



Agudath
Israel
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אגודת ישראל באמריקה

April 8, 2016

MEMORANDUM

TO: Ms. Aloysee Jarmoszuk, Chief of Staff to Deputy Chancellor Elizabeth Rose

FROM: Rabbi David Zwiebel

cc: Members of the Committee of New York City Religious and Independent School Officials

I respectfully submit this memorandum in my capacity as chairman of the Committee of New York City Religious and Independent School Officials (“Committee”), as a follow-up to the dialogue we commenced on February 9, 2016, at the Committee’s most recent meeting with the Department of Education, regarding the Proposed NYC DOE Smart Schools Investment Plan (“Proposed NYC Plan”). We are deeply grateful for this opportunity to engage the city in constructive dialogue, and look forward to continuing that dialogue at the city’s earliest possible convenience.

We wish to take this opportunity to put into writing our concerns regarding the Proposed NYC Plan as it pertains to the nonpublic school community.

The NYC 2016 DOE Smart Schools Investment Plan

Figure 1 presents an excerpt of the Proposed NYC Plan now posted on the NYC DOE website.¹

Figure 1

PROPOSAL

The DOE proposes distribution of the allocation as follows:

Category	\$ in millions	% of total
Technology	\$ 383.14	48.92%
Pre-Kindergarten	\$ 100.00	12.77%
Transportable Classroom Unit Removals	\$ 300.00	38.31%
Total	\$ 783.14	100.00%

1. Technology:

The DOE plans to invest approximately \$383.14MM of its SSBA allocation to continue developing and expanding its technology infrastructure in school buildings and acquire necessary learning technology equipment. Our goal is to provide all students and educators with the essential tools for academic achievements and professional success in today's digital age.

- \$272.8MM will be invested in the expansion and upgrade of schools' digital networks and will ensure their ability to have consistent broadband connectivity, including wired or wireless technology. This funding will ensure the DOE's ability to continuously install and upgrade the essential equipment to stay current with high-speed transmission technologies for the foreseeable future. Specifically, the funding will assist in covering the costs of school infrastructure build-out that is ineligible for discount under the E-Rate program, or for schools reaching their E-rate funding cap limitation of \$150 per student for such projects.
- \$88.3MM will be used to acquire student and teacher learning technology equipment over the next five years, to support programs that include Mayor Bill de Blasio's Computer Science for All. Allocating SBBA funds to these initiatives will support the DOE's strategic plan to provide these high quality programs and curriculum to more students.
- \$22.1MM will be allocated to fund a computer loan program for Non-Public school students. The SSBA requires public school districts, including the DOE, to provide equitable technology to Non-

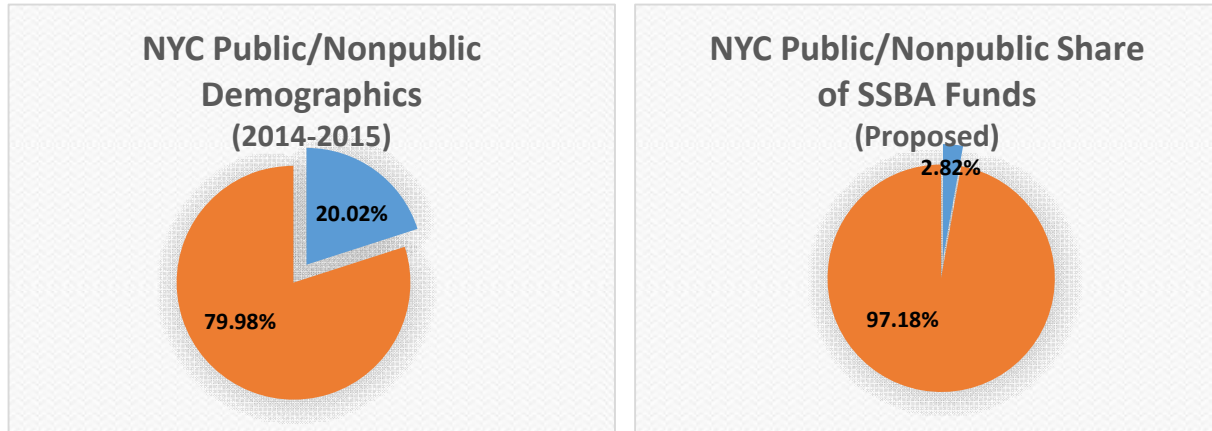
The Proposal asserts that, of the \$783.14 MM to be disbursed, only \$22.1 MM would assist NYC nonpublic school children. Put differently, as demonstrated in Figure 2 below, the 238,736 nonpublic school children of NYC,² who comprise approximately 20% of students citywide,

¹ <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2015-2016/NYCSSBAApril202016PEP>

² For purposes of the SSBA, which excludes children categorized under Article 89.

would receive 2.82% of funds created by a bill touted to “equalize opportunities for children to learn.”³ The nonpublic school community is respectfully seeking a more equitable share.

Figure 2



The Statutory Obligation

Per the statute, “school authorities, as defined in subdivision twelve of section two of this chapter, shall have the power and duty, to the extent provided in this section, to loan, upon request of an individual or a group of individual pupils, to all pupils legally attending nonpublic elementary or secondary schools located in the school district, smart schools classroom **technology** acquired...”⁴

Thus, the pertinent allocation lies within the \$383.14 MM listed under the Technology heading in Figure 1, above. While an equitable share of this figure may yield a rate in excess of \$300 per nonpublic school student, we note the statutory cap of \$250 per nonpublic school student.⁵

NYC’s Assertion

NYC, however, would significantly whittle this \$250 figure. It asserts that nonpublic school children are only entitled to their proportionate share of **\$88.3 MM**, per Figure 1. This would yield only \$92.60 per NYC nonpublic school child.

The city’s logic, it seems, is based on shifting \$272.8 MM of its investment, or approximately 76% of the total public school technology investment allotment, to a category it deems not eligible for nonpublic school participation. As we will demonstrate, the category constructs created by NYC are not in line with the law as promulgated by the state and unfairly exclude funds that should equitably be shared with nonpublic school children.

³ Ballot language for the Smart Schools Bond Act, as required by Part B of the statute.

⁴ Smart Schools Bond Act, § 755.

⁵ Smart Schools Bond Act, at 2.

Wireless vs. Wired Connectivity

As detailed in Appendix I (page 46 of the Proposed NYC Plan), most of the \$272.8 MM the city has relegated to “infrastructure” is scheduled to be spent on Wireless Access Points (“WAPs”, technically similar to wireless routers), servers, and other portable, loanable devices. For example, WAPs are listed at \$55.0 MM, the single most significant line item. Wireless controllers (which work in tandem with WAPs), \$23.2 MM; servers, \$5.8 MM. Indeed, the large majority if not all of the items listed as “Connection/Components” are portable, loanable devices. Denying nonpublic schools their proportionate share of these devices is not in agreement with the statute and SED Guidance:

The statute states that the following shall be loaned:

“learning technology hardware for schools, classrooms, and student use, including **but not limited to** whiteboards, **computer servers**, desktop computers, laptop computers, and tablet computers.”⁶

The Guidance expands:

“Upon request, school districts must loan, at no charge, technology obtained as part of the Smart Schools Bond Act, including, but not limited to interactive whiteboards, and desktop, laptop and tablet computers, **servers and wireless routers** to children attending nonpublic schools located within their district boundaries. These devices are not required to be the same as the ones purchased by the public school district.”⁷

FAQ #42 of the SED’s SMART SCHOOLS BOND ACT FAQ is even more explicit:

42) Would access points be devices or capital infrastructure?

A: Since the installation may call for some wiring, districts should include this in their discussions with the Office of Facilities Planning. NYSED has determined that access point devices may be loaned to nonpublic schools, if they request them.⁸

No distinctions are made between laptops, WAPs and servers in any of the literature. It is untenable, this Committee maintains, for items the Statute, Guidance and FAQs clearly demarcate as loanable, to not be included in the calculation of loanable devices.

In summary, NYC has included items in the “capital infrastructure” category which common sense dictates, and the law states, are in fact portable, loanable hardware. Based on this flawed formula, nonpublic schools are currently scheduled to receive far less of a portion of the pie than they ought to receive.

⁶ Smart Schools Bond Act, Part C, § 2(16)(a)(7)

⁷ P. 19.

⁸ SMART SCHOOLS BOND ACT FAQ - NERIC VIDEOCONFERENCE 10/27/2015, FAQ #42, p.10.

Conclusion

Based on our information, we believe that the nonpublic school community overwhelmingly voted for the SSBA, fully expecting an equitable portion of the \$2 billion bill to benefit children in the nonpublic schools. In fact, however, at least in the case of the \$783.14 MM described by the Proposed NYC Plan, this is not the case. As we enter an age of mandated Computer Based Testing, when technology is increasingly a part of our lives and the educational experience, it is vital that nonpublic school students receive their equitable share.

We respectfully request that NYC properly classify devices, and include in their loan formula items that the law and SED guidance have clearly stated are eligible for nonpublic school use.

We look forward to continuing this conversation and working with you to better the opportunities for all NYC school children.

Thank you,

A handwritten signature in black ink, appearing to read "David Zwiebel". The signature is fluid and cursive, with a large initial "D" and "Z".

Rabbi David Zwiebel, Chairman

New York City Committee of Religious and Independent School Officials