



Advocates for Children of New York

Protecting every child's right to learn

Testimony to be delivered to the New York City Council Committee on Education

Re: Overcrowding in NYC Public Schools & Resolution No. 563

March 3, 2015

Thank you for the opportunity to speak with you today about overcrowding in the New York City public schools, as well as Resolution No. 563. My name is Randi Levine and I am Policy Coordinator at Advocates for Children of New York (AFC). For more than 40 years, Advocates for Children has worked to promote access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds.

When AFC does workshops for families on the transition to kindergarten, parents often gasp when we mention the typical class size. Families, especially those whose children have disabilities, worry about how their children will get the specialized attention they need when the teacher has to focus on 22, or many more, additional children. AFC is concerned about students sitting in large classes, where the delivery of appropriate instruction is difficult, and about schools with insufficient space for arts, physical education, and other subjects critical to helping children develop into well-rounded citizens.

Over the past year, we had at least four cases in which parents sought assistance to keep their children in a school that was working well for them, but had notified them that they would need to transfer during the school year as a result of overcrowding. In one of these cases, a whole District 75 class was told to move. The families that reached out to us did not want to move their children to another school. Their children had made friends and settled into their placements. In each instance, the family had been notified with little turn-around time and offered no alternative but to transfer. Not only is this practice disruptive, even when the students are asked to move early in the semester, but it's completely ironic when you consider how difficult it is for families actually seeking transfers to obtain those transfers. The DOE throws up obstacle after obstacle for students and families seeking to find seats in schools where they are not currently enrolled. We get those calls as well.

AFC has also heard from families of students with disabilities receiving related services, such as speech therapy, physical therapy, or counseling, in hallways and supply closets. There are issues of privacy and safety implicated here, as well as logistical difficulties for providers and students in terms of juggling materials and

Board of Directors

Eric F. Grossman, *President*
Jamie A. Levitt, *Vice President*
Harriet Chan King, *Secretary*
Paul D. Becker, *Treasurer*

Matt Berke
Kevin J. Curnin
Jessica A. Davis
Adrienne Filipov
Robin L. French
Brian Friedman
Kimberley D. Harris
Caroline J. Heller
Roderick Jenkins
Jeffrey E. LaGueux
Maura K. Monaghan
Jonathan D. Polkes
Raul F. Yanes

Executive Director

Kim Sweet

Deputy Director

Matthew Lenaghan



equipment needed for these services. Students with disabilities who require related services outside of their classrooms should always have a safe, secure, and comfortable place to go for those services so critical in supporting their progress in school.

This fall, we received a particularly troubling call from a parent of a student with special needs in a high school self-contained class that was meeting in the school's locker room – bathroom stalls and all. Only after the parent complained were the students moved to a small office – too small, though, to comfortably hold 15 adolescents. We look forward to working with the City Council to address the issue of overcrowding in schools.

Turning to City Council Resolution No. 563, AFC supports the ultimate goal of this resolution, as we believe it is premature to raise the cap on the number of charter schools before putting laws and practices in place that adequately protect students' civil rights in the context of school discipline and ensure that charter schools serve high-needs populations. In our recent report, *Civil Rights Suspended: An Analysis of New York City Charter School Discipline Policies*, we found that many charter schools have discipline policies that fail to meet due process requirements of the U.S. Constitution and state law. For example, out of 164 NYC charter school discipline policies we reviewed, 107 policies allow suspension or expulsion for any infraction, no matter how minor, and 61 charter school policies fail to provide students with required opportunities to be heard prior to suspension, in violation of state and federal laws. AFC is calling upon state lawmakers to make changes to the charter school law that would address the issues we see in charter school discipline policies and in our casework.

In addition, at AFC, we have received calls over the years from families of students with disabilities that wanted to enroll their children at a charter school but were being told by school staff that the school was not a good fit or that the students would not be able to receive all of their mandated special education services at the charter school. Furthermore, enrollment figures have shown that many NYC charter schools are not enrolling English Language Learners in numbers comparable to the City's district schools, as required by law. Because charter schools are public schools, they must serve all students, including high-needs students. For these reasons, we support the goal of Resolution No. 563 and oppose raising the cap on the number of charter schools at this time.

Thank you for the opportunity to speak with you today. I am happy to answer any questions you may have.