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4 NYC BOARD OF EDUCATION

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10 Contracts for Excellence

11 Public Hearing

12 November 2, 2011

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1 FEMALE SPEAKER: Thank you, John.

2 LAINIE: Thank you very much for
3 having me. I probably know more about this
4 plan than most people because I've been
5 following it since the beginning and it's been
6 an arduous process and very depressing but we
7 keep on plugging away.

8 Contracts for Excellence was created
9 as part of a law that was to settle the CFE
10 lawsuit, the Campaign for Fiscal Equity
11 lawsuit in 2007.

12 Are we getting -- can we get the
13 PowerPoint up? Is it working?

14 MALE SPEAKER: I'm trying. I just
15 put it in.

16 LAINIE: Okay. The Campaign for
17 Fiscal Equity lawsuit was a lawsuit that was
18 started about twenty years ago by the
19 community school board in District 6. And
20 what they argued was that New York City was
21 getting an insufficient amount of state
22 education aid. And the way they proved this
23 was not so much the money that flowed, though
24 there was insufficient money, but that the
25 conditions in our schools were quite obviously

1 deficient compared to schools around the
2 state. And one of the -- that's great -- one
3 of the major factors that they pointed to was
4 class sizes. So this law was passed, the
5 Contracts for Excellence law was passed in
6 2007 in order to settle the CFE lawsuit, and
7 because of it one of the major focuses of the
8 law for New York City was that though we could
9 spend money in different areas, there was the
10 requirement that New York City reduce class
11 sizes in all grades.

12 Now why is class size important?
13 (Indiscernible) quickly but it's one of the
14 core reforms proven to work, through rigorous
15 evidence. The advantages and the benefits are
16 especially large for poor and minorities. We
17 continue to have the largest class sizes in
18 the state and eighty-six percent of New York
19 City principals say they cannot provide
20 equality education to our kids because of
21 excessive class sizes. And it's the number
22 one priority of parents every year on the
23 learning environment (indiscernible).

24 Despite the claims of great progress
25 by the Bloomberg administration, actually our

1 schools have stagnated in terms of
2 achievement. If you look at the NAEP scores,
3 which are the most reliable national
4 assessments, our black and Hispanic students
5 have fallen further behind their peers
6 compared to 2003. And we are the only large
7 urban school district in the country tested on
8 the NAEPs where our nonpoor students actually
9 have lower average scores now than they did in
10 2003.

11 A new round of NAEP scores were just
12 released for the state. They showed even
13 worse results than before; we're one of three
14 states where our math scores actually
15 declined. This is state scores, but New York
16 City generally follows the results. So we
17 expect pretty dismal results from the latest
18 round of NAEPs as well. And only twenty-one
19 percent of our high school graduates are
20 college ready, and those in triple remediation
21 at CUNY had doubled over the last five years.

22 Now what's the problem? There's a
23 lot of problems with Contract for Excellence.
24 Some of the major problems that we see is the
25 public process has been completely screwed up

1 this year. And I passed around a letter that
2 we wrote with the UFT and the NAACP about all
3 the ways in which this public process that's
4 happening right now violates the state law
5 very clearly.

6 Number one, the intent of the law
7 was clear that there was supposed to be
8 feedback on the plan in the spring so then the
9 city could decide whether they wanted to
10 revise it in the summer and submit to the
11 state during the summer so that the money
12 wouldn't already be allocated and spent.
13 We're doing this in November; it's ridiculous.
14 Basically even if there was a lot of public
15 comment and feedback, it would be too late to
16 change the plan.

17 SED asked to pre-approve the plan
18 this year, which is also in violation of state
19 law. The state law very clearly says the
20 state should not even see the plan until at
21 the same time they get the public feedback,
22 they see whether the city has revised
23 according to the public feedback, they see
24 whether they need to amend the plan based on
25 the public feedback. But they already said

1 they wanted to see the plan first before the
2 public feedback happened.

3 The Contract for Excellence law
4 required borough hearings as well as
5 presentations to CECs. The DOE only did this
6 the first year. There were hundreds of
7 parents that showed up. Elected officials
8 showed up. There was a lot of robust public
9 feedback. DOE decided, in their wisdom, they
10 were just not going to do borough hearings
11 anymore.

12 So instead what you get is this kind
13 of PowerPoint presentation, very few parents
14 show up, there's very little public outreach.
15 It's completely different from the
16 requirements in the law. And some of these
17 things we pointed out in the letter to
18 Commissioner King which is being passed
19 around.

20 So this is some of the background of
21 the case which I think I already went into a
22 little bit. But part of what the law required
23 for New York City was that they should submit
24 a plan to the state to reduce class sizes in
25 all grades in exchange for getting any of this

1 money.

2 And after a lot of fighting and
3 resistance on the part of Chancellor Klein and
4 saying he didn't have to do this and us saying
5 he did have to do it and the state saying that
6 he did have to do it, he finally submitted a
7 plan in the fall of 2007 which called for
8 average class sizes of no more than twenty in
9 K through three, twenty-three in four through
10 eight, twenty-five in high school, to be
11 achieved over five years. This current year
12 is the fifth year of the Contract for
13 Excellence plan. And we have gotten over two
14 billion dollars in state funds since 2007 in
15 exchange for that one promise.

16 So what happened? Instead of
17 reducing class sizes, class sizes went up more
18 sharply than they had in probably twenty
19 years. So the green line is where we were
20 supposed to go city-wide, on average. The
21 blue line is where the city-wide averages have
22 actually gone in K through three. The red
23 line is what happened in District 3.

24 So you can see that it dipped a tiny
25 little bit the first year, then it went up a

1 little bit the second two years, and then last
2 year it went up sharply in your district. We
3 don't have the data yet for this year but we
4 expect at least a sharp increase, if not more,
5 in the early grades because so many schools
6 are no long -- the DOE is no longer respecting
7 contractual limits of twenty-eight in first
8 through third grade the way they did up till
9 now. So we expect this line to go up even
10 more sharply. And as you see, it was supposed
11 to go up to 19.9 this year.

12 We expect the class size in the K
13 through three to be the largest in eleven
14 years this year. Last year they were the
15 largest in ten years. Fourth through Eighth
16 grade, a similar pattern. They were supposed
17 to go down to 22.9. Your district actually
18 they did go down the first few years, and they
19 went down to below where they were supposed to
20 be and then they've gone up pretty sharply
21 over the last, actually, three years, because
22 the third year is this year and that's not up
23 there yet. So you're still behind the city-
24 wide average in terms of your fourth through
25 eighth grade but you're way above what it

1 should have been if the city had complied with
2 the law. High school average class sizes have
3 gone up also. The actual average class sizes
4 were much larger than that. The city
5 misreports it.

6 What happened, despite more than two
7 billion dollars in state funds the city has
8 cut the school budgets repeatedly by about
9 fourteen percent. And the Maintenance of
10 Effort provision in the C4E law was ignored.
11 Now what does that mean? Because everybody
12 uses that word, Maintenance for Effort. It
13 means -- in this specific instance it means
14 you weren't supposed to -- you were supposed
15 to keep the same level of funding for
16 staffing, and supplement, not supplant, which
17 means that as schools were cut back they used
18 the C4E money just to keep hiring the same
19 teachers on staff. They weren't supposed
20 to -- in other words, they were supposed to
21 create additional hiring but they never did
22 that because the city kept on cutting back its
23 funding, which in our mind is also a violation
24 of state law.

25 Overcrowding in many schools has

1 been worsened by growing enrollment and
2 co-locations. The Contract for Excellence
3 state funding never reached its full level and
4 has now flat lined or slightly decreased,
5 which is the point that DOE was trying to make
6 on one of those slides, which is true.

7 But I have a slide showing that even
8 when the funding was going up sharply and you
9 could see that red line where the first two
10 years of the C4E program went up to 646
11 million in the second year, even then class
12 sizes were going up sharply. And so the state
13 was giving us a lot more money and class sizes
14 were going up, for a lot of reasons, but one
15 of the main reasons was that the city cut back
16 its funding to schools at the same time.

17 The administration had other
18 priorities. Between 2002 to 2009, while out
19 of classroom positions grew by over 10,000,
20 general ed classroom teachers shrunk by 1,600.
21 In 2010 there were 2,000 fewer teaching
22 positions and 18,000 more students. This year
23 there are about 2,500 fewer teachers and
24 20,000 more students. Spending on testing
25 contracts, consultants and bureaucrats have

1 all risen sharply under this administration.

2 What happened in District 3? I
3 looked at how many students you had. These
4 are general education students only, not
5 special ed in separate classes. General ed
6 and CTT classes are included in here. You can
7 see that the last couple of years your
8 enrollment has gone up sharply in the early
9 grades. And the number of sections went down
10 and then went up and then down. It's a very
11 peculiar pattern, but in any case the number
12 of sections had not risen along with the
13 number of students that you gained.

14 Your student population in fourth
15 through eighth is both dropping pretty
16 sharply, but the number of sections, which is
17 in red, is dropping more sharply than the
18 number of students.

19 Can we afford to reduce class size?
20 People always say we can't afford to, blah,
21 blah, blah, blah, blah, blah. One of the
22 things we actually got the state to do is ask
23 DOE in 2009 a cost estimate of what it would
24 cost to reach the goals city-wide. They said
25 it would cost about 358 million per year to

1 achieve those five-year goals, somewhat more
2 than that to achieve the class size goals in
3 all schools, but only still 448 million, plus
4 obviously more in capital construction.

5 This year New York City is to
6 receive more than 530 million dollars in C4E
7 funds, so certainly we could have afforded to
8 reach those goals.

9 I have other questions about the
10 city's plan which I have not been able to get
11 answered by anyone. Kathy Nellman (ph.) has
12 reached out to state ed. I'm not sure where
13 about 200 million dollars has gone of the plan
14 because the state allocated 531 million and
15 yet the city's plan only includes 348 million.
16 They say they're allowed to cut out huge
17 amounts of money for, quote, unquote,
18 Maintenance of Effort, which sort of makes no
19 sense because they never maintained effort in
20 any -- on any of this.

21 What happened to the rest of the
22 funds we don't know and we certainly don't
23 know, even at this point, whether the state
24 allowed the city to cut back so much and to
25 use these other funds with that -- with the

1 same (indiscernible).

2 Why did the city -- the city never
3 chose, from the very first year they had only
4 one obligation, which is to reduce class sizes
5 in all grades, and yet their central district
6 plan never allocated a single penny of any of
7 this money to class size reduction. They
8 allocated to lots of different uses, including
9 the expansion of CTT classes, which might be a
10 good thing, is probably a good thing, but not
11 if the CTT classes are so large and it
12 definitely does not reduce class size.
13 The only C4E -- and that's what I talked about
14 in the last point.

15 What can CECs do?

16 Pass a resolution; there's sample
17 one for your consideration.

18 Write a letter to Commissioner King
19 to protest how the process has been screwed up
20 this year and the lack of results in terms of
21 class size. Deadline for comments in November
22 23rd as in the DOE presentation. So I hope
23 that you do decide to do one of those things.

24 Encourage parents to submit a C4E
25 complaint. That's in the state law and this

1 year we're going to be starting to help
2 parents do that because we think it's really
3 important that parents have a role in this and
4 talk about what the class sizes are in their
5 kids' schools. We're hearing horror stories
6 from all over the place about what class sizes
7 are this year.

8 Collect information about class
9 sizes in your district schools, violations of
10 the contract and the building code. I'll go
11 into that briefly. Questions or to join our
12 newsletter I have my e-mail up there that you
13 can e-mail.

14 And then this is just if you are
15 interested in the difference between the
16 contractual limits and the class size goals
17 because people get that confused all the time.
18 As you can see, the contractual limits, which
19 they had 7,000 violations of this year, are
20 far larger than what's appropriate for kids,
21 what is required for quality education and
22 what was in the city's C4E plan.

23 And then something else that I've
24 noticed that's happening in overcrowded
25 schools all over the place, they're actually

1 violating the building code right and left
2 because the instructional footprint redefined
3 a full size classroom as any classroom with
4 500 square feet or more. And according to the
5 building code that can only hold fourteen
6 kindergarten students and twenty-five students
7 in other grades. And they're pushing more and
8 more kids into under-sized classrooms.

9 MALE SPEAKER: Are there building
10 violations in special ed schools?

11 LAINIE: Well, see, that's a
12 complicated issue. There are state guidelines
13 which say that special needs kids are supposed
14 to get at least seventy-five square feet per
15 student, but the guidelines do not apply to
16 New York City. It's one of those awful things
17 where the state, again, has left New York City
18 to make their own rules.

19 But we still believe that we should
20 be issuing complaints about this every step of
21 the way. Every time there is an undersized
22 special needs classroom that violates the
23 state guidelines we should be complaining to
24 the commissioner about it because there's no
25 reason that our students with disabilities

1 should have -- you know, be squeezed into
2 spaces that are far smaller than the same sort
3 of students in the rest of the state.

4 And the square footage of every
5 room, though it's not always correct, as the
6 controller's audit just pointed out, but it's
7 listed in the annual facility survey on your
8 school's portal: every school, every room in
9 every school, and what the supposed square
10 footage is so that you can actually look to
11 see what the size is supposed to be.

12 FEMALE SPEAKER: Question on the
13 (indiscernible) piece?

14 LAINIE: Yeah?

15 FEMALE SPEAKER: Is that in terms of
16 egress and (indiscernible) type of 1968
17 building code or just looking at the
18 (indiscernible)?

19 LAINIE: This I'm looking
20 specifically at the size of the rooms. There
21 may be other violations in terms of the egress
22 and the stairways and the rest. But this I'm
23 just looking at the size of the rooms. And
24 I've gone on tours of schools where -- and we
25 had one in District 22 where a parent was

1 telling me they have a class of over thirty.
2 I looked at the size of the room on the
3 facility's survey. They did a complaint; it
4 was violating the building code. They did
5 move the class out within a couple of days, of
6 that room. Unfortunately they did not bring
7 the class size down. But you know, if there
8 are no rooms in a school that are open I still
9 think it's an important point to make and to
10 be vigilant about.

11 FEMALE SPEAKER: I think the
12 (indiscernible) is egress. Have any of these
13 schools ever called the fire department to
14 come and --

15 LAINIE: I've talked to --

16 FEMALE SPEAKER: Do they --

17 LAINIE: I've talked to parents in
18 the past who have called the fire department
19 and the fire department or the building
20 department have said we're not allowed to cite
21 schools in violation. And I don't know
22 whether that may change over time or not
23 change over time, but apparently they've been
24 told that they're not supposed to.

25 FEMALE SPEAKER: I know Jill wants

1 to say something but I think it's an
2 important -- Sara, this is directed to you.
3 John left the building and we have questions
4 for him and I --

5 SARA: So let me respond to you by
6 indicating that we are not expected to provide
7 a question and answer period, just collect
8 your questions and concerns and return those
9 to the Central Daily.

10 FEMALE SPEAKER: Well, it was a
11 gentleman's agreement because we said that
12 Lainie (ph.) was going to go and then we were
13 going to ask questions. So whether it was or
14 wasn't, I felt and I think the council felt
15 and the public felt that it was a gentleman's
16 agreement that he was going to stay here and
17 answer questions because he was ready to
18 answer questions until I sent Lainie to come
19 up. So it's incredibly disappointing and I
20 feel like the rug was pulled out under us and
21 I don't think that's right.

22 FEMALE SPEAKER: He didn't say
23 goodbye.

24 FEMALE SPEAKER: I don't think it's
25 right. And he didn't say goodbye.

1 FEMALE SPEAKER: Joe?

2 JOE: Yeah, I was going to ask him a
3 question. I didn't realize --

4 FEMALE SPEAKER: Right.

5 JOE: -- he left until just now. So
6 I would echo Christina's concern about that.
7 Frustrating.

8 So my question for you, Lainie, I
9 guess would be as a little bit of my naivete
10 on this program. I mean, you know, when you
11 were starting to talk about, you know --

12 MALE SPEAKER: Sorry. I'm going to
13 interrupt you for one second. Can I --
14 because right now we're being taped, as far as
15 I understand, so they are -- they're going to
16 take our questions and our comments and submit
17 it. So I'd like to suggest to my fellow
18 council members, if I could --

19 JOE: Sure.

20 MALE SPEAKER: -- that in addition
21 to any questions you have you also make
22 comments because that's what is going to be
23 taken to the DOE.

24 JOE: I appreciate you pointing that
25 out. So I mean, just then my frustration has

1 been recorded. Then I guess, though, just to
2 clarify for me, Lainie, just in terms of --
3 you know, I don't quite understand what, you
4 know, what class size reduction sort of
5 manifests itself to? I mean, what is that
6 money actually spent -- but even before we get
7 to that point, you made a point that the DOE
8 has not allocated C4E funds (indiscernible),
9 notwithstanding the legal obligation --

10 LAINIE: In their district-wide
11 plan.

12 JOE: Right. So help me understand
13 how that resolves with the slide from DOE
14 talking about, you know, 147 million and city-
15 wide class size reduction and then, you know,
16 one point shy of 1.7 for the D3.

17 LAINIE: If it's the district-wide
18 plan, it refers to CTT classes and perhaps the
19 autism spectrum classes which are very small.

20 JOE: No, I'm talking about in their
21 slide on the top side is reduction.

22 LAINIE: All right. So part of the
23 money in every district, part of the money
24 spent for C4E was centrally allocated by DOE
25 and part of the money was given to schools as

1 part of the Fair Student Funding formula. And
2 the schools were allowed to then spend their
3 portion of the money in any one of those five
4 areas, including class size reduction, which
5 over and over again schools have said they
6 have done but they haven't actually added
7 staff, they've subtracted staff.

8 JOE: So your point is that it was
9 done in a very decentralized fashion.

10 LAINIE: There was not -- yes, in
11 terms of the city-wide allocation by DOE of
12 this money, which they could have taken any
13 part of it, they didn't spend one cent of that
14 money centrally on class size -- actual class
15 size reduction even though that was the only
16 legal obligation they had.

17 Number two, they cut back schools at
18 the same time, which they shouldn't have done.
19 And number three, they provided no real
20 oversight to see that even those schools that
21 said they were reducing class size actually
22 reduced class size.

23 So a number of years ago, the first
24 or the second year of the plan, we actually
25 looked at which schools said they reduced

1 class size and which schools took money to
2 reduce class size and which schools did not.
3 And there was no relationship between the
4 schools that said they were taking money to
5 reduce class size and any reduction in class
6 size. In fact they were equally distributed
7 above and below the line in terms of class
8 size reduction. So even if you said you took
9 money to class size reduction, you were just
10 as likely to increase class size as decrease
11 class size.

12 JOE: Thank you.

13 FEMALE SPEAKER: Noah?

14 NOAH: I have a question about the
15 DOE. If the state allocated 530 million
16 dollars C4E funds to the city and the city
17 plan was only 348 million dollars, where is
18 the remainder of the funds? Where did that
19 200 million dollars go?

20 FEMALE SPEAKER: City Treasury?

21 NOAH: Because --

22 FEMALE SPEAKER: John? Oh, he's not
23 here.

24 MALE SPEAKER: Certainly.

25 FEMALE SPEAKER: I'll let you --

1 MALE SPEAKER: I have a question for
2 Lainie. Lainie, if the DOE is showing that
3 there all these different areas in which the
4 C4E funding can be spent, but are you saying
5 that only one of those areas was legally
6 mandated while they were only required to do
7 one of them, and that was class size
8 reduction?

9 LAINIE: Right. What happened was
10 they were allowed to spend money in any of
11 these five areas. And all the districts that
12 got C4E money were allowed to spend areas
13 (sic) in any of these five areas. But there
14 was one specific legal requirement. They
15 didn't have to actually spend any money on
16 class size reduction but they had to reduce
17 class sizes in all grades, one way or another.
18 And they took this money and they didn't
19 reduce class sizes. In fact, class sizes went
20 up sharply. And so they are in direct
21 contradistinction and in violation of their
22 legal obligations under state law. Period.

23 MALE SPEAKER: What do we say to the
24 mayor when he says I think they're probably
25 using it for the goals that the law sets down

1 but I have a budget crunch so I'm going to
2 take money from other areas which may end up
3 increasing class sizes.

4 FEMALE SPEAKER: What do we say to
5 the mayor? We say to the mayor he's violating
6 the law because he made a legal commitment to
7 reduce class sizes and he didn't. And if he -
8 - you know, they should have eater spent some
9 of the state monies --

10 FEMALE SPEAKER: It's 9 o'clock.
11 You've got to end.

12 FEMALE SPEAKER: Excuse me, it is
13 9 -- it is five -- it is six minutes to 9.

14 FEMALE SPEAKER: Yeah. They want
15 you out before 9.

16 FEMALE SPEAKER: You -- I'm sorry
17 but we're not finished. We're not finished
18 yet. I'm sorry. I'm sorry, we're not
19 finished yet.

20 FEMALE SPEAKER: They want to clean
21 this out, Miss.

22 FEMALE SPEAKER: I'm sorry, we are
23 not finished yet. I am sorry.

24 Please, Lainie.

25 FEMALE SPEAKER: Yeah.

1 LAINIE: So --

2 FEMALE SPEAKER: We're almost done.

3 LAINIE: -- the city has spent
4 literally billions of dollars in many
5 different ways and they have spent this money
6 in many different ways. What they have not
7 done is reduce class sizes. They have the
8 money to do it. For many years they had
9 declining population until the last two years.
10 They had the real potential to do something
11 great and they screwed around with the money
12 and they screwed around with our kids' futures
13 and they didn't do it.

14 MALE SPEAKER: Another question for
15 DOE then. Why have class sizes -- why haven't
16 they spent money to reduce class sizes
17 (indiscernible). Why has such a small
18 percentage gone and then what (indiscernible)
19 which actually increasing class sizes?

20 LAINIE: You're asking me why they
21 did that?

22 MALE SPEAKER: No, we're asking DOE.

23 MALE SPEAKER: Well, my comment and
24 question to whoever is in the great beyond
25 that can listen to (indiscernible).

1 FEMALE SPEAKER: No, I'm sorry. I
2 know you have a gazillion questions. I bet
3 you want. But we are under a time constraint.
4 I thought we had it later today but I guess we
5 don't. And we have three people that have
6 come -- so we'll allow them to speak and then
7 we can submit our questions in writing.

8 FEMALE SPEAKER: Okay.

9 FEMALE SPEAKER: So we have Beth
10 Zivatar (ph.), then Marcy, then Rachel.

11 MS. ZIVATAR: So the quickest
12 version, I guess, of my comments is that I
13 feel extremely frustrated and angry and
14 disrespected as a parent that this special
15 meeting time was set aside for this
16 presentation and I feel the same way that when
17 John presented the budget in the spring that
18 they've sent someone who doesn't necessarily
19 have the full knowledge that you need to
20 address our questions. We're expected to make
21 informed comments on a plan that I don't even
22 feel like he finished presenting to us.

23 And you know, we're all spending
24 time away from our kids to sit here. With all
25 due respect to the PCB issue, we could have

1 heard that at the president's council at CB7
2 and a lot -- you know, this is the only time
3 we were going to hear this, right? And we
4 don't even have a hard copy to look at, as he
5 was speaking. And he didn't have the district
6 stuff to put up.

7 So I am blown away by the inadequacy
8 of the presentation and I feel, you know, on a
9 minute level that his -- I mean, I learned
10 more from Lainie about what things mean and
11 the history of things and that -- the
12 definitions of what he's going to present to
13 us should come at the beginning of the
14 PowerPoint and not at the end: what time on
15 task is, what teacher quality is, what all
16 those things are should get front loaded.
17 Otherwise we won't understand those pie
18 charts. It's really frustrating.

19 FEMALE SPEAKER: Exactly.

20 FEMALE SPEAKER: Sorry, yeah.

21 FEMALE SPEAKER: Marcy?

22 MS. DROGAN: Right. Well, I'm being
23 taped, right?

24 FEMALE SPEAKER: Yes, you are.

25 MS. DROGAN: So hi, I'm Marcy Drogan

1 (ph.) from PS-87. So I second Beth's
2 incredible level of frustration. I want to
3 say first and foremost that to have seen,
4 Sara, that it's okay with you, and I assume it
5 is by your complicity in it, to have someone
6 so grossly underqualified doing this
7 presentation is so insulting to me as a parent
8 with a child in this district that I am on the
9 verge of tears. He not only is unqualified,
10 he is ill prepared and he rudely, when I
11 allocated three hours to be here this evening,
12 left this meeting with an inherent
13 understanding that he would stay and answer
14 questions since his presentation was so
15 grossly lacking in information. I find that
16 to be the height of hubris, to say the least,
17 and actually incredibly insulting, to say the
18 most. Number one.

19 Number two, I think that the -- what
20 was unclear to me about the Contract for
21 Excellence presentation most of all and what I
22 wanted to ask is that there was a large --

23 FEMALE SPEAKER: All right, this
24 meeting is over. And the lady who talked to
25 me was out of control. It's 9 o'clock so it's

1 over. Okay?

2 FEMALE SPEAKER: There's two minutes
3 left to go.

4 FEMALE SPEAKER: Everyone has to go.

5 FEMALE SPEAKER: There's two
6 minutes until 9 o'clock.

7 FEMALE SPEAKER: I understand that.
8 I understand that.

9 MS. DROGAN: Excuse me, I'm actually
10 speaking --

11 FEMALE SPEAKER: But the way she
12 came at me was disrespectful --

13 MS. DROGAN: But I -- you're using
14 my time.

15 FEMALE SPEAKER: It is 9.

16 MS. DROGAN: Excuse me, you're using
17 my time.

18 FEMALE SPEAKER: I'm sorry, but it's
19 9 o'clock.

20 MS. DROGAN: It's two minutes to 9,
21 and you're using my time.

22 FEMALE SPEAKER: Ma'am, it's 9
23 o'clock.

24 MS. DROGAN: The C4E contract --

25 FEMALE SPEAKER: The meeting is

1 over.

2 MS. DROGAN: -- says that schools
3 for the spec -- let me --

4 FEMALE SPEAKER: I know what you're
5 saying but the way she came at me was very
6 disrespectful.

7 MS. DROGAN: Excuse me, I'm
8 speaking.

9 FEMALE SPEAKER: Okay.

10 MS. DROGAN: Money that's allocated
11 to schools for a specific program can then not
12 be used --

13 FEMALE SPEAKER: Okay, I have --

14 MS. DROGAN: -- if they're not used
15 for that program they can be allocated by that
16 school to another program. But it doesn't say
17 what program or who decides how those funds
18 are then allocated, even though they're set
19 out for specific guidelines of the Contract
20 for Excellence. So I'd like that to be
21 clarified, who makes that decision if they're
22 not allocated for that program.

23 Number three, I also -- no, excuse
24 me. Excuse me, I'm speaking. I understand
25 but I'm speaking. You're being very rude.

1 FEMALE SPEAKER: We have two more
2 speakers and then we're going to call it a
3 day.

4 Marcy, are you almost done?

5 MS. DROGAN: Yes, and then -- I have
6 three minutes to speak so I have one more
7 minute left. And then as far as class size
8 reduction goes I also am not clear on where
9 the 348 million dollars that was allocated to
10 reduce class sizes in 2011 actually went to
11 because class sizes in every District 3 school
12 that I know of, including my own, are larger
13 than they were last year. So I would want --
14 I'm wondering if there's some accounting that
15 the DOE can provide for us as to where those
16 funds went. Thank you.

17 FEMALE SPEAKER: Thank you, Marcy.

18 FEMALE SPEAKER: Rachel?

19 RACHEL: I second everything that
20 Beth and Marcy said and just add also that I
21 mean, if we want to take real public comments,
22 I'm sure there's a lot of money that's going
23 for an important purpose. But, you know, they
24 can distribute that in advance. We can
25 then -- you know, we're smart people and we'll

1 engage parents and we can supervise it and
2 then, you know, see the time of like leading
3 through a slide presentation and then you can
4 have questions and you can have time for
5 comments about --

6 FEMALE SPEAKER: The lights are
7 being shut off.

8 FEMALE SPEAKER: And I think that's
9 the far more important part. And this is by
10 law required for making public comments. So
11 (indiscernible).

12 FEMALE SPEAKER: So just so you know
13 that that was e-mailed to the CEC several
14 weeks ago when I received it.

15 FEMALE SPEAKER: (Indiscernible).

16 FEMALE SPEAKER: Right. I did share
17 it.

18 FEMALE SPEAKER: Can I make a point
19 that the whole point about the borough
20 hearings is when we had the borough hearings
21 they were actually presented by the guy in
22 charge, the deputy chancellor in charge of
23 implementing this program. And so even
24 (indiscernible) -- even though he didn't have
25 satisfactory answers he was well briefed on

1 what the plan actually included and what it
2 didn't include and parents were relatively
3 well informed in advance because there was a
4 lot of public outrage about it and a lot of
5 discussion about it.

6 And this is what you see before you,
7 inadequate time, inadequate presentation by
8 the DOE, all of this is to substitute for what
9 should have been and was designed in state law
10 to be a (indiscernible) process which has
11 completely been ignored and eviscerated by the
12 DOE, by the state, by the state legislators
13 who passed this law that should be here and
14 should have been complaining about this whole
15 thing from the beginning. But they weren't
16 even informed about these hearings, as far as
17 I know.

18 So it turned into really a mockery
19 of what the state designed this process and
20 the (indiscernible). We are in the fifth year
21 of a five-year plan and our class sizes are
22 the largest in eleven years. There's no
23 public process. The money has already been
24 spent and basically the state has said we
25 don't care what you think anyway by allowing

1 the DOE to hold these hearings
2 (indiscernible).

3 FEMALE SPEAKER: Yeah, I have one --

4 FEMALE SPEAKER: Theresa, it's --

5 FEMALE SPEAKER: -- quick --

6 FEMALE SPEAKER: (Indiscernible).

7 FEMALE SPEAKER: I just want to say
8 I had a question (indiscernible). I have a
9 question about ELLs because they talk about
10 the district --

11 FEMALE SPEAKER: No, don't --

12 FEMALE SPEAKER: -- city-wide. And
13 given that the process and I think that the
14 gentleman didn't want to hear the way his
15 presentation. I have to be diplomatic about
16 it but I think --

17 (End of audio)

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C E R T I F I C A T I O N

I, Sharona Shapiro, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:
November 27, 2011.

Sharona Shapiro
AAERT Certified Electronic Transcriber
CET**D 492

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