



Education Law Center Testimony
In Support of Int. 2374-2021
A Local Law to amend the administrative code of the city of
New York, in relation to classroom capacity
New York City Council
Committee on Education
October 27, 2021

Dear Chair Treyger and Members of the Committee:

My name is Wendy Lecker and I am a Senior Attorney at 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 and as effectuated by the landmark Campaign for Fiscal Equity (CFE) ruling. Prior to joining ELC, I served on the legal team that litigated the CFE case. In addition, ELC has been co-counsel in New York's two more recent major school funding cases: *Maisto v. State* and *NYSER v. State*.

We write in support of Int. 2374-2021, an amendment designed to ensure New York City public school students are provided a resource essential to a meaningful opportunity for a sound basic education: reasonable class size. The amendment would guarantee every New York City public school student 35 square feet of net floor area.

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. Moreover, year after year, reducing class size is consistently the top priority for New York City public school parents' when asked about changes they want in New York City schools. New York City teachers also overwhelmingly support smaller class size as an effective strategy for improving both learning and teaching conditions.

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. Over 300,000 City students were in classes of 30 or more just prior to the pandemic.

As vital as reduced class size was prior to the COVID-19 pandemic, its importance has increased significantly since. Smaller class size is essential to ensuring adequate social distance

that will safeguard students' health. Moreover, smaller classes enable teachers to establish and maintain personal connections with students. These connections are essential to helping students manage the trauma they have experienced in the past year and a half so that they can focus on learning.

As this school year gets underway in the midst of COVID-19, there are already disturbing stories of unsafe, excessive class sizes. As one teacher in Brownsville reported in the [Daily News](#), “[t]wenty-six kids, most in ill-fitting masks drooping below their noses, were in my small classroom barely a foot apart...” Students and teachers in [Queens](#) face similar unsafe class sizes that are also not conducive to effective learning.

In 2021, the New York State Legislature finally committed to fully funding the City's allocation of Foundation Aid within the next three years. Governor Hochul cemented that multi-year commitment when she announced the settlement of the *NYSER* case. In addition to these state funds, the City will be received federal pandemic aid. New York City now has a unique opportunity to finally remedy a key “systemic failure” found in the CFE case- excessive class size- and to improve the health, academic, and life outcomes of hundreds of thousands of New York City public school students.

Int. 2374-2021 is a necessary oversight tool to ensure that New York City lives up to its commitment to its children to provide smaller class size, an educational resource that is essential to the guarantee of a constitutionally “sound basic education.” We urge the City Council to pass this bill.

Thank you.