
Memorandum of Support of S.6296 A.7447

To require New York City to develop and implement a five-year class size reduction plan

Education Law Center (ELC) is the nation's legal defense fund for public education rights and, since 2011, has worked to advance the right of all children to a sound basic education as guaranteed by the New York Constitution.

We urge the Legislature to pass and the Governor to sign S.6296/A.7447 to ensure New York City public school students are provided a resource essential to a meaningful opportunity for a sound basic education: small class size.

Smaller class size is among the most effective tools for improving education outcomes, especially for students from low-income families, students with special needs and students of color. In 2003, New York's highest court recognized the importance of reasonable class sizes in its landmark Campaign for Fiscal Equity v. State (CFE) ruling. The Court of Appeals found that tens of thousands of City school children were consigned to excessively large classes, a "systemic failure" in providing a "sound basic education.

Almost two decades later, New York City school children remain consigned to the same excessively large class sizes the Court of Appeals found unconstitutional. Data from 2019 shows over thirty-five thousand (35,000) first through third graders were assigned to classes of 30 or more, a nearly 3,000% increase since 2007. In total, almost 300,000 City students were in classes of 30 or more as of October 2019.

In 2007, the Legislature enacted the Contract for Excellence Law (C4E) mandating New York City reduce these extreme class sizes. In 2008, the City committed to a plan to reduce class sizes within five years – or by 2012 – in three grade spans. Under that plan, class size averages in Kindergarten through third grade were to be lowered to no more than 20 students, to 23 students in grades 4-8, and 25 students in core high school classes. Unfortunately, the City failed to fulfill this plan and, as a result, class size averages in all grade spans have increased since 2007: 14% in Kindergarten through third grade, 14.6% in 4th-8th grade, and 2% in high school.

We are grateful the Legislature has committed to full funding of the Foundation Aid Formula. But the Legislature must also ensure the increased funding provides research-proven resources to improve student learning. It is well past time for New York City to reduce the excessive class sizes in its schools. Enacting S. 6296/A. 7447 will ensure the City achieves that crucial goal for all of its million-plus students.