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## **CLASS SIZE MATTERS BRIEF**

**March 2022**

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### **What has happened to class size this school year and what will happen to class size if the Mayor's cuts are enacted?**

The issue of excessive class size has long been a top concern of New York City public school teachers, parents, and advocates, and was one of the reasons the state's highest court, the Court of Appeals, concluded in 2003 in the Campaign for Fiscal Equity case that class sizes in New York City schools were too large to provide students with their right to a sound basic education.<sup>1</sup> Unfortunately, after that decision was issued, class sizes increased sharply rather than decreased and have remained for nearly twenty years at unacceptably high levels.

Given the need for improved safety protocols and disruptions in students' education during the pandemic, the concern about the need for smaller classes in the city's schools has only grown. Students require stronger support and enhanced feedback from their teachers to make up for the huge disruptions in their learning and engagement for the last two years.

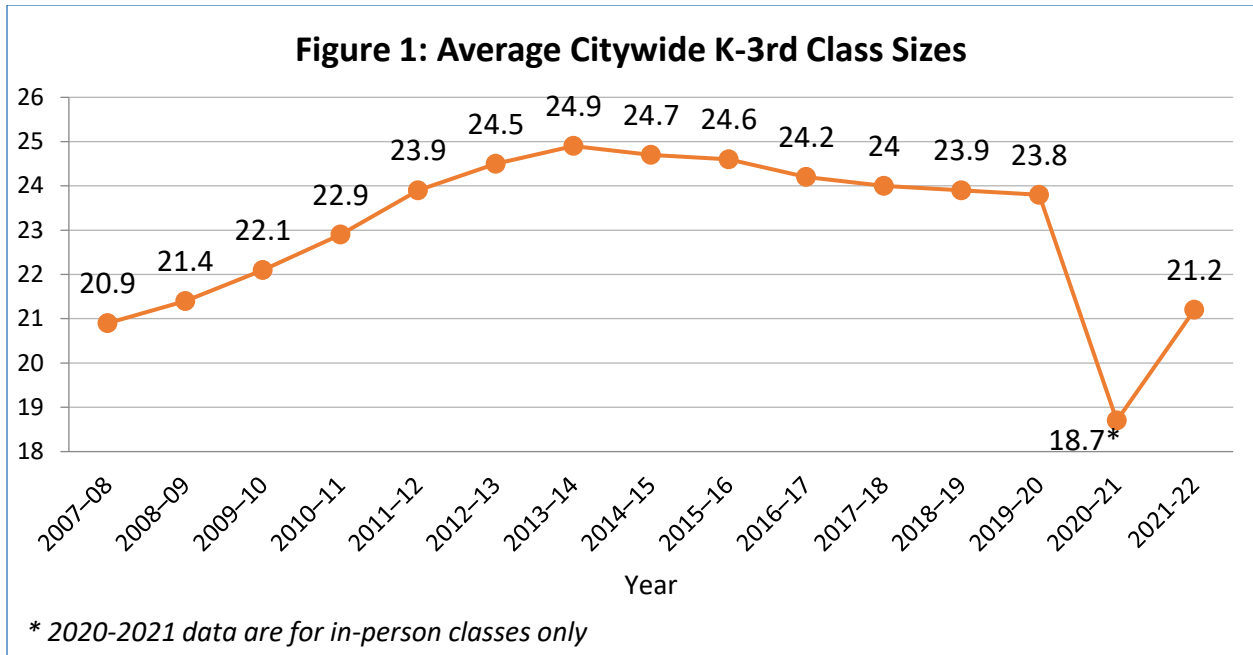
#### **Average class sizes have sharply dropped this year – but not uniformly**

Class sizes in New York City public schools rose sharply starting in 2007, especially in the early grades, as a result of city budget cuts and then the state failing in its commitment to fully fund the Campaign for Fiscal Equity decision. Since then, class sizes have remained at high levels during the intervening years.

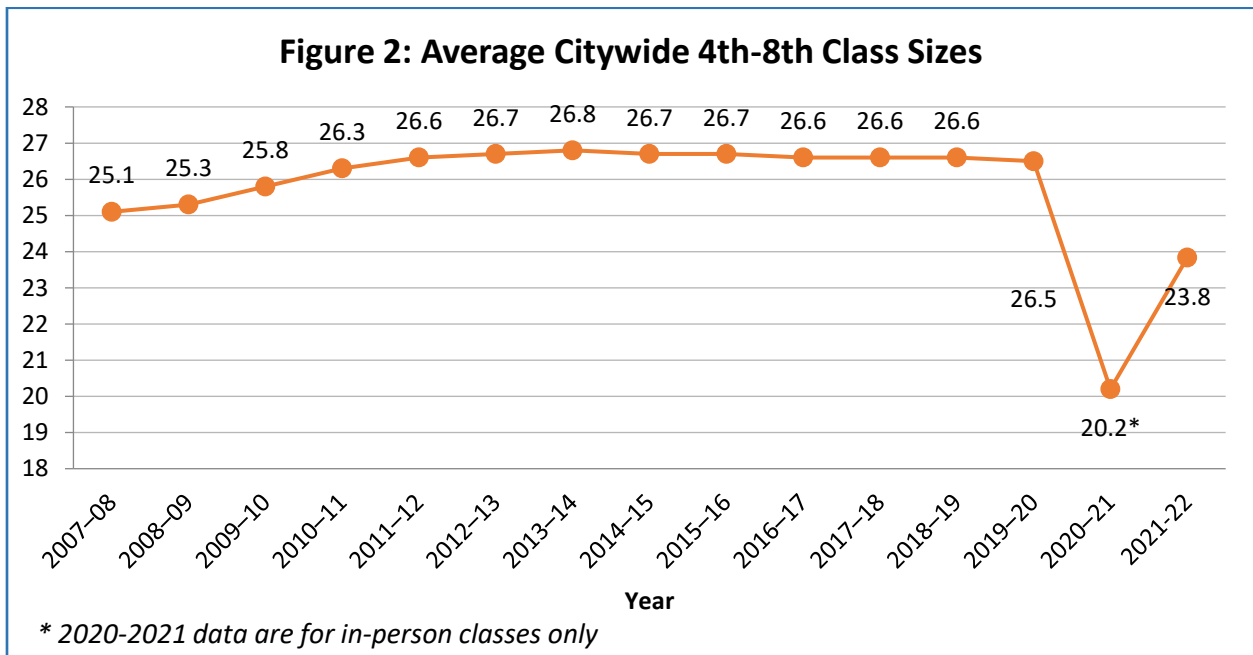
Yet as a result of the sharp decline in enrollment this fall, class sizes have substantially dropped at most schools. Figure 1 shows the citywide trend in average class sizes for kindergarten through third grade between 2007 and the fall of 2021 with data taken directly from the New York City Department of Education's annual class size reports.

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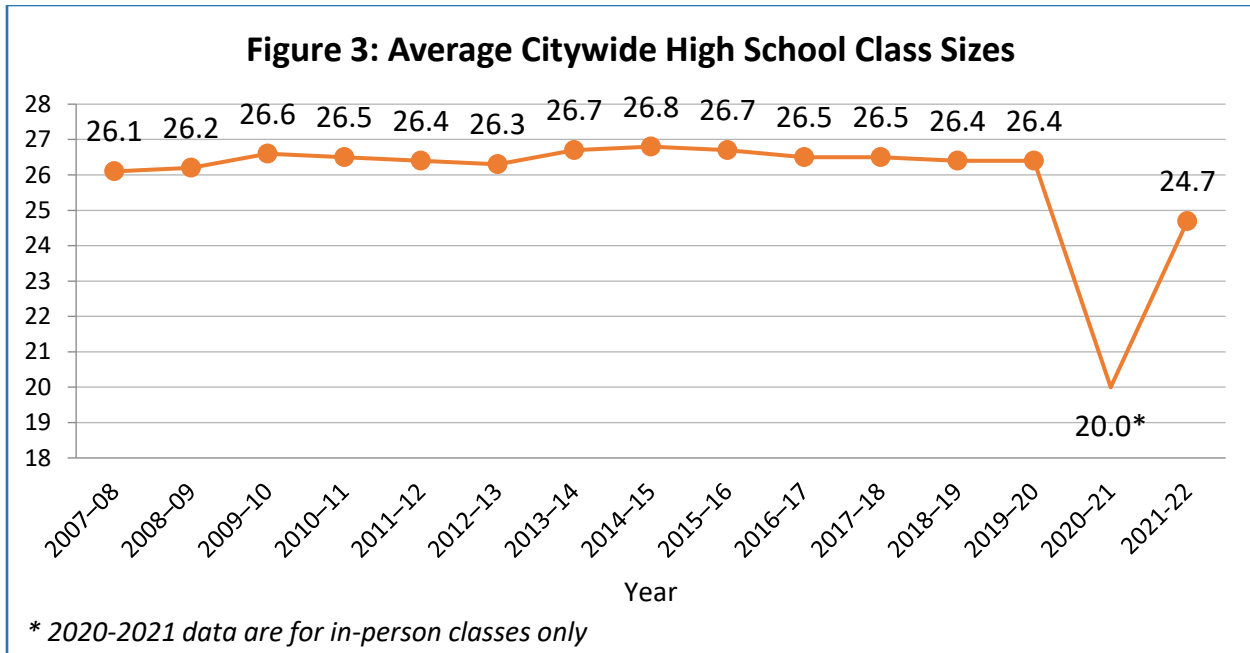
<sup>1</sup> New York, Court of Appeals. *Campaign for Fiscal Equity, Inc., et al. v. State of New York, et al. (CFE II)*, 100 N.Y.2d 893, 2003, pp. 911-912. Case Text, [https://www.law.cornell.edu/nyctap/l03\\_0084.htm?msclkid=afe3852ca70311ec8608bd77359e0d54](https://www.law.cornell.edu/nyctap/l03_0084.htm?msclkid=afe3852ca70311ec8608bd77359e0d54)



The average class sizes for fourth through eighth grade over that same period are displayed below in Figure 2, and those for high school classes are shown in Figure 3.<sup>2</sup>



<sup>2</sup> In all cases, we used the class size data reported annually on November 15 that reflects class sizes as of the October 31 official register. All the class size data is linked to on the Infohub section of the DOE website entitled “Class Size Reports.” November 2021, <https://infohub.nyced.org/reports/government-reports/class-size-reports>



Two points of clarification: first, the exceptionally small class sizes shown here for the 2020-2021 school year reflect the size of in-person classes only, since despite repeated promises, the New York City Department of Education (DOE) never reported on the class sizes for the 60 percent or more students engaged in remote or part-time blended learning classes.<sup>3</sup>

Secondly, these class size data are the averages reported by DOE for general education, gifted/accelerated and inclusion classes only, as self-contained special education classes are categorized separately and capped by state law at far lower levels.

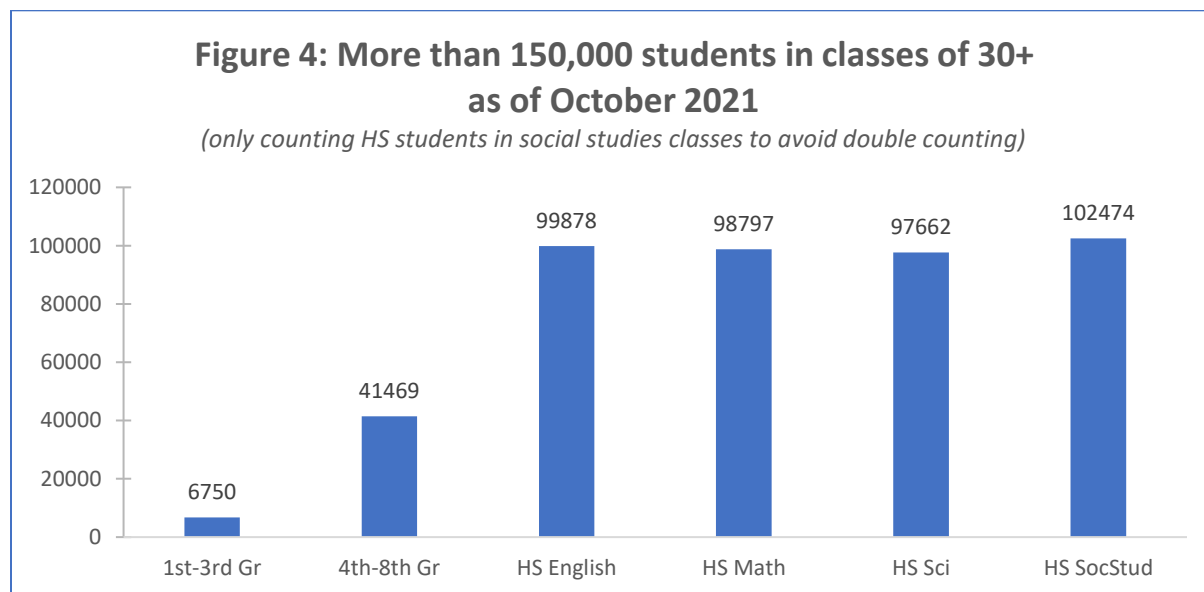
<sup>3</sup> Though the DOE promised several times to release class size data for the remote or blended learning classes, they never did. See the letter from Deputy Karin Goldmark to Council Member Mark Treyger, dated November 14, 2020, at: <https://drive.google.com/file/d/1bT6d9v1YcGS4xIW0q9LwbjqVP7vCenAJ/view>. Also see page 31 of the transcript of the City Council budget hearings on May 19, 2021, where Chancellor Meisha Porter is quoted stating, “That data is being collected and we will work to make sure that we make it available to you.”; “Transcript of the Minutes of the Committee on Finance Jointly with the Committee on Education, Subcommittee on Capital Budget, Committee on Health, the Committee on Mental Health, Disabilities and Addiction and the Committee on Public Housing.” New York City Council, 19 May 2021, New York, pp. 31. <https://legistar.council.nyc.gov/View.ashx?M=F&ID=9617407&GUID=C6ABF1E5-C7EB-4001-B0FB-8FE90497412F> Additionally, see the DOE summary deck from November 2021: “during remote and blended learning, new guidance was given to schools to assign students to different official classes depending on their blended/remote cohorts. How schools implemented and documented this change varied, therefore 20-21 class size data may not reflect true class size.” New York City Department of Education. “New York City Class Size 2021-22 (Preliminary).” November 2021, <https://infohub.nyced.org/docs/default-source/default-document-library/2021-22-november-class-size-report---webdeck.pdf>

How do we know that the sharp drop in class size this year is due primarily to enrollment decline rather than additional teachers/classes over the number provided pre-pandemic in 2019-2020?

We calculated the number of classes per grade and found that there were 360 fewer general education, gifted and inclusion classes offered in grades K-8, and more than a five thousand fewer offered in high school compared to the fall of 2019.<sup>4</sup>

And though the average class size in high school has declined, the disparities in high school class sizes between schools has worsened. For example, 44,533 students (about 22 percent) were in high school English classes of more than 34 as of the end of October - in violation of the UFT high school class size contractual cap of 34 - compared to only 5,876 students in the fall of 2019 in classes this large. More than 25 percent of high school students were in social studies classes that violated the union contractual cap.

Indeed, according to our analysis, more than 150,000 students overall were in classes of thirty or more as of October 31 this year, as shown in Figure 4. (We only counted the students in high school social studies classes in this total in order to avoid double counting.)



We also found that in all grades, class sizes range widely across districts with class sizes especially large in a number of districts in the Bronx, Brooklyn, Staten Island and especially Queens.

As seen in Figure 5, the average class size in grades K-3 by district range from 17.4 students per class in District 4 to 23.3 students per class in District 24. The citywide class size average, highlighted in green, was 21.2 students as of October 2021.

<sup>4</sup> For high school classes, we calculated them from the citywide distributional class size files, as the data was missing for in the usual file showing citywide averages for the fall of 2021.

**Figure 5: Average Class Sizes by NYC School District, Grades K-3rd as of October 2021**

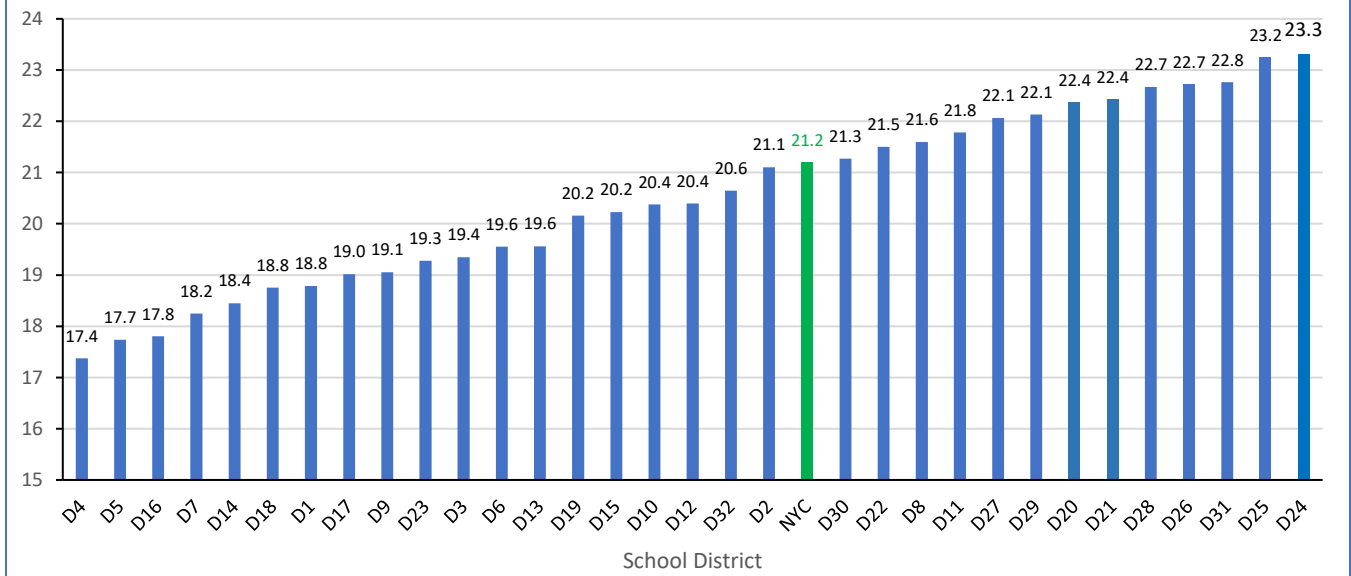
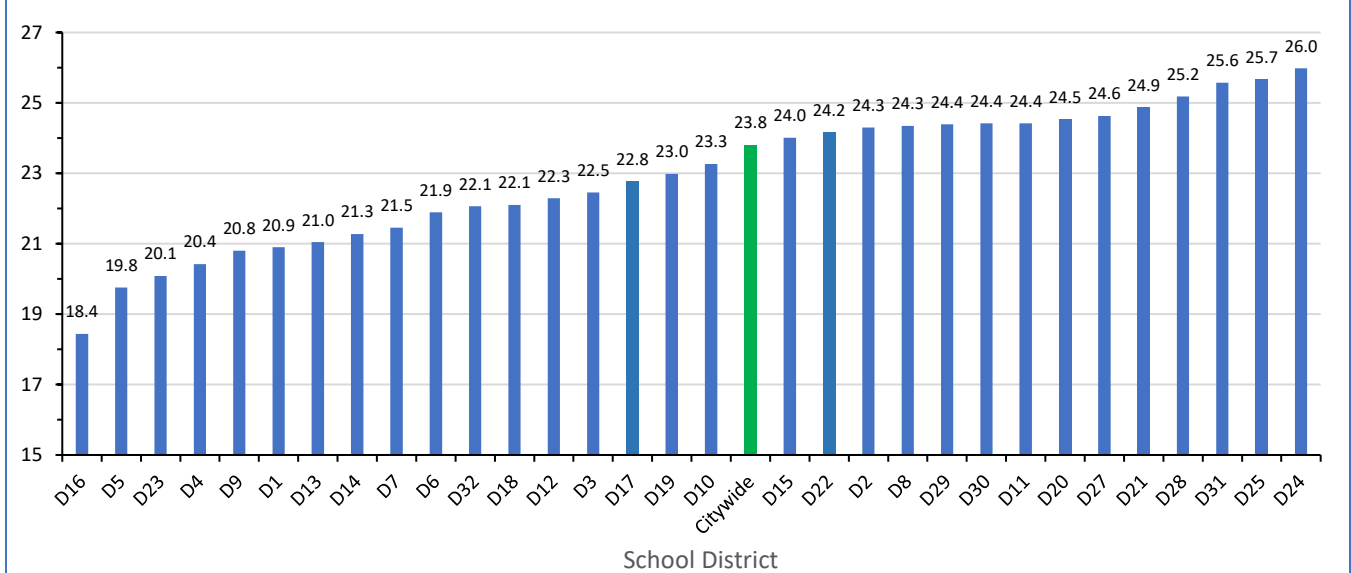
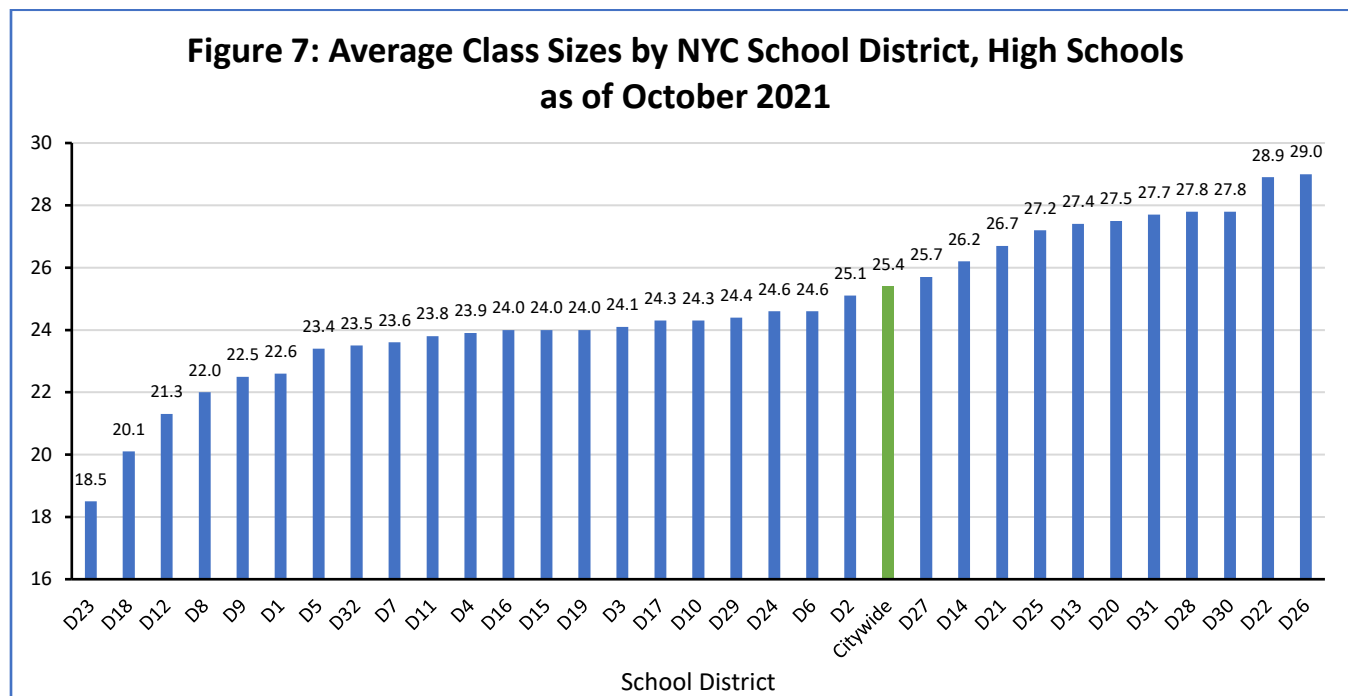


Figure 6 shows the average class sizes for grades 4-8 by school district as of October 2021. Here, average class sizes range from 18.4 students per class in District 16 to 26 students in District 24, and the citywide average class size at 23.8 students.

**Figure 6: Average Class Sizes by NYC School District, Grades 4th-8th as of October 2021**



Lastly, Figure 7 shows average class sizes in high schools by district as of October 2021. Average class sizes ranged from 18.5 students per class in District 23 to 29 students per class in District 26, with the citywide average at 25.4 students per class.



### **Class Size Reduction Pilot**

We also analyzed the pilot program established this year, in which 72 schools received a total of \$14,275,608 in additional funding to lower class size in grades K-2. According to the DOE budget allocation memo, *“The schools selected to participate in the pilot were elementary and K-8 schools that are higher need as determined by an Economic Need Index (ENI) exceeding 70% and students testing below the citywide average in both math and reading. Of these higher-needs schools, the 72 schools with larger average class sizes were selected to participate in the pilot.”*<sup>5</sup>

The memo specifically adds: *“Schools receiving these funds should prioritize the use of the allocation to reduce teacher/staff to student ratios in grades K-2 and help ensure students are reading on grade level by the end of second grade.”*<sup>6</sup>

<sup>5</sup> New York City Department of Education, Division of Finance. *School Allocation Memorandum No. 49, FY 2022*. Department of Education, Division of School budget Planning & Operations, 27 July 2021, [https://www.nycenet.edu/offices/finance\\_schools/budget/DSBPO/allocationmemo/fy21\\_22/fy22\\_docs/fy2022\\_sam049.htm](https://www.nycenet.edu/offices/finance_schools/budget/DSBPO/allocationmemo/fy21_22/fy22_docs/fy2022_sam049.htm)

<sup>6</sup> New York City Department of Education, Division of Finance. *School Allocation Memorandum No. 49, FY 2022, Targeted Literacy Supports and Class Size Reduction, Table 1: Schools Allocation Summary*. 27 July 2021,

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Yet after receiving funds ranging from ranging from \$226,270 to \$165,306 per school, the average class size in the pilot schools continues to be slightly larger than the citywide average (20.96 students versus 20.90 students per class). Fifty-four of these schools have average class sizes over twenty, and more than half of these schools (45 of 72) have class sizes larger than the citywide average.

According to our calculations, of the 72 pilot schools, fewer than half (29 schools) added any classes in these grades (either general education, inclusion or gifted) compared to 2019, and only 38 schools appear to have added classroom teachers since that year.<sup>7</sup>

It is hard to see how these funds were actually spent in those schools that did not either lower class size or add classroom teachers.<sup>8</sup>

### **Class sizes will likely increase to pre-pandemic levels if proposed budget cuts are enacted**

The City Council's overall assessment of the Mayor's preliminary budget reveals education cuts of \$521 million for next year.<sup>9</sup> Of that, \$375 million is aimed directly at school budgets, euphemistically entitled "enrollment changes" – presumably because as enrollment declines, so does the Fair Student Funding provided to schools. Another \$37 million in cuts to schools are characterized as "school allocation efficiency".<sup>10</sup>

These cuts are projected to lead to a loss of 3,642 positions in Fiscal 2023.<sup>11</sup> Of these lost positions, 3,227 are pedagogues, mostly teachers, on top of a loss of 126 pedagogues this year.<sup>12</sup> All this, despite a city budget surplus that is estimated by the Independent Budget Office (IBO) to be \$3.92 billion this year

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[https://www.nycenet.edu/offices/finance\\_schools/budget/DSBPO/allocationmemo/fy21\\_22/fy22\\_docs/FY2022\\_SAM049\\_T01.xlsx](https://www.nycenet.edu/offices/finance_schools/budget/DSBPO/allocationmemo/fy21_22/fy22_docs/FY2022_SAM049_T01.xlsx)

<sup>7</sup> We estimated the latter by counting how many inclusion classes were added, that have two teachers per class.

<sup>8</sup> DOE had claimed that they allocated over \$18 million for this pilot, while distributing only \$14.2 million to schools. What the remainder of nearly \$4 million is being spent on is unclear. For the \$18 million figure, see Jorgensen, Jillian. "72 Schools to Get Extra Cash to Cut Class Sizes." *Spectrum News NY1*, 27 July 2021, <https://www.ny1.com/nyc/all-boroughs/education/2021/07/27/72-schools-to-get-extra-cash-to-cut-class-sizes>; and Amin, Reema. "NYC's Budget Deal Pilots Smaller Class Sizes, Dedicating Millions to COVID Learning Loss." *Chalkbeat New York*, 30 June 2021, <https://ny.chalkbeat.org/2021/6/30/22558104/nyc-budget-deal-2022-smaller-class-size-covid-learning-loss>.

<sup>9</sup> New York City Council Finance Division. *Report on the Preliminary Financial Plan for Fiscal Year 2022-2026*. 2 March 2022, <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2022/03/FY23-Financial-Plan-Overview-1.pdf>

<sup>10</sup> Singh, Nevin. *Fiscal 2023 Preliminary Budget*. New York City Council Finance Division, February 2022, <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2022/03/FY23-Prelim-Budget-Dashboard.pdf>

<sup>11</sup> New York City Council Finance Division. *Report on the Preliminary Financial Plan for Fiscal Year 2022-2026*. 2 March 2022, pp. 10, <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2022/03/FY23-Financial-Plan-Overview-1.pdf>

<sup>12</sup> City of New York, Mayor's Office of Management and Budget. *February 2022 Financial Plan Detail, Fiscal Years 2022-2026*. February 2022, pp. 114, <https://www1.nyc.gov/assets/omb/downloads/pdf/tech2-22.pdf>

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and \$1.45 billion in FY 23.<sup>13</sup> ***The most likely impact of these cuts is the largest increase in NYC class sizes since the Great Recession.***

The proposed cuts to school budgets are a direct result of the Fair Student Funding (FSF) formula, which provides funding to schools based primarily on their enrollment. This formula has long-been critiqued but only tweaked in a minor fashion since it was first instituted by DOE in 2007.

In recognition of the many problems with the FSF formula, in January 2019, the City Council passed Local Law 1174 to create a Task Force to analyze the formula and come up with a report by September 2019 with recommendations on how to improve it.<sup>14</sup> While the members of the taskforce met several times, they never came out with a report, because the Mayor's office resisted the recommendations of many of its members to revise the formula, in part because of how it incentivizes schools to increase enrollment and thus, class size.

Instead, eight of the parent and advocate members of the Task Force authored a separate report, in which they pointed out the flaws in the formula and revealed that nearly 80 percent of the principals who responded to a survey the Task Force developed identified large classes in their schools to be a direct consequence of the way the formula was designed.<sup>15</sup> These Task Force members called for a separate class size reduction program that the DOE would fund. As Shino Tanikawa, a parent member of the task force, recalled, "The DOE agreed to develop such a plan once our schools received full funding from the Campaign for Fiscal Equity lawsuit, but has reneged on that promise, once again, as it has so often in the past."<sup>16</sup>

## **The smaller class size standards in the Blue Book conflict with large cuts to school seats in the proposed capital plan**

In the most recent annual School Construction Authority (SCA) report on school utilization and capacity released in December 2021, otherwise known as the "Blue Book", the DOE and the SCA have lowered the maximum classroom capacity in their school utilization formula in grades 4th through 8th to 23 students per class compared to 28 students previously and in high school to 25 students per class versus 30 previously.<sup>17</sup>

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<sup>13</sup> New York City Independent Budget Office. *Key Findings From Our Latest Economic Forecast & Review of the Mayor's 2023 Preliminary Budget and Financial Plan*. 2 March 2022, <https://ibo.nyc.ny.us/iboreports/2022-preliminary-budget-snapshot-print.pdf>

<sup>14</sup> New York City Council, Committee on Education. "Creation of a Fair Student Funding Task Force." New York City Council, Legislative Research Center, 11 January 2019, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3704386&GUID=A0533C7F-F4A4-422C-BABE-A94ED4B8A717&Options=&Search=>

<sup>15</sup> Fair Student Funding Task Force. "People's Recommendations for Fair Students Funding." April 2021, <https://drive.google.com/file/d/1vFeZ5ECysE8mXveCLjS-lzB0wNsilnwP/view>

<sup>16</sup> Tanikawa, Shino. "Why the Fair Student Funding Task Force Report was Never Released, and Recommendations from Eight of Its Members." *New York City Public School Parents*, 10 November 2021, <https://nycpublicschoolparents.blogspot.com/2021/11/why-fair-student-funding-task-force.html>

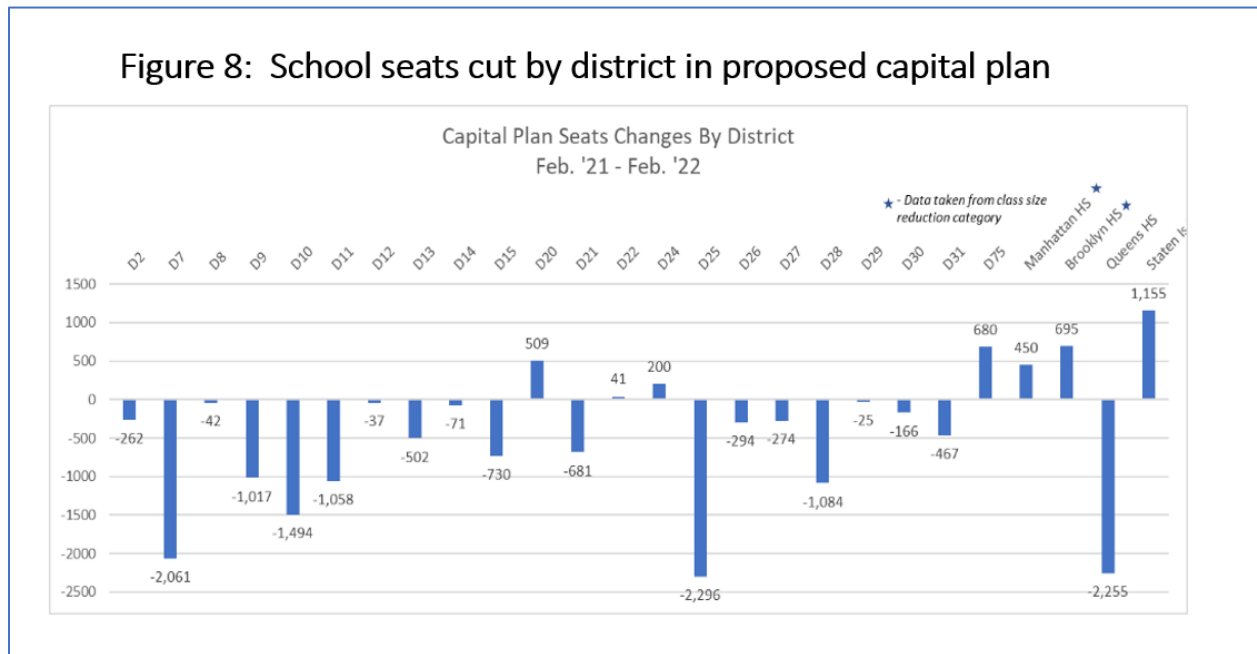
<sup>17</sup> New York City Department of Education & New York City School Construction Authority. *2019 – 2020 Enrollment, Capacity and Utilization Report: Target Calculation*. New York City Department of Education, 2020, pp. 4-5, <http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Enrollment-Capacity-Utilization-69>



These class size standards are aligned with the goals of the original class size reduction plan proposed by DOE and approved by the state in 2007 in compliance with the Contracts for Excellence law passed by the State Legislature that same year. For grades K-3, the Blue Book capacity formula has been 20 students per class in these grades since 2003, the same goals in their original class size reduction plan.

The proposal to lower the class size standards in the Blue Book in grades 4-12 was one of the top recommendations of the Blue Book Working Group, established by then-Chancellor Farina in 2014. However, the Mayor’s Office rejected this recommendation in 2015.<sup>18</sup> The fact that SCA has now decided to revise the capacity formula to account for the need for smaller classes is promising.

However, in the latest proposed amendment to the Five-year Capital Plan for FY 2020-2024, released in February, the spending on new school capacity has also been cut by \$1.5 billion or 19 percent, compared to the capital plan as adopted in June 2021.<sup>19</sup> Instead of 57,489 school seats in the adopted plan, there are only 45,883 seats in the new proposed plan, including over 6,000 school seats eliminated from Queens and nearly that many from the Bronx. See Figure 8, showing the proposed seats cut per school district below:



<sup>18</sup> Welby, Julianne. “How Squeezed Are the Schools? We May Get a Better Picture.” *WNYC*, 28 July, 2015, <https://www.wnyc.org/story/city-make-changes-how-it-accounts-space-schools/>

<sup>19</sup> New York City Department of Education & New York City School Construction Authority. *FY 2020 – 2024 Five-Year Capital Plan Proposed Amendment*. February 2022, <http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Capital-Plan-67>

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The small number of seats added for Brooklyn and Manhattan high schools refers to the addition of annexes for the Harbor School and Medgar Evers High School, in the category called “Class size reduction.”<sup>20</sup>

On March 2, 2022, we sent a letter to Nina Kubota, the President of the School Construction Authority, along with the co-chairs of the Education Council Consortium, NeQuan McLean and Shino Tanikawa, asking what the actual significance of the revising the Blue Book class size standards actually means. Does it mean that the SCA expects that all schools will have adequate space to reduce class size to these levels at the end of the five-year capital plan, or by some other time in the future? And if the latter, when would that be?<sup>21</sup> On March 19, we received a letter in response from the SCA that did not answer this question.<sup>22</sup>

We have real concerns about these proposed cuts and do not believe that they are justified. The latest Blue Book also reveals that as of the fall of 2019, there were 609 schools that were at 102% utilization or more, with a collective shortage of 85,768 seats. Although citywide enrollment has declined since then, we do not believe that the 45,883 seats that are funded in this proposed plan are sufficient to meet the need to eliminate overcrowding and to lower class size.

## **Two city laws to strengthen school planning that have not been fulfilled**

Our doubts as to the accuracy of the sharp drop in the seat-need projections made by the SCA in the latest version of the capital plan are further reinforced by the fact that they continue to refuse to make the methodology by means they make these projections transparent. This ongoing problem was pointed out in the City Council report *Planning to Learn* issued in 2018:

*While some information related to school planning for NYC schools is readily available, including data on school capacity, enrollment projections, and housing starts, how the pieces of data are combined and used to determine future school seat need is not as transparent. In addition, there is no clear and transparent process by which new schools are funded. This opacity erodes public trust in decisions made related to building new school facilities and hinders the ability for the public, the City Council, and other officials to advocate on behalf of SCA and DOE.*<sup>23</sup>

In response to the perceived need to make these seat-need projections more transparent and credible, the City Council passed Local Law 167 in 2018, which required the DOE to explain their methodology as well as disaggregate the projections by grade level, as well as report on the number of seats lost each

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<sup>20</sup> These are the only two projects listed under the “class size reduction category,” though according to press reports much of the funding will be spent on building a swimming pool for the Harbor School and a gym for the Medgar Evers high school.

<sup>21</sup> The letter we sent to the SCA President is here:

[https://drive.google.com/file/d/1h9XLpapFgQrMS\\_vmQDzptEI8HVSLo\\_zT/view?usp=sharing](https://drive.google.com/file/d/1h9XLpapFgQrMS_vmQDzptEI8HVSLo_zT/view?usp=sharing)

<sup>22</sup> The SCA letter in response, along with our comments is posted here:

[https://drive.google.com/file/d/1dVWmx\\_qi-8OD4AHBQwFZU\\_-mVUUiuVSi/view?usp=sharing](https://drive.google.com/file/d/1dVWmx_qi-8OD4AHBQwFZU_-mVUUiuVSi/view?usp=sharing)

<sup>23</sup> New York City Council. *Planning to Learn: The School Building Challenge*. March 2018, pp. 41,

<https://council.nyc.gov/land-use/wp-content/uploads/sites/53/2018/03/Planning-to-Learn-3.16.2018-high-resolution.pdf>.

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year.<sup>24</sup> Yet the requirements of this law have still not been met. In fact, SCA currently provides very little additional information compared to before the law came into force on December 1, 2019.

The SCA has a web page on which they post some of the data specified by Local Law 167, but the following information is still missing, as follows:<sup>25</sup>

- No data is provided for the number of projected new school seats needed, disaggregated by grade span or type of school, i.e., with separate figures for Pre-K vs. elementary schools vs. middle schools, either citywide, or by district or sub-district, as called for in the law.
- The law also mandates that the DOE provide any inputs that are used to determine these projections, including “*any categories of non-quantitative criteria considered, which may include but need not be limited to, facility replacements, grade expansion and truncation, school rezonings, co-locating schools, and converting space in existing facilities.*” None of these qualitative inputs are reported on the SCA webpage.
- Finally, the law requires the reporting of not just the quantitative and qualitative data that the DOE relies upon to determine its projections, but most importantly, the methodology they rely upon to put all these various inputs together, to explain “***the process ... used to determine identified seat need.***” Yet nowhere does the SCA or DOE offer any description of the actual method or formula they use to incorporate mathematically the various factors they rely upon in developing their seat need projections, which they say include current levels of utilization, projected housing starts multiplied by the “public school ratio,” and their consultant’s enrollment projections, as well as lost seats caused by the removal of trailers and annexes, lapsed leases, and/or the replacement of school buildings.

Class Size Matters, along with the co-chairs of the Education Council Consortium, made these points in our letter to SCA President Kobuta, and asked when this information would be provided to the public. The letter we received in response simply claimed that all this information was already publicly available, without explaining where or how.

Another recommendation in the City Council’s ***Planning to Learn*** report was to improve the SCA school site identification process, which is often unacceptably slow and leads to schools being funded in overcrowded districts for many years and yet remaining unbuilt.

Currently, fewer than half of the 57,489 seats funded in the adopted five-year plan that was first introduced in 2019 have yet to be sited according to the new proposed Capital plan – only 23,990 seats. Furthermore, according to their website, the SCA employs only four real estate brokers to assist them in finding suitable sites, one per borough, except for Brooklyn and Staten Island, which share one.<sup>26</sup>

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<sup>24</sup> City of New York. *Locals Laws of the City of New York for the Year 2018: No. 167*. City of New York, Office of the City Clerk, Corporation Counsel, <https://legistar.council.nyc.gov/View.ashx?M=F&ID=6714467&GUID=ED9C486B-ACA7-4D5B-8D56-F2EA0A950976>

<sup>25</sup> New York City School Construction Authority. “Capital Plan Reports & Data: Local Law 167 Reports.” 2017, <http://www.nycsca.org/community/capital-plan-reports-data#Local-Law-167-Reports-352>

<sup>26</sup> New York City School Construction Authority. “Overview: Our Brokers.” 2017, <http://www.nycsca.org/Real-Estate/Overview#Our-Brokers-338>

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In response, the Council also passed Local Law 168 in 2018 to improve the efficiency of school siting. The law required the creation of a Task Force that would assess and report on the suitability of all vacant lots, both city- and privately-owned, for their potential use to site schools.<sup>27</sup> This Task Force was supposed to include representatives appointed by the heads of several city agencies, including the SCA, the DOE, the Division of Citywide Administrative Services, City Planning, Housing and Preservation, the City Council, and the President of a local development corporation.

The Task Force met only twice, and in the fall of 2019, the SCA issued a two-page report which Class Size Matters received from the City Council via a Freedom of Information request. The report was accompanied by a spreadsheet that ruled out hundreds of city-owned sites by claiming that no seats were needed in these districts. Yet many of these same districts had schools that had been funded in the Capital Plan but as yet lacked sites. Moreover, no assessment was included of any of the 22,070 privately-owned sites.<sup>28</sup> At least two of the members of the Task Force, including the representative appointed by the City Council, said the SCA had not elicited any input from them in their analysis or in their final report.<sup>29</sup>

In the letter we recently received from the SCA, they did not clarify why many of these potential city-owned sites were excluded, while adding that they were still in the process of evaluating privately-owned sites. They provided no data for when this analysis would be completed; nor did they explain why it has taken so long, given that the law required this analysis be completed by July 2019, more than two years ago.<sup>30</sup> The letter also said that they had eliminated roughly 4,900 of the 22,065 privately owned sites from the list provided them by the Department of Finance (DOF), about 22 percent of those listed, because they “*lack sufficient location information,*” though they did not say why the DOF could not be asked to supply that information.

### **City Council should reject these budget cuts and approve a measure to phase in appropriate class size caps over five years**

We strongly urge the City Council to reject the Mayor’s proposed cuts to the education budget, as well as the proposed cuts to the Capital Plan, and require that the SCA commit to providing the full transparency in their seat-need projections, as required by Local Law 167. They should also ask the SCA when their analysis of privately-owned lots will be complete, as mandated by Local Law 168, and clarify why so many of the city-owned lots were ruled out, often for confusing and even contradictory reasons.

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<sup>27</sup> City of New York. *Local Laws of the City of New York for the Year 2018: No. 168*. City of New York, Office of the City Clerk & Corporation Counsel, <https://legistar.council.nyc.gov/View.ashx?M=F&ID=6715118&GUID=2EE4A502-7E3B-44BF-9A06-EB8BC691F61B>

<sup>28</sup> School Siting Task Force. *School Siting Task Force Report*, October 2019, <https://www.classsizematters.org/wp-content/uploads/2020/01/School-Siting-Task-Force-Report-Final-10.4.19-1.pdf>; and accompanying spreadsheet at: <https://www.classsizematters.org/wp-content/uploads/2020/01/Copy-of-School-Siting-Task-Force-LL168-Final-October-2019-4.xlsx>

<sup>29</sup> School Siting Task Force. *Memo to Council Co-Sponsors of Local Law 168: Analysis of the Results of the School Siting Task Force and Recommendations Moving Forward*. Class Size Matters and NYC Kids PAC, 7 February 2020, [https://drive.google.com/file/d/1sDpB\\_i6sOUKEJwxVrRE6SHYNQ6-bZ0vr/view](https://drive.google.com/file/d/1sDpB_i6sOUKEJwxVrRE6SHYNQ6-bZ0vr/view)

<sup>30</sup> The letter from the SCA also reported that x privately owned sites, or 22%

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***In addition, the Council should re-submit a bill to phase in smaller caps in all grades.***

In July 2021, a bill was introduced by the former chair of the City Council Education Committee Mark Treyger that would cap class sizes at much lower levels to be phased in over three years. Int 2374-2021 would amend the city's administrative code to require 35 square feet of space per student in public school classrooms.<sup>31</sup> This bill was signed onto by 41 out of 50 members but never came to a vote.

The consensus for such a measure has grown even stronger, given the serious disruptions to learning from the pandemic and the need to provide uncrowded classrooms to allow for social distancing. Moreover, given that long last, the city is now in the process of receiving an additional \$1.3 billion from the settlement of the Campaign for Fiscal Equity case, it is only right and just that the central issue in the case – the excessive class sizes in NYC public schools – be addressed as well.

We urge the Council to re-submit Int 2374 in amended form by extending the phase-in period to cap class sizes over five years instead of three, since it takes that long to site and build new schools. The bill should also differentiate the space requirements by grade, so that a typical 600 square foot classroom will hold no more than 20 students in grades K-3, 23 students in grades 4-8 and 25 students in high school, to be in alignment with the original goals of the city's class size reduction plan, submitted and approved by the State Education Department in 2007 but never implemented. These class size caps would also be aligned with the revised Blue Book utilization formula for classroom capacity.

The cost of such a program would be far less than previously estimated, because these class size caps are substantially larger than in the original bill and because class sizes are now substantially lower at most schools as a result of enrollment decline.

***This brief was written by Leonie Haimson, Executive Director of Class Size Matters, with assistance from Michael Horwitz and Parker Thomas. For more information on the benefits of smaller classes and/or the class size and overcrowding data by NYC district, check out our website at [www.classsizematters.org](http://www.classsizematters.org) or email us at [info@classsizematters.org](mailto:info@classsizematters.org)***

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<sup>31</sup> New York City Council, Committee on Education. *A Local Law to Amend the Administrative Code of the City of New York, in Relation to Classroom Capacity*. New York City Council, 29 July 2021, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5072014&GUID=C4487B7C-8916-4C24-A86C-FD376A3D55B5&Options=ID%7CText%7C&Search=classroom+capacity>