

Resolution on Improving the Class Size Reduction Law

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WHEREAS, the New York State Legislature passed Bill S9460/A10498 “Class Size Reduction” (“the Law”) on June 1, 2022¹, and Governor Kathy Hochul signed the bill into law²;and

WHEREAS, the Law states that “Each year of the plan, an additional twenty percent of the classrooms in the city school district, .. shall be in compliance with the class size targets”³; and

WHEREAS, the New York City Public Schools’ (NYCPS) first annual report was submitted on November 15, 2023, stating, “40% of classes in New York City are at or below the class size caps imposed by law”⁴, thereby achieving the compliance targets in Year 1 and projected to be in full compliance with the Year 2 targets WITHOUT having to take any material actions to reduce class sizes; and

WHEREAS, the NYCPS’ Class Size Reduction Plan, signed September 29, 2023, estimates there are “approximately 400-500 school buildings in Group 2 that may not be able to meet the class size caps from a space perspective”⁵.

WHEREAS, further analysis estimates that around 200 new school capacity projects, e.g. – expansions and new schools, are required to be completed to provide the necessary space in overcrowded neighborhoods;⁶and

WHEREAS, the School Construction Authority has historically managed around 20 construction projects simultaneously, with an average completion rate of 5 years per project, thereby demonstrating that it is impossible to construct 200 projects within the 5-year timeline mandated by the Law; and

WHEREAS, the recurring costs of class size reduction is estimated at \$1.9 B and non-recurring costs for capacity investments exceed \$30 B⁷, yet the NYS legislature passed the Law without providing any new funding; and

WHEREAS, in absence of receiving new funding to implement class size reduction, NYCPS is forced to raise funds by eliminating or scaling back popular programs and services, such as Summer Rising, 3-K, social workers, bilingual services, etc.; and

¹ <https://www.nytimes.com/2022/06/03/nyregion/nyc-schools-class-sizes.html>

² Governor Hochul signed the bill into law on September 8, 2022 and subsequently signed Senate Bill S843 on March 3, 2023, to revise the dates of 1) compliance with class size reduction law to school years September 2023 through September 2028, 2) submission of annual reports on the status of implementation beginning November 15, 2023, 3) submission of a financial impact statement on November 15, 2025; See <https://gothamist.com/news/gov-kathy-hochul-signs-nyc-class-size-cap-with-one-year-delay>; <https://www.nysenate.gov/legislation/bills/2023/S843>

³ Section 211-D - Contract for excellence, Section 2.b.(ii)(3), <https://www.nysenate.gov/legislation/laws/EDN/211-D>

⁴ https://drive.google.com/file/d/1-KteQw2qzn8u0_ciROs3WrXIPaaDRDpg/view

⁵ https://drive.google.com/file/d/1XVxM5dnJYDEzPCLLM-AObnt7Xyc_iFzq/view

⁶ https://drive.google.com/file/d/1zULIMo-d8CNuSj_3WLjThS7EtOWfvc/view

WHEREAS, the Class Size Working Group’s final recommendations ⁸ include the highly controversial capping of enrollment at overcrowded schools, requiring families to send children farther away from their homes; and

WHEREAS, NYCPS has determined District 28 to be one of the most overcrowded districts in New York City⁹, all schools in D28 are not complying with this law as they stand. The state mandated five-year window for compliance will very likely cause unacceptable harm by displacing District 28 families through artificially imposed enrollment levels of much fewer students in each District 28 school;

NOW THEREFORE, BE IT RESOLVED, Community Education Council 28 urges the state legislature to enact the amendments to the class size reduction law

- Working with NYC DOE to determine a feasible extension of completion date
- Demand NYC DOE to create a detailed plan to implement this goal. The plan needs to be actionable, measurable and enforceable. It should include all long term projects such as new schools and extensions needed to accommodate our students to comply with the law.
- Focus class size reduction efforts first on overcrowded schools with the highest levels of poverty and lowest levels of academic achievement, while planning for construction of buildings in all other overcrowded neighborhoods.
- Give school leadership, especially principals greater flexibility to create plan and timeline that fit individual school the best

⁸https://drive.google.com/file/d/1gSiFUcuLOj49PLCMptkroFjXBHow2b_/view?usp=sharing

⁹https://drive.google.com/file/d/1XVxM5dnJYDEzPCLLM-AObnt7Xyc_iFzq/view