Countdown For Justice

By Martine Guerrier

Waving bright red balloons imprinted with the slogan “Countdown for Justice,” advocates and elected officials stood shoulder to shoulder in front of City Hall on Thursday, April 1, 2004. Noreen Connell, Executive Director of EPP stood flanked by Hector Gesualdo of ASPIRA and Hazel Dukes of the NAACP calling upon the New York State Legislature to fund the City’s capital plan to build more schools, and set a down payment on the courts’ CFE ruling. Hector Gesualdo received cheers with his message that the citizens of New York City will no longer stand by and allow its children to be denied their civil right to a sound basic education. “This is a countdown for justice,” stated Hazel Dukes. “We call on the NYS Legislature and the Governor to fully fund the five year Capital Plan so that enough schools will be created to end overcrowding and reduce class size. We can not condemn another group of students to inadequate and unequal funding of public schools in New York City.”

“Our children deserve the best!”

Noreen Connell blasted the state for allowing New York City’s school children to be denied fair and adequate school funding, creating the crises of school overcrowding and the lack of access to good schools in many communities. She stated that “the children who started kindergarten in 1993 [when CFE filed its first legal papers], who only have a 50 percent chance of graduating next year, should at least have the benefit of knowing that the students who come after them will have better opportunities to learn.”

Brooklyn Borough President Marty Markowitz demanded the state not only recognize that New York City pays its fair share in taxes, but should return to New York City its fair allocation of school funding because everyone agrees “our schools and our kids need it.” “Our children deserve the best!” declared Queens Borough President Helen Marshall in her speech. Manhattan Borough President C. Virginia Fields recognized, “...until New York City receives equitable...state funding, we will be unable to provide our students with the resources they need to meet Regents standards.”

City Councilman Robert Jackson lauded Michael Rebell for making the case that New York City school children have been denied adequate funding and resources by the state of New York for more than 30 years. Recognizing the potential for delay in providing New York City school children with an equitable solution to the systemic failure of New York State’s funding practices, Councilman Jackson suggested “we should put them in a room, lock the door and don’t let them out until it’s done,” invoking the image of the founding fathers of America held up in a room constructing the U.S. Constitution.

Focus on the future

Public school parent Cecilia Blower said, “We are in a period where school reform is not enough...what CFE represents is the point at which the system crosses over from a 19th century model to a 21st century model...CFE means coming to terms with the future. It is the privilege of legislators to usher in this historical moment the political economy demands. To quote Victor Hugo, ‘an invasion of armies can be resisted, but not an idea whose time has come.’”

The gray skies above and drizzles of rain did not dampen the resolve of those present. Likening the rain to the funds needed for schools to flourish and children to fulfill their potential, Councilwoman Margarita Lopez used the rain to inspire the crowd in her impassioned speech and plea to the governor, “...let the children grow.”

The rally was attended by elected officials and advocates, Bronx Borough President Adolfo Carrión; Public Advocate Betsy Gotbaum; Councilman Joel Rivera; EPP Chair Marilyn Braveman, Dr. Roscoe Brown of The Graduate Center for Urban Education Policy; May del Rio; Jill Levy, CSA; Randi Weingarten, UFT; Maggie Jacobs, AJC; Queens Borough President Helen Marshall; Ellie Stier, Women’s City Club; partially obscured. Dr. Roscoe Brown, Jr., EPP.

See centerfold pages 6 and 7 for comparison of state education funding proposals.
The Mission of the Educational Priorities Panel

The goal of the Educational Priorities Panel is to improve the quality of public education for New York City's children so that there is no longer a performance gap between city schools and those in the rest of the state.

EPP pursues this goal by seeking reforms of federal, state and city budget and administrative practices affecting children. Our objectives are: to bring badly needed resources to New York City and other urban school districts; to ensure that funds are distributed fairly; and to advocate that funds are effectively used for the benefit of students, especially those with the greatest need for high-quality instruction.

The Educational Priorities Panel was formed as a coalition in 1976, during the height of New York City's fiscal crisis, to prevent further cutbacks to student instruction and services. The Panels 26 member organizations represent a broad spectrum of civic, racial, ethnic, and religious groups. These organizations use EPP materials and reports to work more knowledgeably to improve public education.

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New York Urban League
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People for the American Way Foundation
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Reformed Church in America, Synod of New York
Resources for Children with Special Needs, Inc.
United Neighborhood Houses
United Parent Associations of NYC
Women’s City Club of New York
Five Quick and Inexpensive Ways to End Overcrowding

By Michael Woloz

At press time, the leadership of the state legislature was still formulating a plan for state facilities funding. Even if the Chancellor is successful in getting $6.5 billion in direct state subsidies for his $13.1 billion capital plan more needs to be done to reduce school and district overcrowding. Here are five innovative ways this can be done:

1. Reform the leasing process. Leasing arrangements provide the city with inexpensive new schools in existing spaces and are particularly effective when neighborhoods undergo population shifts.

- The City must offer a competitive RFP process where large real estate firms assemble a bundle of buildings in neighborhoods without enough schools. The firms would be responsible for ensuring that the buildings are pre-qualified (environmental tests, feasibility studies, and landlord’s backgrounds) and provide these services at no cost, as is the custom with commercial leasing projects. This will give the city a bargaining advantage, as it can always go elsewhere without having spent a dime on preliminary studies.

- Create an open bidding process for all design and build elements to encourage contractors to participate. This will lower the overall cost of leasing projects.

- Adjust strategies to make leasing space to buildings an attractive idea to building owners such as agreeing to longer lease periods. The current policy of one-year termination clauses is often unreasonable to building owners.

Example: In 2003, the real estate broker Cushman & Wakefield negotiated a deal that resulted in the lease, design and construction of Millennium High School, which occupies the 13th floor of a skyscraper in the Financial District, in less than five months. The urgency timeline to open Millennium High School forced the city to explore quicker, faster ways to get the job done. As a result, the leasing process was greatly accelerated when a single brokerage firm performed all the necessary groundwork and negotiated a fair deal on behalf of the city.


- Reform and reauthorize the Educational Construction Fund (ECF), created in the mid-1960s to encourage mixed-use developments with school components. The ECF became inactive in the 1970s after completion of only 14 schools. The ECF must be reactivated, but it must be reformed to allow the city to enter into partnerships with residential developers and create mixed-use residential/school buildings that could be built with tax-exempt bonds.

- Look to examples like Buffalo, which was able to secure state approval for the renovation of up to 19 schools, a project that is not only eligible for State Building Aid, but is also funded through short-term borrowing by a private partner, thus dramatically reducing the City of Buffalo’s share of the costs. The project also created a union apprenticeship program so that the renovation process would create more training and skilled-job opportunities for young people. NYC must closely analyze Buffalo’s success in getting its innovative finance proposal approved by Albany and see how we can use such funding to both create and renovate schools.


- By building three or four story school facilities — extensions or new schools — on existing school property, the city can reduce overcrowding and create smaller class sizes in a relatively quick and inexpensive way. Since the city already owns the property, a number of costly and time-consuming hurdles are immediately eliminated. Here are the low-cost advantages to this strategy:

  - No need to purchase land.

  - Minimal land clearance costs and little possibility of environmental hazards.

  - Shared facilities, such as playing fields and kitchens, will maximize state Building Aid.

  - More large high schools can be converted into a campus of smaller schools.

Example: In 2000, PS 21 in Flushing, Queens built an extension on property that the school shares with the Parks Department in a jointly operated property ownership arrangement. Thirty-seven modular units were built, tracked over, configured at the site and seamlessly connected to the main facility in less than a year. Today, the extension which, from the outside appears as if it was built from the ground up and is very similar in appearance to the main facility, houses classroom space for 100 students as well as a multi-purpose cafeteria/gymnasium.

4. Spend Money Where the Need is First. While many neighborhoods suffer from school overcrowding, the City must build new schools in the most overcrowded school districts first. Let’s start by relieving the most overcrowded elementary schools as of September 2003 by building new schools in these districts.

Example: 1. PS 92 (District 6, Manhattan) - 505 students over capacity

2. PS 7 (District 24, Queens) - 347 students over capacity

3. PS 89 (District 24, Queens) - 333 students over capacity

4. PS 108 (District 27, Queens) - 333 students over capacity

5. PS 152 (District 22, Brooklyn) - 306 students over capacity

6. PS 105 (District 30, Brooklyn) - 287 students over capacity

7. PS 83 (District 11, Bronx) - 278 students over capacity

8. PS 161 (District 17, Brooklyn) - 256 students over capacity

9. PS 60 (District 27, Queens) - 254 students over capacity

10. PS 88 (District 24, Queens) - 252 students over capacity

5. Reconfigure Existing Schools.

In some cases an elementary school may be overcrowded while a neighboring junior high school has capacity to spare. Some districts, like District 17 and District 23 in Brooklyn, have reconfigured grades by establishing Early Childhood Centers (K-3rd Grades) in middle schools. It was done at a fraction of the cost of building new schools since expensive amenities like cafeterias and gymnasiums were not needed.

Three schools that have reduced district overcrowding by establishing Early Childhood Centers are MS 394 in District 17, Brooklyn, and MS 323 and IS 271, both in District 23, Brooklyn. At these schools, principals reported that the reconfiguration of grades in the building helped to turn their schools around and gain reputations as “safe schools” where parents wanted to send their children. Parents and teachers have also reported positive results.

EPP applauds the Chancellor for including grade reconfiguration in his 5-year Capital Plan. We must make sure that this inexpensive, timesaving policy is adopted on a large scale as soon as possible.

EPP has identified 10 overcrowded elementary schools that share a district with an underutilized junior high school. Overcrowding at these schools can be eliminated if an Early Childhood Center is established at the nearby junior high school.

Example: 1. District 9, Bronx: PS 70 is 106 students over capacity

2. District 9, Brooklyn: PS 40 is 101 students under capacity

3. District 15, Brooklyn: PS 24 is 123 students over capacity

4. District 17, Brooklyn: PS 161 is 236 students over capacity

5. District 19, Brooklyn: PS 197 is 188 students over capacity

6. District 22, Bronx: PS 32 is 138 students over capacity

7. District 31, Staten Island: PS 24 is 89 students under capacity

8. District 32, Brooklyn: PS 212 is 216 students over capacity

9. District 37, Brooklyn: PS 303 is 237 students under capacity

10. District 1, Manhattan: PS 117 is 192 students under capacity

Chancellor’s Capital Plan

<table>
<thead>
<tr>
<th>Category</th>
<th>Identified Cost (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New School Construction (including leases)</td>
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</tr>
<tr>
<td>13 Small buildings (K-5 or K-8)</td>
<td>$334</td>
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<tr>
<td>54 EFS (many K-8)</td>
<td>$2,326</td>
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<tr>
<td>23 HS or I/HS schools (many 6-12)</td>
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<tr>
<td>Restructuring Current School Space</td>
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<tr>
<td>Allocations for restructuring schools</td>
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<tr>
<td>Creation of charter &amp; partnership schools</td>
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<tr>
<td>Technology enhancements</td>
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<tr>
<td>Safety enhancements</td>
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<td>Science lab upgrades</td>
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<tr>
<td>ADA accessibility projects</td>
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<tr>
<td>Gymnasiums &amp; playgrounds upgrades</td>
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<tr>
<td>Room conversion and partition</td>
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<tr>
<td>Auditorium upgrades for Art &amp; Music performances</td>
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<tr>
<td>Creation of new co-op tech schools</td>
<td>$11</td>
</tr>
<tr>
<td>Total</td>
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Maintenance & Repair Investments

- Capital Improvement Program (‘CIP’) Projects
- Exterior modernization projects
- $923
- Interior modernization projects
- $1,711
- Other CIP categories
- $228

- Other Capital Needs
- Abatement Program
- $69
- Lead Abatement Program
- $79
- Modifying temporary classroom units
- $9
- Emergency lighting/Landscaping $417

- Building Code compliance & survey
- $40
- Insurance for school construction
- $330
- Completion costs for prior projects
- $225
- Modernization of cafeteria kitchens
- $70
- Funding for emergency capital projects
- $371
- Central administrative technology needs
- $200

Total: $4,357

GRAND TOTAL: $13,122

Third Grade Retention — Déjà Vu All Over Again

By Noreen Connell

One of the most surreal episodes surrounding the controversy of the new “Gates” program for third graders was a March 17th press conference where both the Chancellor and the press developed a case of amnesia. Chancellor Klein sorrowfully noted that thirty-seven percent of the city’s ninth graders were failing, so a grade retention policy was urgently needed, “Right there is where you see why it is we can’t continue the way we’re going, which is pushing children through the elementary schools...” This was a case statement with one glaring logical problem. The cohort of students he was talking about were subjected to Mayor Giuliani’s far more draconian grade retention program when they were in the 6th, 7th, and 8th grades.

Advocates have also developed faulty memories. This new third-grade retention policy is actually an improvement over the Mayor Giuliani’s five-year-old policy, because the old one required retention from the third to eighth grades. Mayor Bloomberg’s program is much smaller.

Given this lapse in short-term memory, here is a one-minute history: In 21 years, New Yorkers have had three Mayors — Koch, Giuliani, and now Bloomberg — proclaim that they will reduce the numbers of children who cannot read through a bold experiment. The experiment is simple: force the lowest-achieving students to go to summer school and then, if they don’t test well the second time, force them to repeat a grade.

Expensive

The public is never fully informed of just how often this policy has been put in place or how expensive it is. At the peak of the “Gates” program, the tab in the 1982-3 school year came to $58.9 million for the 4th and 8th grades. In the second year of the most recent experiment, which affected students in grades 3 to 8, the cost came to a staggering $536.4 million in 1999-2000. Mayor Bloomberg estimates in his Executive Budget for the 2004-5 school year that the cost for his policy will be $116 million. Sadly, this represents the only added city investment in improving instruction during the 2004-05 school year. (see page 11 for more details.)

Troubling patterns

This investment would be worth the cost and effort if the experiment worked. By the second year of the last experiment with grade retention, troubling patterns emerged that were similar to the first experiment:

- Three fourths of students forced to attend summer school in 1999 had to go to summer school the next year.

(Continued on page 5)

High-Need African-American and Latino Students Doing Better in Suburban Districts

By Martine Guerrier

In a two-year study of 23 downstate suburban school districts, titled Checkerboard Schooling III, EPP found that these districts educate 7.03% of African-American and Latino students in New York State, as many as the combined big city school districts of Yonkers, Rochester, Syracuse, and Buffalo.

The objective of EPP’s report was to evaluate how districts with a majority of African-American and Latino students fared in funding and expenditures. The first Checkerboard report, authored by Dr. Joan Scheuer, found many high-need districts had not benefited from a formula created by Governor Cuomo called Extraordinary Needs Aid, because there were year-to-year caps on increases. The 1999 report helped to change this budget policy for high-need districts.

Good news

The latest study found that from the 1995-96 school year to the 2000-01 school year, when the state economy was stronger, almost all majority African-American and Latino suburban districts received sizeable increases in state school aid. This helped bring their average expenditure levels to an average of $14,358 for the rest, which brought them closer to the expenditure level of middle-income suburban districts with a majority of white students spending $15,009. New York City spent $11,474, $3,000 less per pupil than the majority African-American and Latino suburban public school districts.

Better elementary school performance

The review of test performance data showed that these high-need suburban districts had managed to increase the numbers of 4th grade students on grade level and to decrease the numbers testing at Level 1 (no similar improvements occurred at for middle school students). When the issue of the Mayor’s grade retention policy emerged, EPP revisited the data on the performance of these 113, 687 students on the state’s English Language Arts test.

For the purpose of analysis, the districts were divided into two groups. In the highest-poverty districts, where on average 74 percent of the students are eligible for free and reduced price lunch, just 5.18 percent of their fourth grade students tested at Level 1 on the 2003 English Language Arts test. The modest-income group of districts, where 46 percent of students are receiving free and reduced price lunch, had an average 3.23 percent of their students testing at this level. In contrast, New York City had 8.9 percent of students testing at Level 1 on the 2003 ELA test.

In the high-need suburban districts, no school had more than 15 percent of students testing at Level 1, while New York City had 94 schools at this dismal performance level. Close to a third of students testing on Level 1 in the 2003 ELA test in New York City came from by these low performing schools. The comparison of school test performance data raises several questions. Should the Chancellor’s District for low-performing schools have been abolished in the Children First reorganization? Will the new regional structure turn these schools around? If not, does the Zarb Commission recommendation to create a new state-level agency for low-performing schools make sense? [See centerfold for more information.] Why did high-need suburban students perform so much better on the 4th grade tests?
Counterproductive practices
What other contributing factors are there in the high numbers of children in New York City testing at Level 1 in the early grades? EPP's long involvement in trying to improve early-grade education has often encountered counterproductive administrative practices that weaken the quality of instruction from kindergarten to third grade. Here are some examples.

KINDERGARTEN STAFFING
For over 25 years, there has been a relentless effort by city budget officials to reduce kindergarten staffing levels in the public schools. In 1960, the NYC Department of Health enacted a health code requiring all public and private day care centers and schools to limit kindergarten classes to no more than 25 children and to have a paraprofessional or assistant teacher in all classes of more than 15 children.

Public schools never met these standards, but until the 1975-76 fiscal crisis, kindergarten class sizes were getting smaller, close to an average of 21 students. By the 1989-86 school year, there were only 190 kindergarten paraprofessionals and systemwide the average class size was up to the maximum of 25 students. That year, the Chancellor secured a waiver exempting the public school system from the health code. In 1989, in response to a Legal Aid Society lawsuit, the waiver was struck down. Five years later, 42 percent of classes had a paraprofessional, but the average kindergarten class size had grown to almost 27 students.

In 1995, Mayor Giuliani demanded that the health code be amended so that the public schools were no longer covered by kindergarten class size limits and adult-to-child staffing ratios. This past year, there was another round of paraprofessional layoffs, some affecting kindergartens. There appears to be a policy of eliminating paraprofessionals whenever class sizes come down to 25 students. In contrast, private schools and child care centers continue to staff their kindergartens with at least two adults whenever there are more than 15 children in a class.

EARLY-GRADE CLASS SIZES
Since Chancellor Nathan Quinones, no other Chancellor has implemented a plan to reduce class sizes in the early grades. A body of research since 1987 affirmed his belief that low-income students need more individual attention. The standards he set 17 years ago, for class sizes of 25 in the early grades, remain the city standards today.

Since 1999, the NYS Legislature has provided funds to New York City to reduce class sizes in early grades, kindergarten to third, to an average of 20 students. When the budget policy was first enacted, the Board of Education succeeded in getting a portion of these funds re-directed to the eighth grade. Worse, still NYC education officials argue every year for “budget flexibility” to use these funds for other purposes and to eliminate the budgetary requirement of having to actually reduce class size.

Last year, a coalition of groups, including the United Federation of Teachers, Class Size Matters, and the United Parents Associations mounted a campaign to put the question of class size on the ballot by gathering 115,842 signatures from New York City registered voters. The Mayor went to court to block the initiative.

This year, anecdotal information indicates that in some schools receiving state funds for class size reduction, no classes are at an average of 20 students. Because of NYS Education Department understaffing, there seems to be little effort at monitoring the use of $88 million in state funding for this purpose.

TEST-GRADE PRACTICES
The most comprehensive study of small-class-size benefit, conducted in Tennessee, as well as a University of Wisconsin study of class size reduction, confirm that when students are placed in small size class in kindergarten or first grade, their achievement levels improve measurably compared with children who remain in large size class. This improvement is sustained when children remain in small classes up through third grade. However, both studies found that when students are placed in small classes for the first time in the second or third grades, no significant achievement gains take place. The analogy that EPP has used to explain this phenomenon is that successful farmers do not water their crops only a month before harvest.

A last-minute watering the crops is exactly what many elementary school principals try to do. They place their best teachers and reduce class sizes in third grade, when students face city tests, and the fourth grade, when students face the much more important state tests. But it is in kindergarten when children need to expand their cognitive and verbal abilities and in first grade when they should begin learning how to read. Learning difficulties begin manifesting themselves in the first and second grades when good teachers in small enough classes could quickly help children move beyond whatever barriers they are experiencing. Yet these are often the neglected grades when it comes to principals’ decisions on class sizes and staff assignments.

Research is ignored
Why does New York City continue to adopt the unsuccessful strategy of grade retention? One explanation is that the policy of having children repeat a grade appeals to deeply held beliefs about individual responsibility, hard work, and promotion to higher grades based on merit. When past grade retention policies fail to raise student achievement, these beliefs are so ingrained that these policies are resurrected once again in the hopes that a better administered program will work.

Another explanation is that the Manhattan Institute, a conservative think tank, has kept alive the myth that the 1982 Gates Program was a “success” that was “sabotaged” by neglect and underfunding by successive Chancellors. This myth has done double damage. First, it induces new policy makers to once again adopt this strategy. Secondly, it forces education officials to make sure that they cannot be accused of undercutting this strategy, so staff time is taken up with trying to make sure that there is early notification for summer school, better summer school attendance, and services for children who are forced to repeat a grade. The administration of Chancellor Harold Levy is a prime example of how the grade retention policy consumed the best efforts of central and district staff with little tangible results.

Yet a third explanation is that budget and education policy makers have been influenced by an even more damaging myth than the one sustained by the Manhattan Institute. It lacks a name, but the best descriptive term for it is “patch-up.” At every level of failing urban public school systems there is an illogical belief that it is easier and less expensive to provide meaningful help to students who fail than it is to prevent students from failing. This is illogical for two reasons.

Systemwide policies to improve low-performing schools, reduce class size, attract and retain good teachers, sustain staff development, and align curricula have been shown to succeed in reducing the numbers of children who cannot read by third or fourth grade. In contrast, remediation programs of all kinds, except one-to-one tutoring, have only shown marginal improvements in student performance.

The problem is that for every well-run remediation program, there is a poorly-run remediation program. For the two years, 1996 and 1997, when the Board of Education was forced by federal regulations to detail the year-to-year gains of students receiving Title 1 services based on test score com-
An Emerging Consensus on Facts, not Policy

By Joan Scheuer & Noreen Connell

This centerfold compares four reforms for reforming the way state education aid is distributed. All of the plans respond to the decision of the state’s highest court calling for a revised school aid system that would ensure a sound basic education for pupils in New York City—and, as the court said, “if the legislature wishes,” pupils in the rest of the state.

The Trial Court Judge has said that if the legislature fails to comply with the Court of Appeals decision by July 30, 2004, a Special Master will be appointed to decide the case. The Special Master may well interpret the court’s order literally and confine his remedy to New York City alone—a very unappealing alternative for many non-city legislators.

Our comparison shows that the proposals have many features in common. Though their research procedures and calculations differ, they follow similar steps in defining adequacy, determining the costs of providing a sound basic education, and accounting for the differences in pupil needs, regional costs, and the local contribution. All the proposals recognize that compliance with the court’s decision calls for billions of additional dollars in state aid. We include data on recent increases in aid over the last five years that do not look so different from the large new sums required to comply with the court’s decision. All of the plans should be commended for, at long last, establishing some basis for education funding. Learning standards will now determine resources, rather than the reverse.

This centerfold is an attempt to ferret out “the devil in the details,” even though we still had to simplify the details to keep the explanations short. A first draft of this table was already reviewed by EPP member representatives. Their main criticism is that we didn’t give a thumbnail description of how the plans differ in terms of their overall objectives. So here is our attempt:

- The CFENYS School Boards Association plan is an effort to entice the largest possible number of legislators to support their funding recommendations. Three quarters of all school districts would benefit from additional resources and/or lower property taxes. This is a classic win-win scenario. If this plan does not gain the support of the Republican Senate leadership, it will be proof positive that regional antagonisms are stronger than self-interest. It could happen.

- At the other polar extreme is the plan outlined by economists of the Maxwell School, Syracuse University. Devoted of political calculations, it does an honest accounting of the true costs of raising student achievement and retaining teachers in high-need school districts. It even goes so far as to question the extra costs of “save harmless” policies and attempts to target property tax relief to those who need it the most.

- The lower-cost plans of the Regents and the Zarb Commission do not exemplify a political strategy as much as accommodation to political pressures to contain the state’s costs for education funding reform. Both use a sample of low-spending, but successful school districts with few high-need pupils to come up with the “floor” for achieving at adequacy. Then both make adjustments for additional funding with incomplete or low weightings for high-need pupils. Both would be improvements over the current system, but they will leave New York City and high-need suburbs without a high enough level of resources to help their students reach adequacy. This would be a missed opportunity to get it right the first time.

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This centerfold compares four reforms for reforming the way state education aid is distributed. All of the plans respond to the decision of the state’s highest court calling for a revised school aid system that would ensure a sound basic education for pupils in New York City—and, as the court said, “if the legislature wishes,” pupils in the rest of the state.

The Trial Court Judge has said that if the legislature fails to comply with the Court of Appeals decision by July 30, 2004, a Special Master will be appointed to decide the case. The Special Master may well interpret the court’s order literally and confine his remedy to New York City alone—a very unappealing alternative for many non-city legislators.

Our comparison shows that the proposals have many features in common. Though their research procedures and calculations differ, they follow similar steps in defining adequacy, determining the costs of providing a sound basic education, and accounting for the differences in pupil needs, regional costs, and the local contribution. All the proposals recognize that compliance with the court’s decision calls for billions of additional dollars in state aid. We include data on recent increases in aid over the last five years that do not look so different from the large new sums required to comply with the court’s decision. All of the plans should be commended for, at long last, establishing some basis for education funding. Learning standards will now determine resources, rather than the reverse.

This centerfold is an attempt to ferret out “the devil in the details,” even though we still had to simplify the details to keep the explanations short. A first draft of this table was already reviewed by EPP member representatives. Their main criticism is that we didn’t give a thumbnail description of how the plans differ in terms of their overall objectives. So here is our attempt:

- The CFENYS School Boards Association plan is an effort to entice the largest possible number of legislators to support their funding recommendations. Three quarters of all school districts would benefit from additional resources and/or lower property taxes. This is a classic win-win scenario. If this plan does not gain the support of the Republican Senate leadership, it will be proof positive that regional antagonisms are stronger than self-interest. It could happen.

- At the other polar extreme is the plan outlined by economists of the Maxwell School, Syracuse University. Devoted of political calculations, it does an honest accounting of the true costs of raising student achievement and retaining teachers in high-need school districts. It even goes so far as to question the extra costs of “save harmless” policies and attempts to target property tax relief to those who need it the most.

- The lower-cost plans of the Regents and the Zarb Commission do not exemplify a political strategy as much as accommodation to political pressures to contain the state’s costs for education funding reform. Both use a sample of low-spending, but successful school districts with few high-need pupils to come up with the “floor” for achieving at adequacy. Then both make adjustments for additional funding with incomplete or low weightings for high-need pupils. Both would be improvements over the current system, but they will leave New York City and high-need suburbs without a high enough level of resources to help their students reach adequacy. This would be a missed opportunity to get it right the first time.

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### Regents Proposal NYS Education Department

**Building Aid** – Recommends $31 million grant for NYC to address school overcrowding. (Mayor is requesting $310 million.)

- **Accountability** – Will continue to focus on districts with schools that fail to meet adequately-prepare goals.SED has closed low-performing schools, but new rules are under consideration.

- **Accountability** – Proposes changes to teacher evaluation system, requires districts to develop teacher evaluation plans, and makes it easier to terminate teachers.

- **Accountability** – New independent Office of Educational Accountability to monitor low-performing districts. Provides principal tenure with contract agreements. Other recommendations are discussions on performance standards, Regents. Requires reports on expenditures of Supplementary Aid.

- **Building Aid** – Recommends simplifying reimbursement formulas, providing Dormitory Authority assistance to high-needs districts. This provides funding to reduce class sizes in all grades to state averages, net CTE goals or pre-K programs. Includes poverty, English Language Learners, most special education programs. Inclusion of federal funding means not much improvement over current weights.

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March 18 was a red-letter day. Two separate events confirmed that the Children First reorganization was taking a heavy toll on special education.

Public Advocate Betsy Gotbaum held a press conference in the City Hall rotunda to announce the result of a phone survey of 199 school psychologists and 95 principals and administrators. Their responses indicated that there were serious problems:

- 40 percent of the administrators and 44 percent of the psychologists said "they have been given a direct order to keep referrals and evaluations down." Over 20 percent of both groups of respondents said "they knew of colleagues who have been given such an order."

- 56 percent of administrators said "their school has a backlog of students awaiting placement." A much higher proportion of psychologists reported this problem, 74 percent.

- 70 percent of administrators said "their school has a backlog of students awaiting reevaluation." A higher proportion of psychologists reported this problem, 81 percent.

- 81 percent of administrators and 87 percent of psychologists said "their school had trouble locating IEP's (Individual Education Plans)."

By huge margins, both administrators (83 percent) and psychologists (96 percent) indicated in one way or the other during the phone interview that "the DOE's reforms have adversely affected the referral/evaluation process."

On the same day, just a building away, the newly installed Deputy Chancellor for Teaching and Learning, Carmen Farina, issued a strongly worded memo to the ten Regional Superintendents stating that school-site meetings were to be scheduled with principals, psychologists, and local instructional supervisors and to report weekly on all the schools visited. The memo stated, "The purpose of these meetings is to educate the principal on how to monitor compliance with special education assessments... The plan for each school must first determine whether a reasonable amount of daytime work is being performed by school staff." Later on, in the memo when discussing schools with the highest cases out of compliance, the Deputy Chancellor authorizes "if necessary, referring administrators or staff for disciplinary action." Throughout the memo regional staff are directed to end the backlog of referrals and evaluations and to hire staff to create new special education classes and to access independent providers for evaluations and services. The memo ends with the information that the Office of Auditor General and Ernst & Young staff will visit schools in the spring "to ensure compliance with the above mandates."

Whether by coincidence or plan, the Farina memo focused on a lack of productivity at the school site, while the Gotbaum press conference pointed fingers at administrators, especially at the regional level.

More than a record-keeping problem

When schools opened in September, the word spread quickly that the elimination of 37 district committees on special education (replaced with just 10 Regional committees) and the elimination of the school-based special education evaluator position were creating havoc.

The most understandable and immediate problem was that student records had not been sent to the schools, so new special education children were at the schoolhouse doors without any documentation of their disabilities or evaluations as to what type of instruction and services they needed (called "Individualized Education Program"). These records had been kept by district offices of Committees on Special Education and were not redirected to the schools, but instead were put into warehouses. The first mystery is why these records had not been made into computer accessible documents in the eight-month period from the January announcement of Children First to the September opening of the schools. Stories abounded about school staff members spending a whole day in a warehouse only to locate a handful of records for their students. The second mystery is why there are still complaints that records of students already in the school were no longer accessible, since these records are kept at the school.

Shortly after the Gotbaum's press conference, the Department of Education filed a "freedom of information" appeal with the Public Advocate's Office to get the detailed results of the survey, a highly unusual request from one city agency to another. This peaked EPP's interest, so we simply phoned the Public Advocate's Office to get a copy of the survey responses. Almost all of them were negative. Only one, from a psychologist, was positive, "Thank reorganization is great. It empowers us and eliminates duplication... New job exhilarating. Now that I am responsible for placements as well, more meaningful contacts. Many share my views. This was supposed to be the result of the reorganization, so what were the other respondents complaining about?"

Unfamiliar tasks and a lack of training, computers & supplies

EPP looked at the survey responses from both the psychologists and administrators to try to identify the nature of their complaints, not just their conclusions. The most frequent response by psychologists is that their training and background did not prepare them for this job and that, worse, that they did not have well-trained clerical assistance to accomplish their tasks. Many said that they had become, by default, clerical workers. A good number of the summary statements are similar to these, "Not trained as education evaluators, we can do psychological testing, not appropriate [to do] education evaluations" and "One person has to do three jobs... that of psychologist, educational evaluator, and clerical worker."

Several principals stated that they wanted their special education evaluators back and that they didn't think psychologists were trained to do their new jobs. The absence of adequate office space, supplies, and access to computers that faced psychologists at the opening of school was surprising. The access to computers is critical, because it is only through entering data in the CAPS system that needed services are documented. One psychologist said, "Who are these fools that are trying to erode professionalism, how do I work without ATS [the school system's software system] and a working computer with a CD ROM?"

Inappropriate placements

The summary of one psychologist's statement gives a broad picture of pressures at the school and regional level: "Am aware of placement of a general education kid in special education... Am aware of placement of a general education kid in special education... Am aware of placement of a general education kid in special education..."

The second problem with the "patch-up" approach is that it fails to recognize that once students begin to flounder academically, a complex set of problems manifest themselves that require much greater effort and more skilled intervention than occur in a regular classroom. Though EPP as a coalition has advocated for smaller class sizes since 1996, we do not believe that placing low-achieving students in smaller classes is a sufficient turn-around strategy for children who are experiencing failure. These struggling students must have the benefit of a highly experienced, skillful teachers and an enriched curriculum, which is rare in remediation programs and low-performing schools.

Summer school and extra services for students held back are the prime example of the "patch-up" approach. The first question that the Mayor and the Chancellor should be asking is why so many children are failing to read by third grade. They should be primarily focusing on strategies to ensure that more children succeed, such as reducing class sizes for all young children — rather than just reducing class sizes for those who fall between the cracks, when smaller class sizes are not enough to reverse the damage. •
general education without evaluations. Several administrators from the Region encouraged me to do very little assessments, just review report card, no testing, and proceed with conference to finish cases. I feel unable to finish cases until have face-to-face testing. It is unethical to have conference without evidence of child’s skills. No training. No help from Region.”

The “ROC Runaround” and pressure from the principal

Next to details about the absence of clerical support, computers, and training, the highest volume of complaints are directed at the Regional Operating Center staff, ranging from allegations of their incompetence and inconsistency to willful efforts to lose or tamper with records and a purposeful lack of assistance in securing specialized bilingual, hearing, and speech evaluations. These responses are typical: “Referrals sent in September are not opened for months; opened only after repeated phone calls,” “Can’t reach Regional CSEs,” and “...Directions for operation are day to day.” The most serious allegations are that Regional staff purposely sit on or lose referrals to reduce the number of students in special education or to deny them services. Several psychologists simply stated that speech therapy and bilingual evaluations “were no longer available.” Not all the complaints were about the regional staff. Several psychologists report that principals are actively discouraging them from making initial referrals to special education because this is a factor in the evaluation of a principal's job performance.

What does all this mean?

EPP asked advocates and a union representative to provide EPP with their take on the “crisis.” Their responses differed. One advocate said that the Public Advocate’s survey revealed “generalized kvetching” about having to work. She said that there was a lack of productivity in both the old and the new system of referrals and evaluations and added, “The old teams were rarely, if ever, in classrooms. How is this different? I think the bigger issue is that the lack of resources remains the same. The new system has not created better placements, more integrated settings for students or added resources to the classrooms in either the general education or special education settings.” Board members and top administrators not only “represented” their constituency, many of them also “influenced” their constituency. Though advocates were opposed to grade retention when Mayor Giuliani imposed this policy on Chancellor Crew, no firestorm erupted. Board members did not want to “embarrass the Chancellor.” Only one voted to oppose grade retention. Advocates meekly testified at the obligatory Board of Education hearing. It was a done deal.

In contrast, when Mayor Bloomberg proposed yet another grade retention policy, only a few large Department of Education contractors could be enticed to support it. The mediators were gone. What this portends for the future is uncertain.

<table>
<thead>
<tr>
<th>New York State</th>
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<tbody>
<tr>
<td>Governor George Pataki, The Executive Chamber, State Capitol, Albany, NY 12224</td>
</tr>
<tr>
<td>Assembly Speaker Sheldon Silver, 932 Legislative Capitol Building, Albany, NY 12248</td>
</tr>
<tr>
<td>Senate Majority Leader Joseph J. Bruno, 909 Legislative Office Building, Albany, NY 12247</td>
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<tr>
<td>Assemblyman Steven Sanders, Chair Education Committee, 836 Legislative Office Building, Albany, NY 12248</td>
</tr>
<tr>
<td>Senator Stephen Saland, Chair Education Committee, 609 Legislative Office Building, Albany, NY 12248</td>
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<tr>
<td>Assemblyman Harman D. Farrell, Jr., Chair Ways &amp; Means Committee, 923 Legislative Office Building, Albany, NY 12248</td>
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<td>New York State, cont.</td>
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<tr>
<td>Senator Owen Johnson, Chair Finance Committee, 913 Legislative Office Building, Albany, NY 12247</td>
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<tr>
<td>New York City</td>
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<tr>
<td>Mayor Michael Bloomberg, City Hall, New York, NY 10007</td>
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<tr>
<td>Councilman Gifford Miller, Speaker, New York City Council, 336 East 73rd Street, New York, NY 10021</td>
</tr>
<tr>
<td>Councilwoman Eva Moskowitz, Chair, Education Committee, 250 Broadway, New York, NY 10007</td>
</tr>
<tr>
<td>Councilman David Weprin, Speaker, Chair Finance Committee, 250 Broadway, New York, NY 10007</td>
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Spring/Summer 2004 Volume 8 Issues 1 & 2 EPP Monitor
Where Does the Money Go?
School Year 2003-04

**Adopted Budget $12,478,737,903**

- **Operations** 15%
- **Categorical** 20%
- **Special Ed** 13%
- **Admin** 5%
- **Private** 6%
- **General Ed** 42%

Where Does the Revenue Come From?
School Year 2003-04

**Without City Contributions to Pension & Debt Service**

- **City Tax Levy** 39.6%
- **State Aid** 46.2%
- **Federal Aid** 14.2%

**With City Contributions to Pension & Debt Service**

- **City Tax Levy** 46.5%
- **State Aid** 40.9%
- **Federal Aid** 12.6%

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EPP's analysis does not include pension or debt service payments. Rather than showing fringe benefits as a separate category, they are distributed in proportion to the personnel services allocations across categories. A labor reserve fund is also distributed in proportion to personnel services allocations across categories.

**General Ed Instruction**
Funds for elementary and middle schools in community school districts and high schools.

**Special Ed Instruction**
Funds for special education instruction and support services. Resource room and self contained classes in the districts, and in Citywide for more disabled children. Fringe benefits (health insurance, etc.) for these employees.

**Categorical**
Special funding programs for additional instruction or services for students at high risk for academic failure, such as children from non-English speaking families and high poverty communities (mostly federal Title I and state Extraordinary Needs Aid). Fringe benefits for these employees.

**Operations**
Funds for school buses and public transportation, school security, school lunches, building repairs, electric and heating costs and leases. Fringe benefits for these employees.

**Administration**
Funds for community school district administration, high school administration, special education administration and central administration. Fringe benefits for these employees.

**Private Schools**
The NYC Department of Education budget includes payments for private school tuition for some special education students, pre-school special education tuition and transportation (almost all private agencies and for the state’s textbook purchasing program for private schools. Also included are funds for the Fashion Institute of Technology.

* Title I funds to private schools and funds for school lunch and transportation to individual private school students are included in the "Categorical" and "Operations" categories.
The Mayor’s Executive Budget
Recommendations for the Public Schools

On April 26th, the Mayor released his proposed budget for the city, which will be negotiated with the City Council. By law, the city’s budget must be adopted by June 30th.

Mayor Bloomberg’s recommendations raise the Department of Education’s total budget (including city, state, and federal funding) just above the $13 billion threshold, $13,025,849,562. When debt service (payments of interest and principal on money borrowed to make major repairs and build new schools) and pension payments are included, planned expenditures for public education will exceed $15 billion.

Third-Grade Gates Program
The Mayor has invested substantial resources for his plan to have students testing at Level 1 on the city’s third-grade math and English tests repeat the third grade if they are still testing at this level after mandatory summer school.

Because there will be an increase in the numbers of children in third grade, the Mayor is adding $25 million for additional teachers to keep classes at the same size.

Intervention programs for retained and low-performing third graders will be funded with an additional $59 million.

While the Mayor has added $32 million for summer school for second and third graders, $57 million is being cut from the summer school program because it will no longer be mandated for low-performing students in the other grades (the policy of the Giuliani administration).

Special Education
Planned allocations for special education in the 2004-05 school year have been reduced from the levels of the adopted budget for the 2003-04 school year. For this reason, the proportion of the Department of Education’s budget for special education has shrunk from 13 percent to 11 percent.

Together, these reductions in proposed funding come to $366 million, more than can be accounted for by a purported 6,000 drop in the numbers of students in special education. However, the Mayor is proposing to increase some areas of special education funding. Citywide (UA 321/322), which serves the most disabled students, currently funded at $335 million, will go to $605 million next year, a $269 million addition.

The Office of Management & Budget asserts that there are no reductions in funding for special education students and that these changes in budget allocations simply reflect the fact that more students are being educated in general education classrooms. Yet when personnel and other than personnel allocations for general education (elementary, middle, and high schools U/As 301, 302, 311 & 312) are added together, there is only a $146 million increase in the Executive Budget for these categories when the added funds for the third-grade Gates program and reduction in summer school for the other grades are factored out.

Headcount
The Message of the Mayor contains summary information on the number of employees in the public school system. See table below for staffing levels:

Since pedagogues include not only teachers and administrators, but also guidance counselors, school secretaries, and paraprofessionals, it has always been difficult to verify teacher staffing levels. The one-year drop in the total number of teachers, 3,000, is much smaller than the one-year drop in the total number of pedagogues, which fell from 123,859 to 109,611, according to the Message of the Mayor in 2003 and 2004. Most of this 14,248 decline in pedagogues probably stems from the elimination of community school district and special education positions.

The Department of Education is once again using a headcount system that combines teachers and paraprofessionals, making it even more difficult to find out how many classroom teachers there are. Many parents and teachers have complained about the increases in general education class sizes during the 2003-04 school year. The summary information in the Executive Budget states that there was only a 1000 decrease in the number of general education teachers. Could this 1.5 percent decrease in general education teachers have resulted in such widespread reports of classroom overcrowding?

### Comparisons of Special Education Funding Levels

<table>
<thead>
<tr>
<th>Units of Appropriation (Personnel/OTPS)</th>
<th>SY 2004</th>
<th>SY 2005</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>305/304 Elementary &amp; middle school</td>
<td>$514 million</td>
<td>$333 million</td>
<td>-$181 M</td>
</tr>
<tr>
<td>resource &amp; self-contained classes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>313/314 HS resource &amp; self-contained classes</td>
<td>$200 million</td>
<td>$60 million</td>
<td>-$140 M</td>
</tr>
<tr>
<td>323/324 Centrally controlled related services &amp; school-based evaluations</td>
<td>$274 million</td>
<td>$248 million</td>
<td>-$26 M</td>
</tr>
<tr>
<td>325/326 Administration</td>
<td>$25 million</td>
<td>$6 million</td>
<td>-$19 M</td>
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### Comparison of the Purported Staffing Levels

<table>
<thead>
<tr>
<th></th>
<th>2003</th>
<th>2004</th>
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<tbody>
<tr>
<td>Total employees</td>
<td>136,518</td>
<td>134,181</td>
</tr>
<tr>
<td>Total teachers</td>
<td>80,000</td>
<td>77,000</td>
</tr>
<tr>
<td>General education teachers</td>
<td>63,000</td>
<td>62,000</td>
</tr>
<tr>
<td>Special education teachers</td>
<td>14,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Bilingual teachers</td>
<td>2,000</td>
<td>Not reported</td>
</tr>
</tbody>
</table>
Though never articulated in public, the Children First initiative seems to be heavily influenced by Harvard Professor Richard Elmore’s effort at constructing a new paradigm for public school administrators. He observes that in America the real role of principals and even the highest education officials has traditionally been one of mediating relationships, that is, buffering educators from the demands of parents and politicians. In order for public schools to survive and improve, especially for high-poverty children, administrators from top to bottom have to become managers of instruction, with a chain of command and clear performance expectations similar to those of other institutions. They can’t just hope for “better” teachers, they have to create them.

It is an impressive analysis—as long as you don’t notice that Elmore comes from an environment where professors may be drowning in committee meetings but are not generally managed with a heavy hand. University presidents, pretty much relegated to fund raising, are buffering and mediating 100 percent of the time. Talent for each academic discipline is recruited, not necessarily shaped by the department head. And yet for the most part, despite this lax—some would say non-existent—management of instruction, learning somehow takes place.

Sometimes what is sauce for the goose is not sauce for the gander. Children First, more than anything else, is an attempt to actualize Elmore’s prescription to manage instruction. Before this initiative was implemented, EPP made the suggestion that a new administrative position be added to each school to help principals deal with an added administrative workload that would come form the elimination of community school district staff. We had not an inkling that every school would get an additional part-time principal, called Local Instructional Superintendents (LIS), who patrol the school hallways with eagle-eyes for the sloppy bulletin board. We also never imagined that the staff development coaches would report to the Local Instructional Superintendent, not the principal.

Anyone slightly familiar with the history of the profound impact of Frederick Winslow Taylor’s Principles of Scientific Management on American industry at the beginning of the 20th century (he gave us the beginning of the modern assembly line) should take another look at Children First. Numbed by the churning of education initiatives in New York City, some perceive it as just another slogan or a pretext for dismantling community school districts or a platform for the re-election of the Mayor. Any of these interpretations might be right. My bet is that it’s something more interesting. If so, the tensions with the teacher’s union won’t go away when a collective bargaining agreement is signed. There will be a continuing clash between different models of relationships at the school level, the UFT’s “teacher professionalism” versus “management of instruction.” It’s not just a Mayor and a Chancellor from business backgrounds trying to curb the power of a union that has had a major role in fashioning education policy. It’s an attempt to manage teaching in a way that has not been tried before, way beyond the “follow the rules” dictates of the early Board of Education bureaucracy.

Will it work?

Of course, given the old institutional culture of the Board of Education, Elmore’s high ideals could degenerate into just a messy pile of “follow the rules” dictates. So far, the unanswered phone calls and e-mails by staff at the Regional Operating Centers (they’re not called rocks for nothing) do not indicate any keen management skills on the part of the managers. But after a few stumbles and corrections, a new structure could work, ultimately.

I’m conflicted about this possibility. EPP’s two studies of how low-performing schools turned around concluded on the note that schools serving very high-poverty communities had to create an...