



Community District Education Council 26

New York City Department of Education

Address: 61-15 Oceania Street, Bayside, NY 11364 Phone: (718) 631-6927 Fax: (718) 631-1347 E-mail: CEC26@schools.nyc.gov

Albert Suhu <i>President of the Council</i>	Ribhi Alam <i>First Vice- President</i>	Sae-Jung Lee <i>Second Vice President</i>	David Rosenfeld <i>Recording Secretary</i>	Qian Kang <i>Treasurer</i>
<i>Council Members:</i> Dennis Chan Sulinda Hong Monica Huang	(Louis) Hsuante Tsai Zhao Shao (Liz Tsen)	<i>Student Members:</i> Arleen Chodha Isaiah Tandjung	<i>District 26 Community Superintendent:</i> Anthony Inzerillo	

Resolution Demanding the NYC Department of Education to Abolish the "Cycle of Fiscal Entrapment" Imposed on Budget Appeals Schools

WHEREAS, there does not appear to be a publicly accessible webpage on the New York City Department of Education (DOE) website explaining or defining “Appeals Schools”; however, a press release from the Mayor’s Office states that, “Every year the DOE sets aside funds to address budget appeals and adjustments. This funding ensures the DOE can meet schools’ needs as they arise over the summer and into the fall. Appeals funding is distributed based on the financial condition of each school compared to schools of similar size and considers additional criteria such as unique conditions at each school,”ⁱ and a subsequent press release states that, “New York City public schools will also be enhancing the budget appeals process to ensure it is responsive to schools’ special education staffing needs.”ⁱⁱ; and

WHEREAS, the “needs of schools” are defined in each school’s Comprehensive Education Plan (CEP), pursuant to New York State Education Lawⁱⁱⁱ and applicable Chancellor’s Regulations, and the CEP serves as the school’s official planning document identifying student needs, school-wide goals, and the instructional, programmatic, and support strategies—both mandated and discretionary—required to meet those needs, thereby presuming that the school’s approved budget allocation is sufficient to implement the CEP as submitted and approved; and

WHEREAS, in Fiscal Year 2025, twelve of the twenty-four elementary schools (K–5 and K–8), representing fifty percent (50%) of elementary schools in Community School District 26, are unable to fund the services outlined in their CEPs and therefore must rely on the DOE budget appeals process to meet payroll obligations and avoid the excessing of pedagogical staff; and

WHEREAS, approved budget appeals are funded primarily through allocation categories labeled “TL Temporary Shortfall,” with more than eighty percent (80%) allocated as “TL Temporary Shortfall Teachers,” and analysis of Galaxy Allocations data demonstrates that these same District 26 schools have remained in appeals status continuously for the past ten to fifteen years (see Exhibits 1 and 2), thereby disproving any assertion that appeals funding reflects isolated or temporary fiscal circumstances and conclusively demonstrating that the funding mechanism for these schools is structurally flawed; and

WHEREAS, aggregate funding shortfalls for District 26 appeals schools have more than doubled from \$3.4 million in Fiscal Year 2023 to \$6.9 million projected for Fiscal Year 2026 (see Exhibit 1), yet the DOE has taken no substantive or corrective action to address the accelerating magnitude of these persistent deficits; and

WHEREAS, the extraordinary and recurring budget shortfalls experienced by District 26 appeals schools are not attributable to fiscal mismanagement nor to conditions that “arise over the summer and into the fall,” but instead result from the same “unique conditions” recurring annually, which compel schools to pursue appeals funding as a matter of necessity, rendering the appeals process a harmful and temporary remedy rather than a solution, including but not limited to:

- The treatment of approved appeals funding as advances or “loans” against future allocations;
- The interaction between small school capacities and the Fair Student Funding (FSF) formula;
- Higher-than-average citywide teacher salaries;
- All-or-nothing funding streams;
- Limited eligibility for additional FSF weights; and

WHEREAS, funds distributed through the appeals process are not baselined as permanent budget adjustments, but instead are treated as advances subject to repayment through subsequent allocation reductions or Deficit Reduction Plans,

thereby creating a “Cycle of Fiscal Entrapment” in which a school receiving appeals funding in one fiscal year has an equivalent amount deducted from its opening allocation in the following year, perpetuating annual deficits, destabilizing school leadership, preventing long-term planning, and demoralizing school communities; and

WHEREAS, neighborhoods in the outer boroughs—particularly Staten Island and eastern Queens—contain the highest concentrations^{iv} of low-density residential zoning (R1–R4)^v, resulting in schools that were intentionally designed with smaller capacities, and accordingly the average enrollment of the twelve District 26 appeals schools is 386 students, compared to an average enrollment of 600 students in non-appeals schools within the district, demonstrating that small-capacity schools are structurally underfunded and therefore unable to provide equitable services to their students; and

WHEREAS, small-capacity schools experience a “small school penalty” whereby nearly the entirety of their per-student FSF allocation is consumed by classroom teacher salaries, leaving insufficient funds to support fixed operational expenses—exclusive of the principal and school secretary positions partially offset by the \$225,000 FSF base allocation—including administrative support staff, guidance counselors, before- and after-school programming, and Other Than Personal Services (OTPS) expenditures such as instructional materials^{vi}; and

WHEREAS, schools with larger capacities benefit from economies of scale whereby per-student FSF allocations adequately cover classroom teacher salaries and fixed expenses, thereby avoiding the structural deficits routinely imposed on small schools; and

WHEREAS, District 26 has the highest average teacher salaries among New York City’s thirty-two school districts, reflecting historically low teacher turnover, yet higher salary costs significantly reduce the purchasing power of FSF allocations, requiring a greater proportion of funds to be devoted to payroll and diminishing schools’ ability to staff adequately or fund essential non-personnel expenses^{vii}; and

WHEREAS, few District 26 schools receive Title I funding under the Elementary and Secondary Education Act (ESEA), despite many schools narrowly missing eligibility thresholds, thereby depriving appeals schools of a critical fiscal buffer to support student services, enrichment programs, and staffing needs that cannot be met under the structurally insufficient FSF allocation; and

WHEREAS, recent additions to the FSF formula^{viii}—including weights for students in temporary housing and schools with high concentrations of poverty, housing instability, or disabilities—have had the unintended consequence of diluting the relative purchasing power of general education weights, which District 26 schools disproportionately rely upon due to comparatively lower concentrations of high-need students; and

WHEREAS, schools in appeals status are subject to severe budgetary restrictions, including the freezing of discretionary OTPS funds, thereby jeopardizing or eliminating curriculum purchases, enrichment programming, and vendor contracts essential to student learning; and

WHEREAS, the DOE conditions appeals funding on strict austerity measures that compel schools to eliminate or forgo essential services, including school aides, guidance counselors, and cluster teachers in arts, music, and technology, potentially violating the State’s constitutional obligation to provide a “sound basic education” as articulated in *Campaign for Fiscal Equity v. State of New York*^{ix}, and causing demonstrable harm to students and families in District 26 (see Exhibit 3); and

WHEREAS, the Class Size Reduction law imposes mandatory staffing requirements on District 26 schools that are fiscally unattainable when schools are simultaneously required to repay appeals funding through future budget reductions; and

WHEREAS, District 26 schools submit budget appeals to the Queens North Borough Citywide Office (QNBCO), which serves Districts 24, 25, 26, and 30, and which has therefore possessed full knowledge of the magnitude, duration, and recurring nature of appeals requests across these districts for more than fifteen years, raising serious concerns regarding the adequacy and integrity of the Borough Citywide Office budget resolution process; and

WHEREAS, since 2012 the QNBCO budget office has approved more than twice the amount of appeals funding for District 26 as for any other district (see Exhibit 4), demonstrating that both QNBCO and the DOE Central’s financial

operations are fully aware of the persistent structural shortfalls, yet have continued to issue temporary funding rather than pursue a permanent and equitable remedy to address the deficiencies of the existing funding framework; and

THEREFORE, BE IT RESOLVED, Community Education Council (CEC) 26 demands that the DOE Division of Finance immediately cease treating recurring appeals funding as advances or “loans,” and desist from classifying predictable and repeated budget shortfalls experienced by small schools in District 26 as “temporary,” and instead permanently defray these shortfalls by issuing baselined allocations through new or existing School Allocation Memoranda (SAMs), including but not limited to:

- SAM #6 Collective Bargaining for School Based Staff (to offset higher teacher salary costs)
- SAM #16 Individualized Education Program (IEP)/Intervention Teacher Allocation
- SAM #21 School Based IEP Team Staff
- SAM #29 School Allocations, Amendments and Adjustments (to mitigate the “small school penalty”)

BE IT FURTHER RESOLVED, that to prevent disruption to school operations, staffing, and instructional planning, the DOE Division of Finance finalize the budgets of schools in perpetual appeals status on the same timeline as all other schools, prior to the start of the summer recess; and

BE IT FURTHER RESOLVED, CEC 26 demands that the DOE Chief Financial Officer meet regularly with the Council until this systemic inequity is resolved to the satisfaction of the District 26 school community.

During the CEC 26 meeting held on February 12, 2026, the resolution was reviewed and unanimously approved by all members in attendance.

ⁱ <https://www.nyc.gov/mayors-office/news/2022/08/mayor-adams-chancellor-banks-additional-funding-flexibility-schools>

ⁱⁱ <https://www.nyc.gov/mayors-office/news/2023/01/mayor-adams-chancellor-banks-push-increase-equity-fair-student-funding-formula>

ⁱⁱⁱ <https://www.nysenate.gov/legislation/laws/EDN/2590-F>

^{iv} <https://www.nyc.gov/assets/planning/download/pdf/plans-studies/city-of-yes/housing-opportunity/housing-opportunity-guide-illustrated.pdf>

^v <https://zola.planninglabs.nyc/>

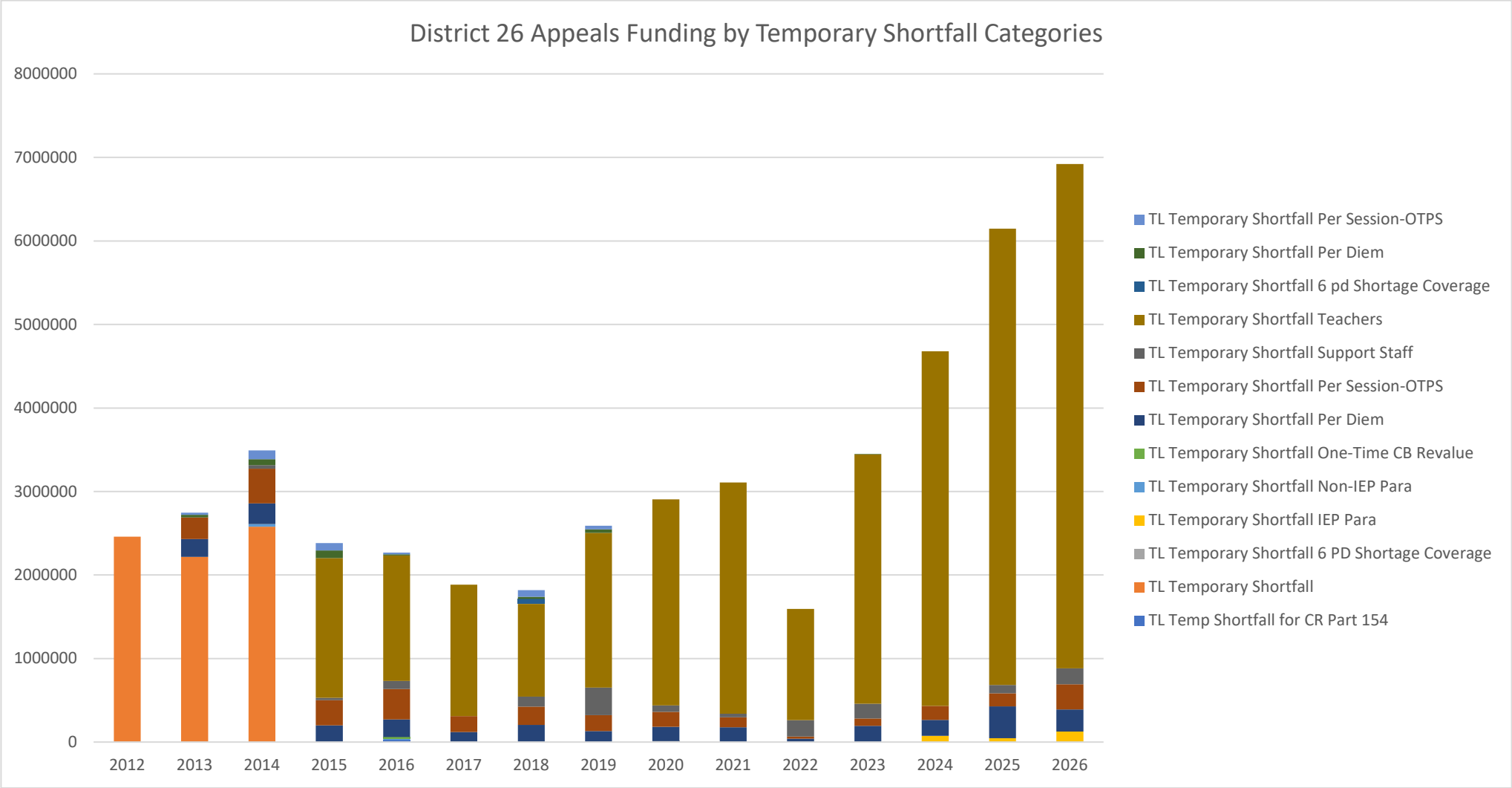
^{vi} <https://www.schools.nyc.gov/about-us/funding/funding-our-schools/fair-student-funding-fsf>

^{vii} https://seethroughny.net/teacher_pay/363724584

^{viii} <https://www.ibo.nyc.gov/content/publications/2025-may-whats-in-a-weight-budgetary-impacts-of-fy24-fsf-formula-changes>

^{ix} https://www.nycourts.gov/reporter//3dseries/2006/2006_02284.htm

EXHIBIT 1 – Growth in Temporary Shortfall Funding in District 26 Schools / FY 2012 – FY 2026



Source: DOE Galaxy Allocations, https://www.nycenet.edu/offices/d_chanc_oper/budget/DBOR/galaxy/galaxyallocation/default.aspx

EXHIBIT 2 - Temporary Shortfall Funding for Select District 26 Schools / FY 2012 – FY 2026

School by Year	Q018	Q031	Q094	Q098	Q115	Q158	Q162	Q178	Q188	Q191	Q203	Q205	Q213	Q221	Q266	Q390	Grand Total
2012	\$170,358	\$202,677	\$213,695			\$278,292	\$100,149		\$151,112	\$110,504	\$45,000	\$132,345		\$13,200	\$168,674		\$1,586,006
2013	\$457,683	\$151,466	\$239,526	\$176,358	\$27,748	\$231,198	\$129,631	\$50,218	\$253,453		\$143,634	\$89,198			\$233,713		\$2,183,826
2014	\$209,748	\$301,512	\$204,696	\$399,980	\$31,187	\$329,994	\$218,028	\$100,759	\$247,805	\$149,391	\$213,534	\$90,070	\$101,131		\$414,353		\$3,012,188
2015	\$198,793	\$195,709	\$246,882	\$390,959	\$39,735	\$333,281	\$48,556			\$260,189	\$68,064	\$85,005			\$362,008		\$2,229,181
2016	\$92,787	\$107,528	\$319,885	\$351,005	\$30,772	\$367,756	\$33,354		\$46,657	\$160,568	\$28,845	\$194,000	\$123,690		\$411,066		\$2,267,913
2017	\$53,521	\$70,505	\$213,773	\$349,451		\$238,713				\$113,462		\$273,943	\$176,146		\$393,679		\$1,883,193
2018	\$38,000	\$67,000	\$138,529	\$170,380		\$300,862	\$24,284			\$139,995	\$21,537	\$110,960			\$667,695		\$1,679,242
2019		\$306,635	\$292,287	\$186,532		\$154,010	\$28,252			\$144,251	\$151,894	\$215,013	\$63,844	\$61,622	\$563,306		\$2,167,646
2020	\$168,775	\$298,307	\$329,333	\$156,289		\$209,697			\$180,519	\$250,915	\$210,641	\$244,700	\$245,142	\$14,040	\$597,052		\$2,905,410
2021	\$452,380	\$357,365	\$321,501	\$102,106				\$145,043	\$435,016	\$31,789	\$269,824	\$260,647	\$146,408		\$587,224		\$3,109,303
2022	\$92,822		\$289,824	\$45,447				\$186,464				\$319,708	\$122,169		\$505,351	\$31,625	\$1,593,410
2023	\$191,892	\$445,085	\$207,481	\$300,579	\$3,281	\$117,032		\$219,766	\$86,196	\$160,788	\$275,175	\$338,964	\$114,401		\$906,784	\$68,729	\$3,436,153
2024	\$273,181	\$471,627	\$214,826	\$499,368	\$184,673		\$85,536	\$392,625	\$616,576	\$349,192	\$11,326	\$110,651	\$376,949		\$689,958	\$401,360	\$4,677,848
2025	\$134,934	\$627,809	\$220,746	\$472,395	\$336,359			\$453,066	\$856,406	\$387,656		\$180,092	\$597,206	\$328,932	\$1,188,725	\$363,825	\$6,148,151
2026		\$567,430	\$322,205	\$588,905				\$445,905	\$814,179	\$645,010		\$905,075	\$502,327	\$483,683	\$1,421,316	\$225,935	\$6,921,970
Grand Total	\$2,534,874	\$4,170,655	\$3,775,189	\$4,189,754	\$653,755	\$2,560,835	\$667,790	\$1,993,846	\$3,687,919	\$2,903,710	\$1,439,474	\$3,550,371	\$2,569,413	\$901,477	\$9,110,904	\$1,091,474	\$45,801,440

Source: DOE Galaxy Allocations, https://www.nycenet.edu/offices/d_chanc_oper/budget/DBOR/galaxy/galaxyallocation/default.aspx

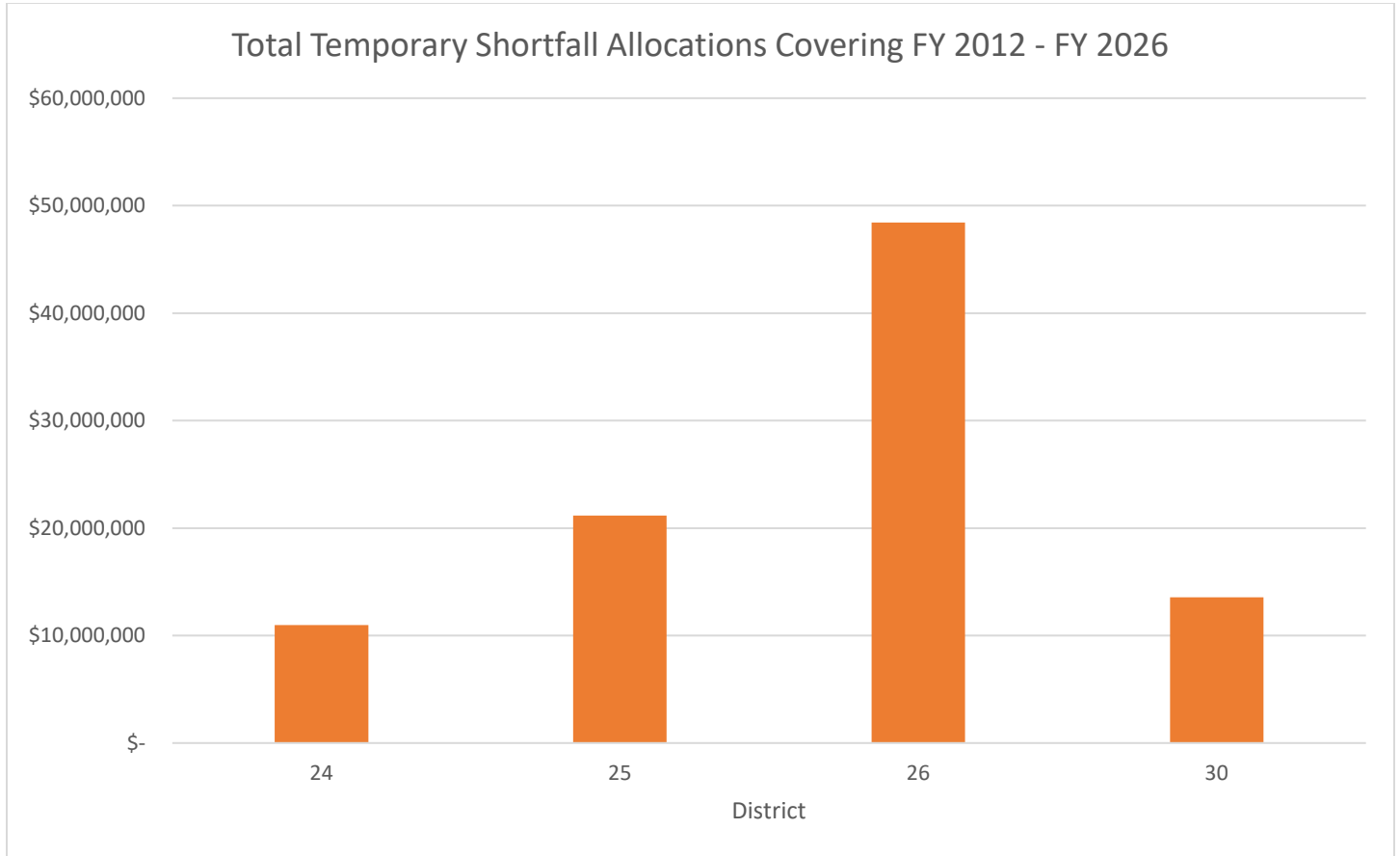
EXHIBIT 3 Unfunded Needs of District 26 Appeals Schools FY 25

School	Description of Unfunded Needs
PS 94	Outlined a comprehensive set of instructional, staffing, and enrichment needs. Requests include:
	Literacy and math instructional materials (\$78,100),
	i-Ready (\$8,500),
	Intervention staffing (\$41,940),
	Replacement of a broken A/C unit (\$3,500),
	General classroom supplies (\$30,000),
	Teacher per-session for enrichment and academic programs (\$25,000),
	Assemblies (\$10,000),
	A musical theater residency (\$20,000).
	Estimated total: ~\$217,000
PS 98	identified needs such as:
	Additional AIS teacher - (\$114,000)
	Per-session funding for family engagement events (\$8,000),
	Supplemental instructional materials (\$8,000),
	An additional 2 days for the guidance counselor to support student full-time (\$52,000)
	Estimated total: ~\$182,000
PS 162	identified needs related to facilities, staffing, instructional supports, and enrollment sustainability.
	A/C replacement (\$15,000),
	Cluster teacher support (F-Status 2 Day a Week) (\$50,000),
	Pupil accounting secretary + 2 days a week (40,000)
	School aide (\$10,000),
	Supplemental Workbooks \$30,000
	IReady supplemental materials: \$10,000
	Saturday and afternoon programs - \$25,000
	Monthly parent workshops- \$10,000
	Estimated total: ~\$190,000
PS/IS 178	identified instructional needs, including:
	Literacy and math supplemental materials (\$80,900),
	Science/literacy/math instructional support staffing (\$41,940),
	Instructional coaching (\$12,500),
	SEL professional learning (\$15,000),
	Family engagement (\$4,000)
	Enrichment programming (\$45,000),
	A/C replacement (\$10,500),
	General supplies (\$7,000),
	School branding (\$10,000).
	Estimated total: ~\$227,000
PS 188	identified needs including:
	A/C replacement (\$10,500),
	i-Ready (\$6,000), AMIRA (\$3,500),
	Instructional supplemental workbooks (\$24,000),
	Per-session to support family engagement (\$1,200),
	Arts residency (\$10,000),
	Per-diem to support professional learning (\$91,744),
	General supplies (\$5,000).
	Estimated total: ~\$152,000
PS 191	needs focus on instructional staffing, academic materials, and student supports.
	The school identified the need for an F-status AIS intervention teacher (\$42,000),
	From 2 day to 5 day (full-time) guidance counselor (\$77,000),
	Classroom supplies (\$25,000),
	Teacher per-session for enrichment (\$10,000),
	Assistant principal per-session support (\$5,000),
	iPads (\$10,000),
	Rigby Readers (\$30,000),
	Into Reading decodables (\$15,000),
	Into Reading student workbooks (\$20,000),
	Math intervention resources (\$4,000),
	Assemblies (\$10,000),
	A morning breakfast program school aide (\$5,400),
	Furniture replacement (\$30,000),
	A copier (\$4,000).
	Estimated total: ~\$287,400

EXHIBIT 3 Unfunded Needs of District 26 Appeals Schools FY 25 (continued)

School	Description of Unfunded Needs
PS 205	identified facilities and enrichment needs, including:
	Replacement of five broken A/C units (\$20,000),
	General instructional supplies and student technology (\$30,000),
	Per-session funding for after-school arts enrichment programs (\$10,000–\$15,000).
	Estimated total: ~\$65,000
PS 213	Unfunded needs related to student support, technology access, and facilities. Requests include:
	After-school programming (\$20,000),
	Replacement of five broken A/C units (\$30,000),
	A school aide position (\$18,300),
	MTSS and supplemental academic supports for at-risk students (\$35,000),
	After-school MTSS and equity team work (\$16,000 combined).
	Classroom instructional technology and devices (40,000)
	Additional needs include i-Ready instructional support (\$6,000),
	A copier replacement (\$3,000),
	General instructional supplies (\$9,000).
	Estimated total: ~\$177,300
PS 221	identified instructional, technology, and student support needs including:
	Literacy and math supplemental materials (\$53,000),
	Classroom instructional technology and devices (\$48,100),
	Intervention staffing (\$41,940),
	A/C replacement (\$10,500),
	General supplies (\$40,000),
	Per-session enrichment (\$12,000),
	Furniture (\$3,575),
	Classroom library enhancements (\$8,000).
	Estimated total: ~\$217,000
PS/IS 266	Identified needs across intervention staffing, student supports, enrichment, technology, and facilities.
	AIS - instructional intervention staffing (\$120,897)
	Professional learning and instructional materials (\$10,000),
	A school counselor (\$121,397),
	Arts residencies (\$15,000),
	Enrichment and athletics (\$25,000),
	Assemblies (\$10,000),
	Family engagement activities (\$10,000),
	Classroom instructional technology and devices (\$40,000),
	Classroom libraries and supplemental materials (\$40,000),
	An additional recess school aide (\$11,000)
	2 school aides for an additional ½ hour for a breakfast program (\$3,000),
	A/C replacement (\$10,500),
	School branding (\$10,000).
	Estimated total: ~ 427,000
PS 390	identified needs focused on SEL, enrichment, and instructional resources. Requests include:
	A guidance counselor (\$40,000),
	Classroom libraries (\$15,000),
	Literacy and math resources (\$22,370),
	Per diem for professional learning coverage (\$9,500),
	After-school programming (\$8,800),
	Assemblies (\$3,000),
	Parent engagement events (\$2,500),
	Copier replacement (\$3,700).
	Estimated total: ~\$105,000
PS 31	identified needs including:
	Replace four broken A/C units (\$14,000)
	Classroom instructional technology and devices (approximately \$87,000).
	Estimated total: ~\$101,000

EXHIBIT 4 - Temporary Shortfall Allocations for Queens North Borough Citywide Office / Total of FY 2012 – FY 2026



Source: DOE Galaxy Allocations, https://www.nycenet.edu/offices/d_chanc_oper/budget/DBOR/galaxy/galaxyallocation/default.aspx