space is an issue when implementing CSR, so it appears that the DOE needs to build more schools. 4. Where can I find specific information about class sizes? 5. Is the "creation of additional classrooms" intended to fund more teachers or is it a capital/facilities allocation? 6. Does CTT legitimately qualify for C4E funding as reduced class size? 7. Was there an agreement with the State that NYC would reduce class size by a certain number or percent in exchange for C4E funds?
DOE Response:	<ol style="list-style-type: none"> 1. While many schools are allocating funds to class size reduction activities in 2009-10, given overall economic circumstances (i.e., school budgets have been cut and remain below FY09 levels even with the addition of ARRA funds; there are no new C4E funds this year, and these same dollars don't go as far as they did last year because of rising school-based costs), we don't expect to see significant decreases in class size or PTR in 2009-10. 2. Under the C4E regulations, "assignment of additional teacher(s) to a classroom to facilitate student attainment of State learning standards" is an eligible expense in the program area of Class Size Reduction. This strategy is also referred to as "reducing pupil-teacher ratio, or PTR". 3. Please see the DOE's FY10-14 Five-Year Capital Plan, which outlines planned new school construction, here: http://schools.nyc.gov/Offices/SCA/Reports/CapPlan/DoEDFY2010-14Five-YearCapitalPlan-ProposedFeb_2009_SchoolBasedEdition.htm 4. The DOE posts annual school-level class size reports. The latest, from February 2009, can be found here: http://schools.nyc.gov/AboutUs/data/classsize/classsize.htm 5. "Creation of additional classrooms" only refers to adding teachers, not to physical construction of new classroom spaces.

	<p>6. CTT classes reduce the pupil teacher ratio for general education students, and are an important and valued instructional intervention for special education students. As outlined in response #2, under the C4E regulations, “assignment of additional teacher(s) to a classroom to facilitate student attainment of State learning standards” is an eligible expense in the program area of Class Size Reduction.</p> <p>7. Under the C4E regulations, New York City was required to submit a Five Year Class Size Plan to SED for approval in 2007-08, which included interim class size targets to be realized over the then five-year expected phase-in of C4E. The DOE submitted this plan, which the state approved.</p>
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Topic:	Time on Task: Summer Programs
Substance of Comments:	Summer programs should be geared more towards higher-education prep and career orientation.
DOE Response:	As per both SED and NYCDOE guidance to schools, this is a strategy that may be funded with C4E dollars as long as the summer programs are focused predominantly on students with the greatest need and are aligned with overall school improvement goals. In particular, summer school funded with C4E dollars may provide additional instruction emphasizing learning standards or subjects required for graduation; new or expanded arts programs; new or expanded CTE programs; and student support services, including guidance, counseling, attendance, parent outreach, behavioral support and study skills

Topic:	Time on Task: Individual Tutoring
Substance of Comments:	Schools should consider increasing Individual Tutoring throughout the school year to decrease the need for summer school.
DOE Response:	As per both SED and NYCDOE guidance to schools, this is a strategy that may be funded with C4E dollars as long as the tutoring is focused predominantly on students with the greatest need and is aligned with overall school improvement goals. We concur that this is an important supplemental service and support schools in their implementation of individualized intervention programs.

Topic:	Middle/High School Restructuring
Substance of Comments:	Were new discretionary funds allocated to Middle/High School Restructuring for this school year?
DOE Response:	In 2008-09, schools chose to allocate \$11.6 million of their discretionary funds to this program area. For 2009-10, principals chose to allocate \$9.5 million. However, please note that strategies from all of the program areas allowable under C4E are directly applicable to the goals of improving student achievement at the middle and high school levels. Specific examples include expanded learning opportunities and academic intervention programs, which may also be classified as Time on Task. Time on Task allocations rose from \$76 million in 2008-09 to \$94 million in 2009-10.

Topic:	Full-Day Pre-Kindergarten
Substance of Comments:	The DOE should consider prioritizing full-day Pre-K for families with more than one child so that all children in the same school can be picked up together.
DOE Response:	Under the city’s C4E plan, high need schools are prioritized for Full Day Pre-K targeted funding.

Miscellaneous

Topic:	Academic Impact
Substance of Comments:	What is the academic impact of C4E?
DOE Response:	The impact of C4E funds cannot be disaggregated from the impact of other funding sources and other changes in instructional and operational policies. While we cannot show a direct correlation to achievement, schools

	identified by SED as in the “Top 50% of Need” for the purposes of C4E allocations have experienced significant gains in student achievement. In 2009, the percentage of students in Quartile 4 (the neediest schools, according to SED’s indices) scoring at Levels 3 and 4 on state assessments rose by 18.3% in math and 34.8% in English Language Arts over 2008.
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Topic:	Arts & Language in Schools
Substance of Comments:	There should be music and arts programs put back into the elementary schools. Also, the opportunity to learn a foreign language from as early as kindergarten should be instilled.
DOE Response:	Our schools are providing art and music in our students. Community members and parents can see an individual arts report on the DOE’s website for the each of the 1404 schools that responded to last years Annual Arts survey. For more information, please see http://schools.nyc.gov/offices/teachlearn/arts/artscount.html . As per both SED and NYCDOE guidance to schools, early foreign language instruction is a program that could potentially be funded with C4E dollars if it were focused predominantly on students with the greatest need and was aligned with overall school improvement goals.

Topic:	Charter Schools
Substance of Comments:	Do charter schools receive C4E funds, since we’re also public schools?
DOE Response:	Charter schools do not receive C4E funds via the New York City Department of Education, since they are considered their own LEAs (Local Education Authorities, or districts) by the State.

Topic:	Leadership Academy
Substance of Comments:	Why does our funding go to support the Principal’s Academy when the principals that come from there only last a year in our schools? We are taking money from or poor children.
DOE Response:	Aspiring Principal Program (APP) principals trained through the Leadership Academy are largely placed in traditionally hard-to-staff, low performing schools and, according to a recent study from NYU, have produced statistically significant gains in English language arts when compared to other principals placed at the same time. You may access this study at: http://steinhardt.nyu.edu/scmsAdmin/uploads/003/852/APP.pdf

Topic:	Monitoring
Substance of Comments:	Who from the outside will be checking or supervising how the schools use the money?
DOE Response:	The State Education Department (SED) conducts annual monitoring visits in a subset of schools receiving C4E funds to assess compliance with C4E provisions and recommend corrective actions where applicable.

Topic:	School Construction
Substance of Comments:	How much if any of C4E funding is going toward new school construction?
DOE Response:	None. As per C4E regulations passed by the State Legislature, C4E funds may not be used for capital projects.