

**New York City Department of Education
Assessment of 2011-12 Contracts for Excellence Public Comment**

Public Comment Timeline

August 10, 2011	In anticipation of the 2011-2012 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 the end of August and early October. This timeline was subsequently revised due to delayed guidance from the New York State Education Department.
September 16, 2011	All CECs received an email regarding the need to reschedule C4E presentations to accommodate the new public hearing timeline - Oct. 17 th to Nov. 23 rd .
October 17, 2011	The preliminary 2011-2012 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 by SED's regulations must last at least 30 days.
Oct. 18-Nov. 29, 2011	33 public hearings were held - one in each of the 32 community school districts plus one by the Citywide Council on High Schools (CCHS). Two CECs – CEC13 and CEC17 - rescheduled their hearings to Nov. 29th due to Superintendent and CEC leadership changes. The full schedule of C4E hearings can be found here: 2011-2012 Public Hearing Calendar . Please note that SED C4E regulations require that NYC hold at least one C4E hearing per borough, but do not call for borough-wide hearings. NYCDOE went above and beyond the regulations, holding one hearing per district, and thus multiple hearings per borough.
	Public hearing transcripts, as they are received, will be available on the C4E website (Note that there is not a transcript for every CEC meeting; this is due to technical problems or instances where there were no public comments to record.)
November 29, 2011	Public comment period concluded
December 14, 2011	Assessment of public comments released on DOE website

Overview of Public Comment Period

From October 18th to November 29th, 2011, the New York City Department of Education held hearings in each of the 32 community school districts (plus one hearing by the Citywide Council on High Schools (CCHS)) to discuss the City's preliminary 2011-2012 Contracts for Excellence proposal. Additionally, during this same period, the public was given the opportunity to submit written comments on that initial plan in multiple ways, including by emailing a designated web address (contractsforexcellence@schools.nyc.gov).

The public comment process for the updated plan yielded over one hundred 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 NYC Department of Education thanks all parents, students, community members, superintendents, school employees and CEC members who took time to participate in the 2011-2012 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 C4E presentations should include a glossary of terms; it is difficult for parents to make informed comments when they don't really know what the terms mean. 2. 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.
DOE Response:	<ol style="list-style-type: none"> 1. Thank you for this feedback. More detail is provided on the Contracts for Excellence portion of the DOE website, and a glossary of terms will be provided in future presentations. 2. The citywide C4E presentation was posted on the DOE website on October 17th. 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.

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. 6. The location of District 15's CEC meeting was incorrectly listed. 7. Multiple CECs had their C4E presentations on the same night; making it making it impossible for informed and concerned advocates to attend each one.
DOE Response:	<ol style="list-style-type: none"> 1. A press release was issue on October 17th advertising the start of the C4E public hearing process, which included links to flyers that announced the upcoming hearings, translated into nine languages. CECs were also engaged in setting dates to host the C4E presentation, and to include C4E as an item on their meeting agendas. CECs are required to inform their constituent groups at least 36 hours before a meeting will be held. 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 before the funds are distributed that their proposed use of these funds is subject to a public process and that they are expected to take feedback from parents, students, teachers and other interested groups into account. 3. NYC's Contracts for Excellence plan has not been pre-approved. Approval is currently pending. 4. NYCDOE held multiple hearings in each borough, exceeding the regulatory requirements. 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 2011-2012 C4E hearing was held in each of New York City's five counties between October 17th and November 29th. 5. While we realize that CECs have other agenda items at each meeting, due to the timeline of the C4E public hearing process, and the need to fit 33 presentations into a 30-day window, overlap between C4E presentations and other important issues may occur. 6. CECs are responsible for scheduling their own meetings and may opt to change the date, time or location in response to local needs. 7. Due to the timeline of the C4E public hearing process, and the need to fit 33 presentations into a 30-day window, multiple meetings scheduled on one day are inevitable. The public is welcome to attend any scheduled meeting throughout the city.

Category: Allocations

Topic:	New York City's Contract Amount for Fiscal Year 2012
Substance of Comments:	<ol style="list-style-type: none"> 1. NYC's 2011-2012 Contract amount is \$530.8 million, but the C4E presentation only includes \$348 million - what accounts for the difference? 2. \$348 million is not enough money to distribute between all five boroughs and all of the schools.
DOE Response:	<ol style="list-style-type: none"> 1. NYSED allowed NYCDOE to take a portion of the 17.53% reduction from year 1 Maintenance of Effort (MoE) funds. This leaves \$348 million for school allocations and district-wide programs in FY12 and \$182 million of year 1 MoE embedded in Fair Student Funding. The full amount of NYCDOE's 2011-2012 Contract amount is \$530.8 million 2. C4E has always been distributed based on NYSED methodology for needs targeting. We are required to fund all schools eligible for funding.

Topic:	School Allocations
Substance of Comments:	<ol style="list-style-type: none"> 1. What is the formula for distribution of C4E funds to various schools? 2. Are the funds allocated to each district, and then the district decides how to distribute that to the schools? 3. Are funds allocated to District 75 schools? 4. Do all schools receive C4E funds? 5. Can I see my district's C4E budget? 6. Where can I find school-level data? 7. Who determines how the funds are used within a school? 8. What happens to funds that are not used? 9. Why have school budgets been cut even though DOE has received millions more from the state in C4E funding? 10. The maintenance of effort provision in C4E was ignored 11. DOE has failed to allocate a single penny specifically towards class size reduction 12. Isn't cutting school budgets in violation of the "supplement-not-supplant" provision for C4E? 13. If in a school, due to budget cuts, class sizes have not been reduced, will that school lose C4E money? 14. Does the breakdown of discretionary allocations show what the state recommends or what schools chose? 15. Is this the fourth year or the fifth year of C4E funding?
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. No. Funds are allocated to directly to schools as described above. 3. No. District 75 schools do not receive C4E funds. 4. Charter schools and District 75 schools do not receive C4E funds and due to a reduction of C4E dollars, newly opened schools this year have not received C4E dollars for FY12, unless the school had the populations related to the targeted allocations such as Autism Spectrum Disorder or Full Day Pre-K. 5. School-level information was aggregated into district-specific presentations presented at the CEC meetings. Copies of the district-specific presentations may be requested from your CEC.

	<p>6. A detailed breakdown of schools' proposed uses of funding within the six allowable program areas can be found here: http://schools.nyc.gov/AboutUs/funding/c4e/2011-12+Proposed+Citywide+Plan.htm</p> <p>7. As is the case for all school budgeting, the principal in consultation with the SLT determines how C4E funds will be allocated across the eligible categories.</p> <p>8. In the past, the law allowed for C4E districts in 2009-10 to allocate and spend unexpended funds from 2007-08 to either 2008-09 and/or 2009-10 but did not allow districts to carry over funds from the 2008-09 school year. At this time, NYSED has not provided specific information for the 2011-2012 school year.</p> <p>9. In FY12 NYCDOE experienced an \$812 million cut in State funds and a loss of \$853 million in Federal Stimulus funds. While additional city funds will fill the Federal and State revenue gap in FY12 and help meet much of the rising costs, the new city revenue will not cover all expenses. Many of the rising costs are tied to State and Federal mandates that have little to no flexibility and often come without commensurate funding. Given these constraints and given the fact that the State has also reduced C4E funds by 17.53%, reducing school budgets was an unfortunate consequence. (See FSF SAM here: http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy11_12/FY12_PDF/sam01_1a.pdf)</p> <p>10. NYCDOE fully complied with the MoE provision to the extent possible given the reduction in C4E funds.</p> <p>11. C4E funds are distributed to schools and use of these funds is determined by the principal in consultation with the SLT. For FY12, over \$60 million was set aside for Class Size Reduction categories on the school level.</p> <p>12. In FY12, C4E-eligible schools' discretionary C4E dollars were allocated according to C4E regulations. Fair Student Funding (the city's unrestricted aid) for all schools was reduced by the same percentage for all schools. We allocated Title I according to federal regulations given the absence of Stimulus funding that ended in FY12. Guidance provided by SED on "Supplementing and Supplanting in New York State Contracts for Excellence" (see: 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> <p>13. NYSED will approve or disapprove NYCDOE's submission of the C4E plan. At that time, NYSED will make determinations regarding continued funding.</p> <p>14. As in the case for all funding sources in a school, the principal, in consultation with the SLT determine how C4E discretionary funds will be allocated across the eligible categories.</p> <p>15. Education Law § 211-d did not require the NYC DOE to file a Contract for Excellence for the 2010-11 school year, as the legislation expired prior to that academic year. Although the NYC DOE presented a preliminary budget and conducted a public comment period for C4E allocations in the 2010-11 school year, this was in anticipation of the legislation being extended. The Governor restored C4E in his budget proposal for 2011-12. This would make FY12 the 4th year of C4E.</p>
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Topic:	Use of C4E Funds
Substance of Comments:	<ol style="list-style-type: none"> 1. Can the class size reduction allocation be used to pay teachers' salaries? 2. Funds should be used for parent involvement. 3. Wouldn't it be more fair if Contracts for Excellence funds were targeted toward high-performing students? 4. The majority of funding for autism goes to District 75 - but community schools need funding for this too. 5. How do parents know if the programs funded by C4E are effective? How do we know if the proposed breakdown of funds has been effective in the past?
DOE Response:	<ol style="list-style-type: none"> 1. Funds allocated towards Class size reduction are used to pay teacher's salaries.

	<ol style="list-style-type: none"> 2. At this time, Parent Involvement is not a NYSED specific C4E category, although under the category Model Programs for ELLS, there is a sub category for Parent Involvement which many schools have dedicated funds for. Also, Title I schools are required to set aside, at a minimum, 1% of their Title I allocation towards parent involvement activities. Schools are also able to use their TL budgets for this purpose as well. 3. 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” 4. The allocations given to schools for Autism Spectrum Disorder under C4E, is based on the amount of students requiring this support. Many schools outside of D.75 are receiving funds for this. 5. 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 gains in student achievement.
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Category: Class Size Reduction

Topic:	Class Size Reduction
Substance of Comments:	<ol style="list-style-type: none"> 1. Shouldn't C4E money be used entirely for class size reduction? 2. Class sizes have increased each year since C4E began. 3. Why is CTT (Collaborative Team Teaching) is considered a class size reduction strategy? 4. Why do teachers' salaries have an impact on the DOE's ability to reduce class size? 5. C4E funds should be used to hire more teachers.
DOE Response:	<ol style="list-style-type: none"> 1. C4E provides funds to NYC not solely for class size reduction, but rather to implement six reform strategies, including: class size reduction, time on task, teacher and principal quality initiatives, middle school and high school restructuring, full-day pre-kindergarten, and model programs for English Language Learners. Principals and SLTs make determinations about how best to utilize C4E funds in their budgets based on their individual school needs. 2. 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. In addition, C4E funding has also been cut. 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. 3. Collaborative Team Teaching (CTT) classes reduce the pupil teacher ratio for general education students, and are an important and valued instructional intervention for special education students. 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. 4. Each year that a teacher works leads to a step increase in his/her salary. These

	<p>salary increases require an increased investment each year. Due to the cuts in FY12 C4E, schools received less discretionary C4E than in prior years and may not be able to maintain or increase the amount budgeted for class size reduction. For example, if a teacher last year cost \$50,000, but this year cost \$52,000, the school would need additional resources to cover this increase in cost. Since C4E was reduced in the school budgets, this additional cost cannot be covered by C4E. Schools would have to make the determination to use funds from other C4E funded items to cover the increase or use the funds in other C4E allowable categories.</p> <p>5. C4E funds are currently being used to pay teacher's salaries in most schools, however, an individual school may not have enough funds to cover additional teachers at this time.</p>
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