



Planning for class size reduction: **Citywide**

Presentation to Office of the New York City Public Advocate
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What does
CSM do?
We provide
critical
oversight of
DOE budget
and
contracts

- We testified four times and put out a [report in March 2022](#) warning how the proposed DOE budget cuts would cause class sizes to increase & schools to lose programs and services.
- We are one of very few groups to scrutinize DOE contracts.
- In 2014, CSM called attention to Custom Computer Specialists to do computer wiring , costing \$1.1B over 5-years, renewable at \$2B for another 4 years; company had been engaged in kickback scheme just a few years before.
- After we alerted the media, the Council & the Public Advocate, the contract cost was cut to \$600 M, with no change in services; and approved by the PEP with a vote of 10-1.
- Because of the continuing controversy, [City Hall cancelled the contract](#) and it was rebid at \$472 million, at a savings of more than \$627 million from the original amount.

Other examples of CSM contract oversight

CSM drew attention to a [\\$900 million busing contract](#) during Covid school closures when buses were idle; DOE claimed they were obligated to pay 85% of original amount.

At our request, Comptroller Stringer [wrote a letter](#), saying all busing payments should be cancelled during school shutdown as a Force majeure clause allowed this during epidemics.

As a result, DOE renegotiated the contract, paying 43% instead, at a savings of about \$170 million.

More recently, CSM protested a [\\$31 million contract with McGraw Hill](#), that would force schools to pay list price for textbooks with no discount, and shipping at 7 percent. Contract subsequently pulled.

We also focus on student privacy

inBloom Inc. launched in February 2013 with more than \$100M in Gates Foundation funds, designed to collect personal data of millions of public-school students, starting in 9 states and districts, including NY.

We wrote opeds, sponsored rallies and press conferences, and across the country many parents joined in; within a little more than a year, every state and district pulled out.

Our advocacy helped lead to the passage of the state's student privacy law, State Ed Law §2-d in April 2014

We co-chair the national Parent Coalition to Protect Student Privacy which has testified before Congress twice

We sit on the NYS Data Privacy Advisory Counsel that meets regularly with the NYSED Chief Privacy Officer.

Yet DOE still in not in full compliance with the state law when it comes to student privacy and currently has NO CPO.

But our
#1 issue
remains
class size
reduction

Our advocacy led to the passage of the new state class size law that will come into effect next fall.

We also helped organize the lawsuit to force DOE to restore the budget cuts to schools this fall that won at Supreme Court level but overturned by Appellate Court

We've sued DOE successfully in the past, including a lawsuit joined by the Public Advocate that kept SLT meetings open to the public when Chancellor Farina tried to close them in 2014.

New class
size law
passed last
spring in
legislature &
signed by
Gov. this
Sept.

- [S9460/A10498](#) requires NYC to implement a 5-year class size reduction plan beginning in fall of 2022.
- Gov. Hochul signed the bill into law this fall, based upon agreement that the phase-in will begin Sept. 2023 instead.
- Law requires NYC to cap class size at 20 students per class in grades K-3, 23 students in grades 4th-8th, and 25 students in HS classes in core academic subjects by the end of the 2027-8 school year.
- Phys education and performing art classes capped at 40 students per class.
- Each year starting in September 2023, 20% of all classes must achieve these caps, with an additional 20% of classes each year.
- The city must prioritize schools with high levels of poverty to reduce class size in first.

Last year
class sizes
decreased
significantly
citywide
and in most
districts;
why?

Enrollment fell sharply

School budgets were not tied to enrollment for first time

There was additional federal funding for Covid relief

Many parents/teachers said class sizes in their schools ideal to meet learning & emotional needs of students, still recovering from disruptions & trauma of pandemic

But this
year, there
were big
budget
cuts to
schools

Budgets were cut drastically in most every school, tied to continued projected enrollment decline through Fair Student Funding formula

Federal funds also reduced sharply - about \$1B, even though NYC still had more than \$4B in federal Covid funds unspent as of late August

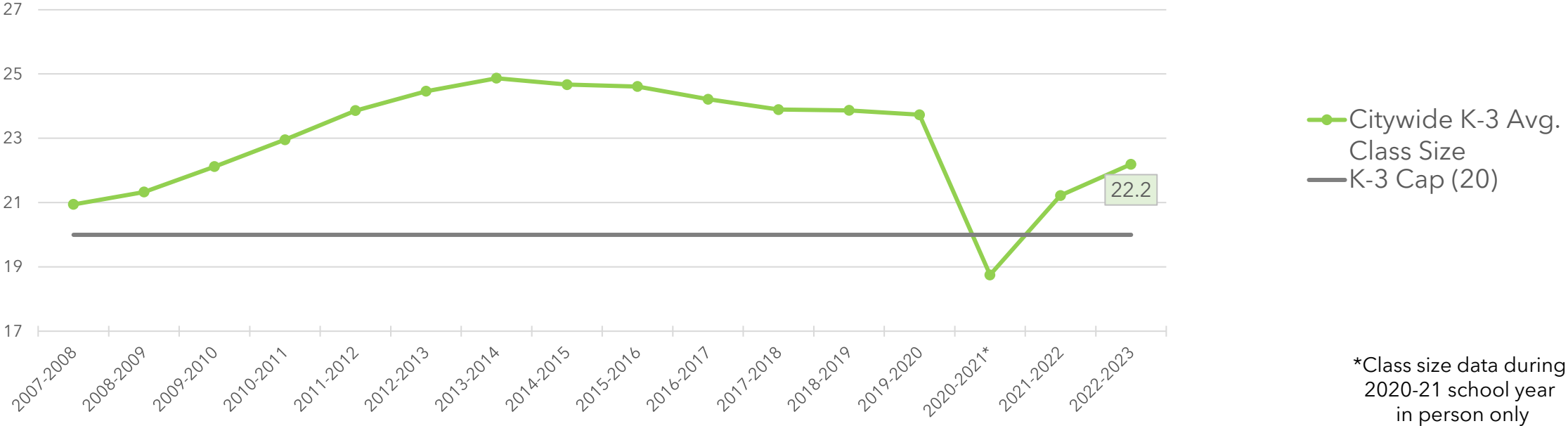
These cuts led to class size increases in many schools as teachers were let go or retiring teachers not replaced, and critical programs & service eliminated.

How much were schools cut?

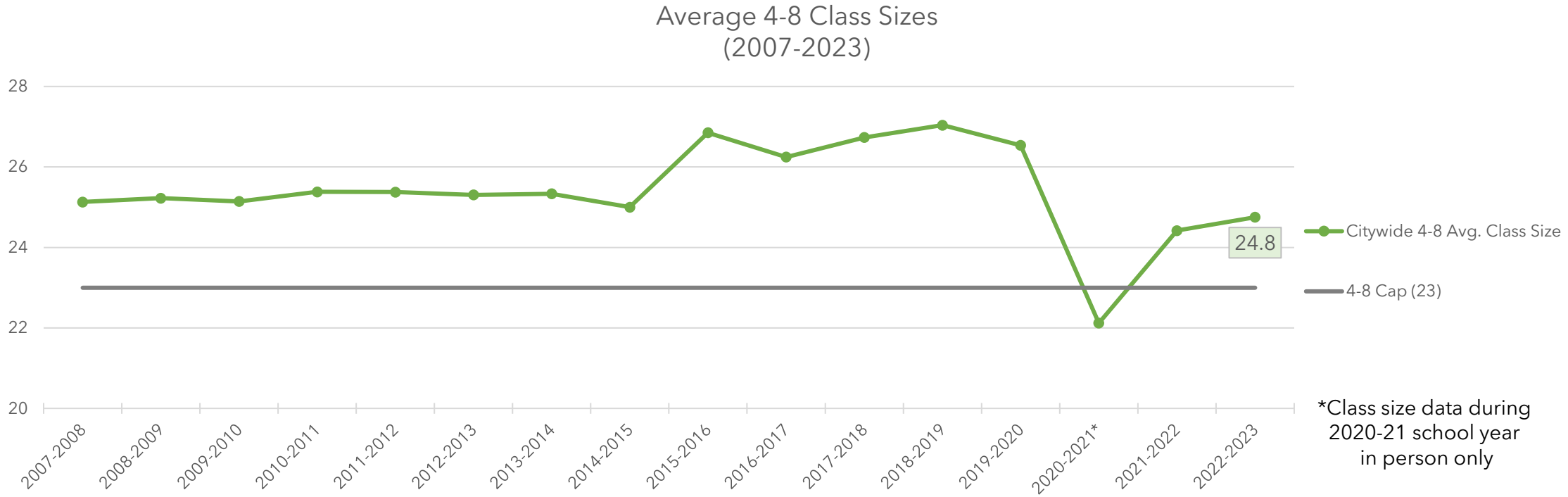
- City Comptroller estimated that 77% of schools had their Fair Student Funding cut by a total of \$469 million
- But FSF is only one part of school budgets.
- As of Jan. 13, 2023, schools' entire Galaxy budgets slashed by net \$822 Million.
- 86% of schools suffered Galaxy cuts totaling \$893 million, averaging about \$655,000 each.

Citywide average class sizes in K-3rd increased this year to 22.2, above eventual cap of 20

Average K-3 Class Sizes in Council District 3
(2007-2023)

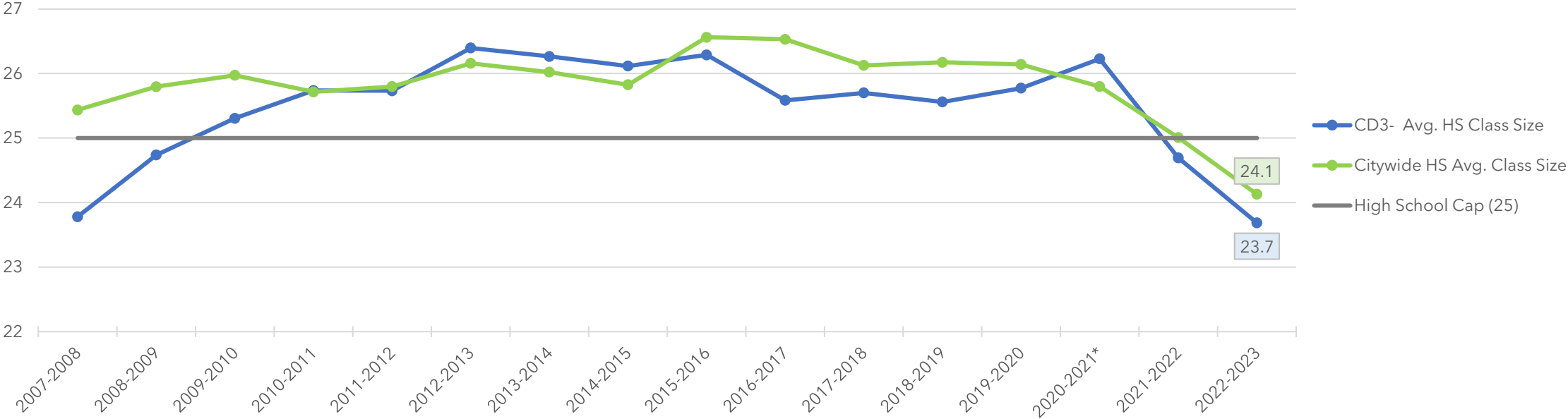


Citywide average class sizes in 4th-8th increased this year to 24.8, above eventual cap on 23



Citywide high schools averaged 24.1 students per class, below the cap of 25

Average HS Class Sizes in Council District 3
(2007-2023)

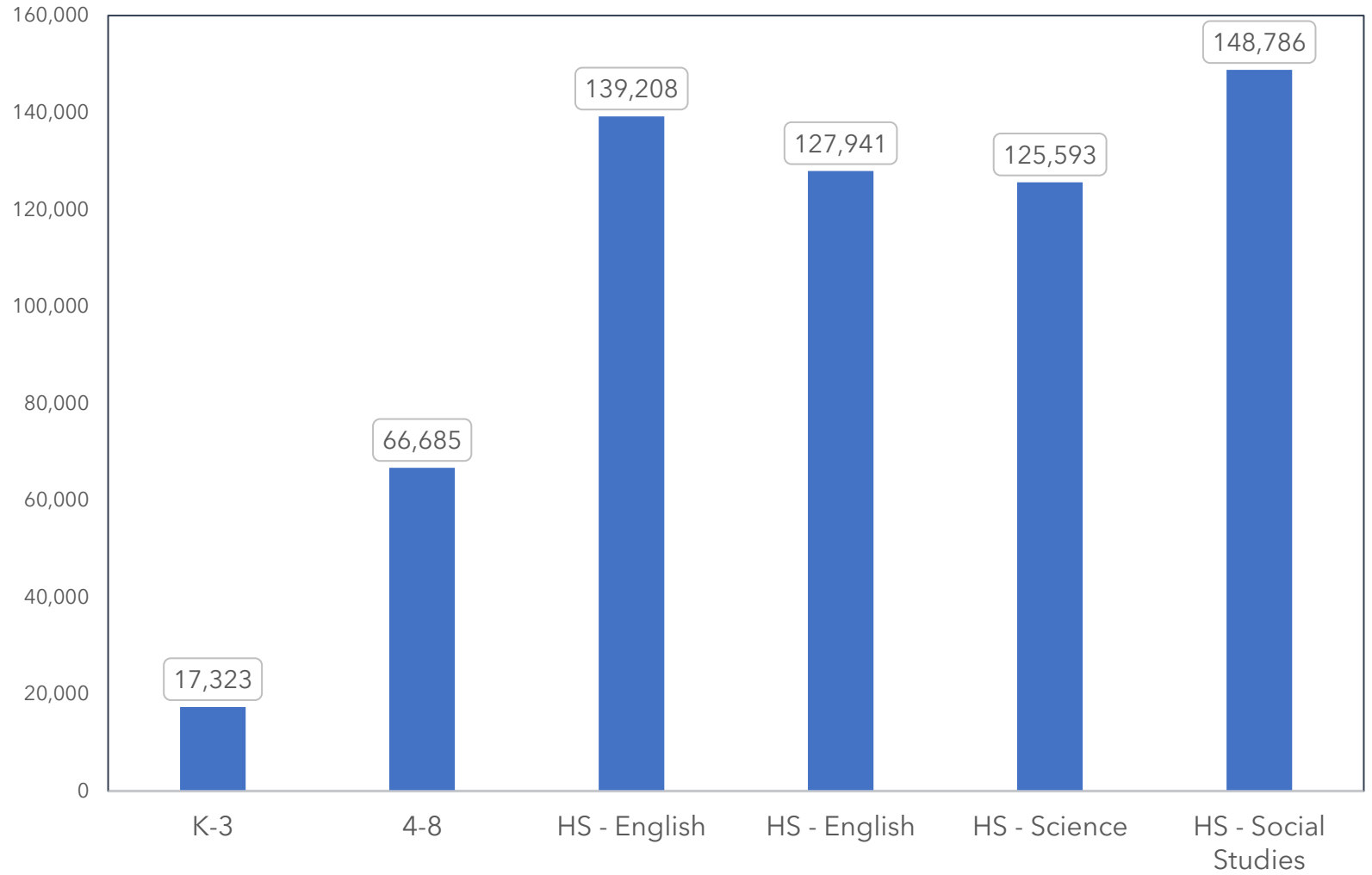


*Class size data during 2020-21 school year in person only

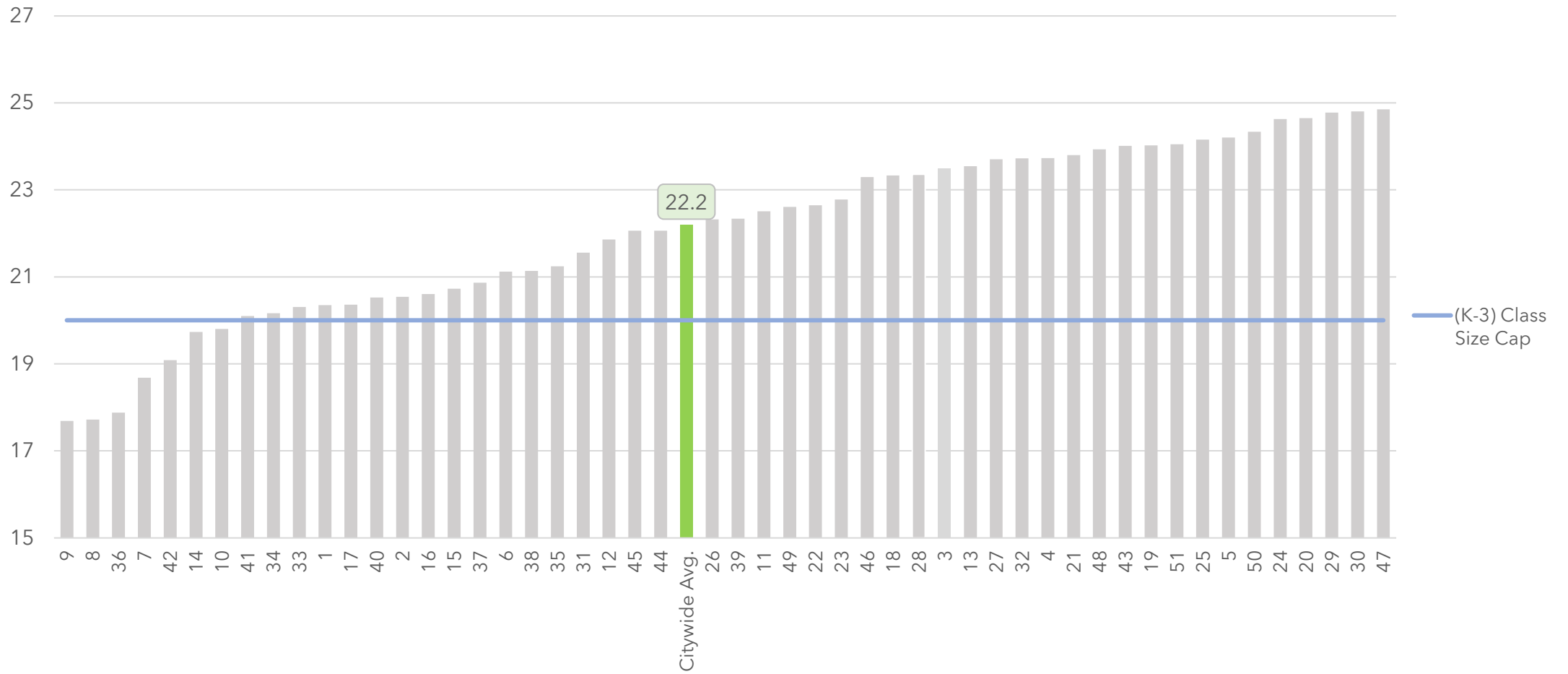
Still more than 232,000* students citywide are crammed into classes of 30 or more

* - (only HS social studies classes included, so not to double count)

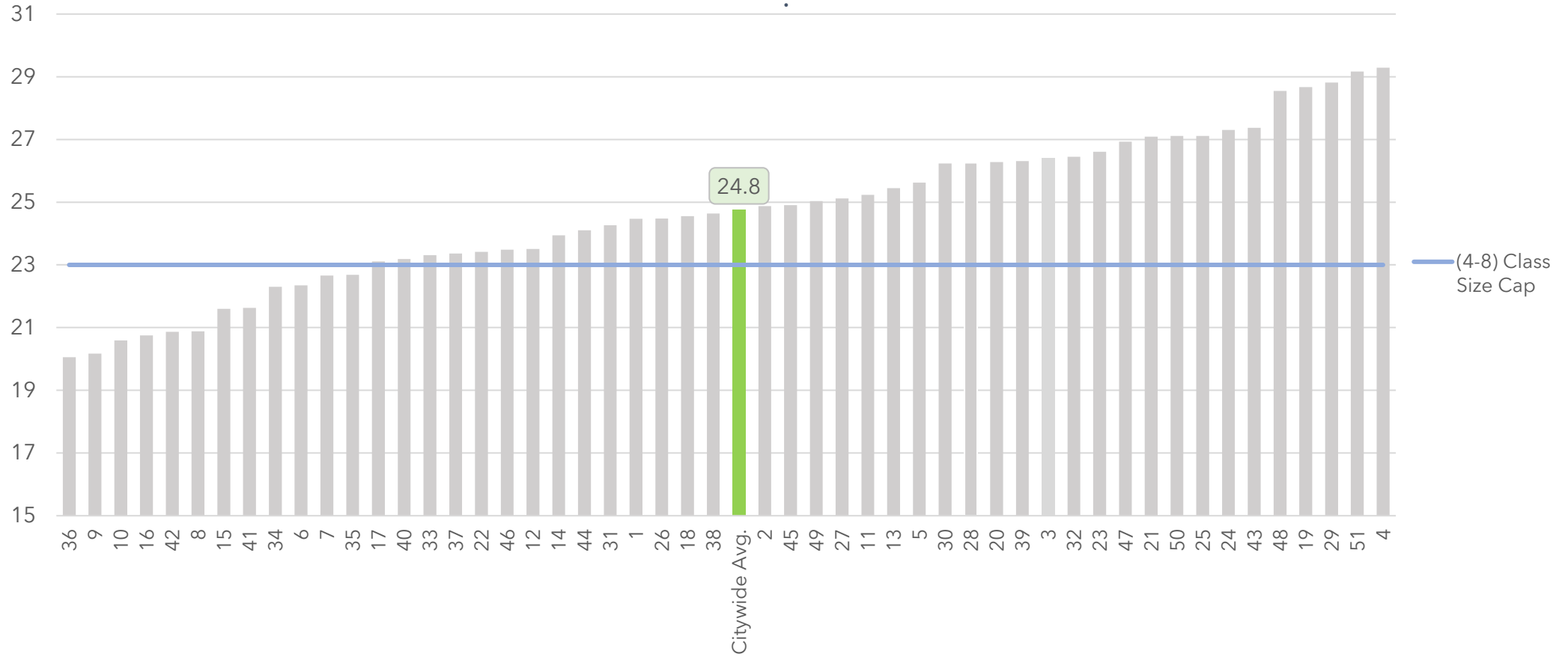
Number of Students in Classes of 30 or larger (2022-2023)



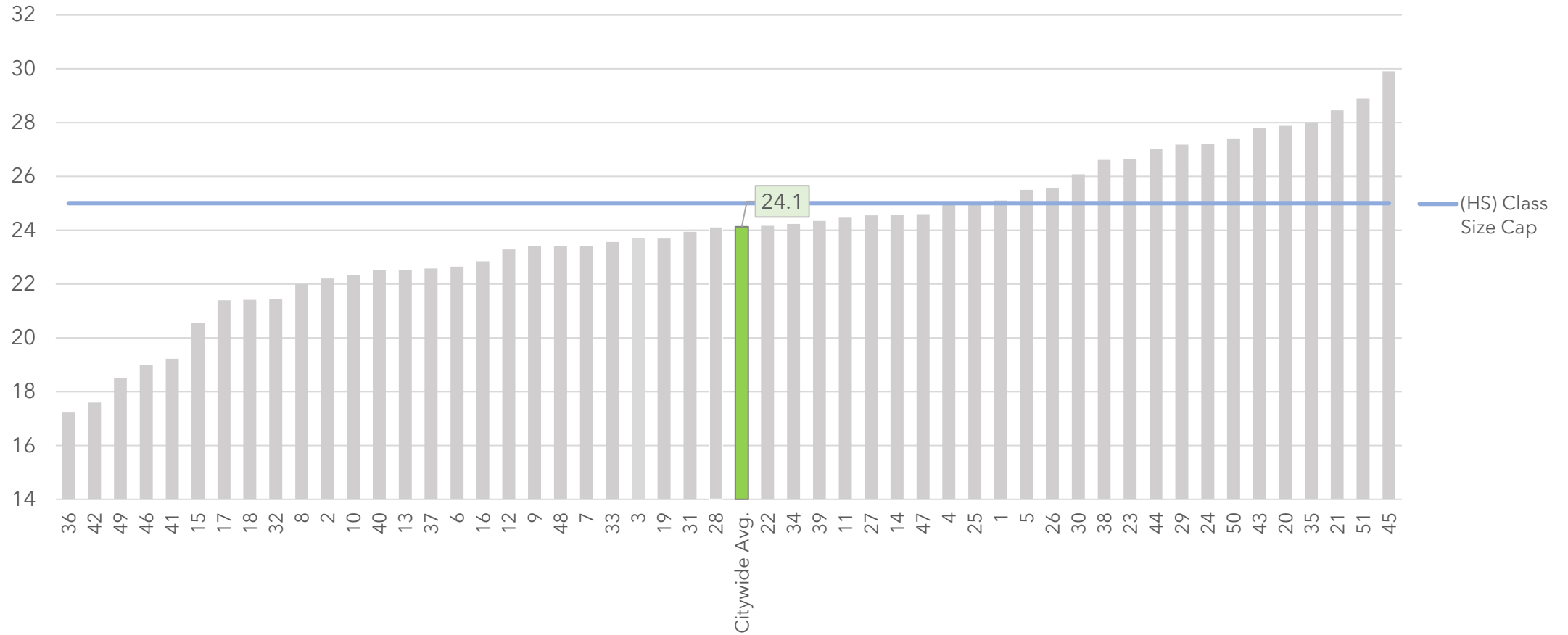
However many Council districts far above the citywide average for grades K-3



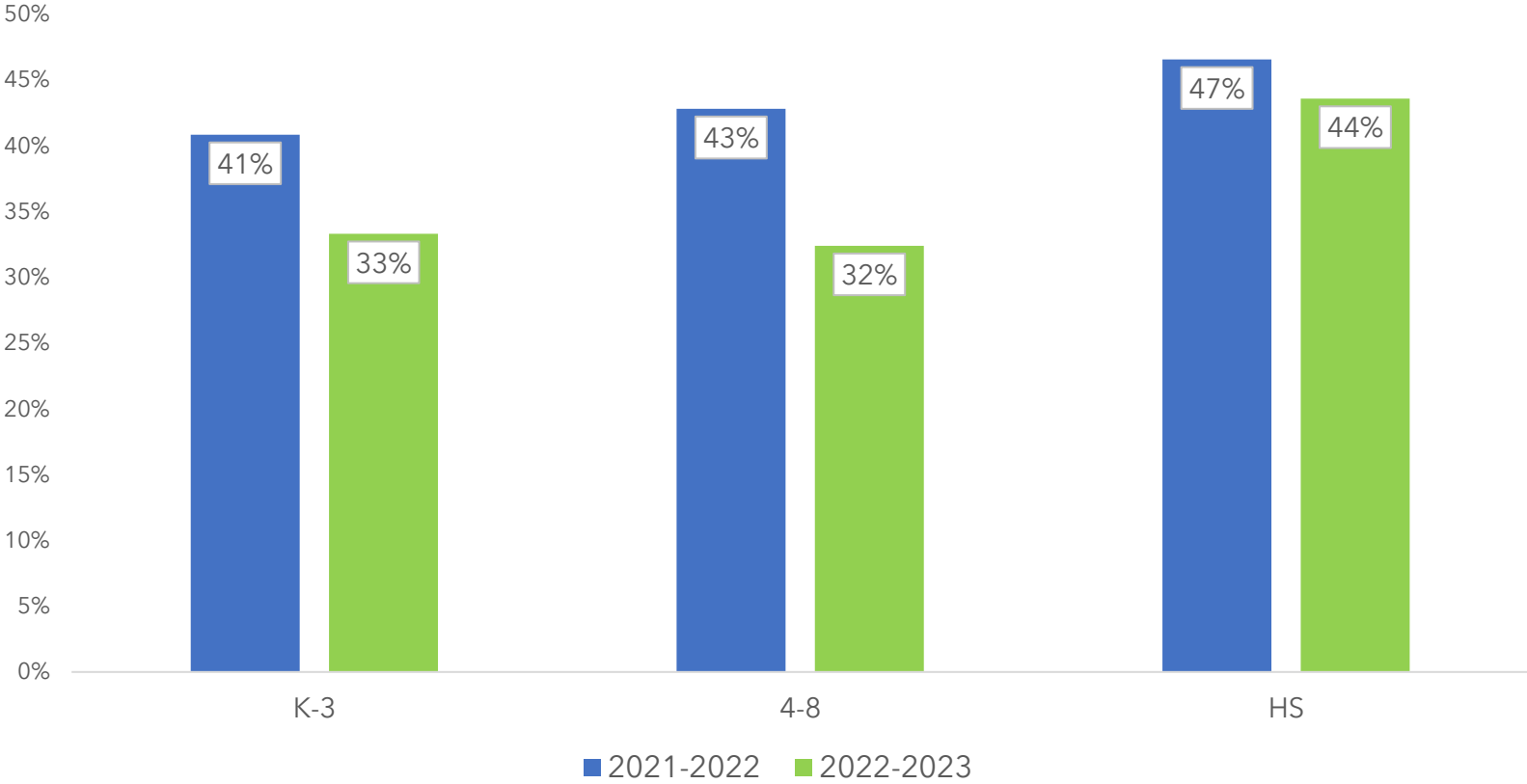
And in Grades 4-8 Class Sizes by Council District (2022-2023)



High School Class Sizes by Council District (2022-2023)



This year, 38% of classes citywide are at or below new class size caps, compared to 42% last year.



DOE likely will likely comply with 20% cap next year, but out years unclear without expanded capital plan & policy reforms

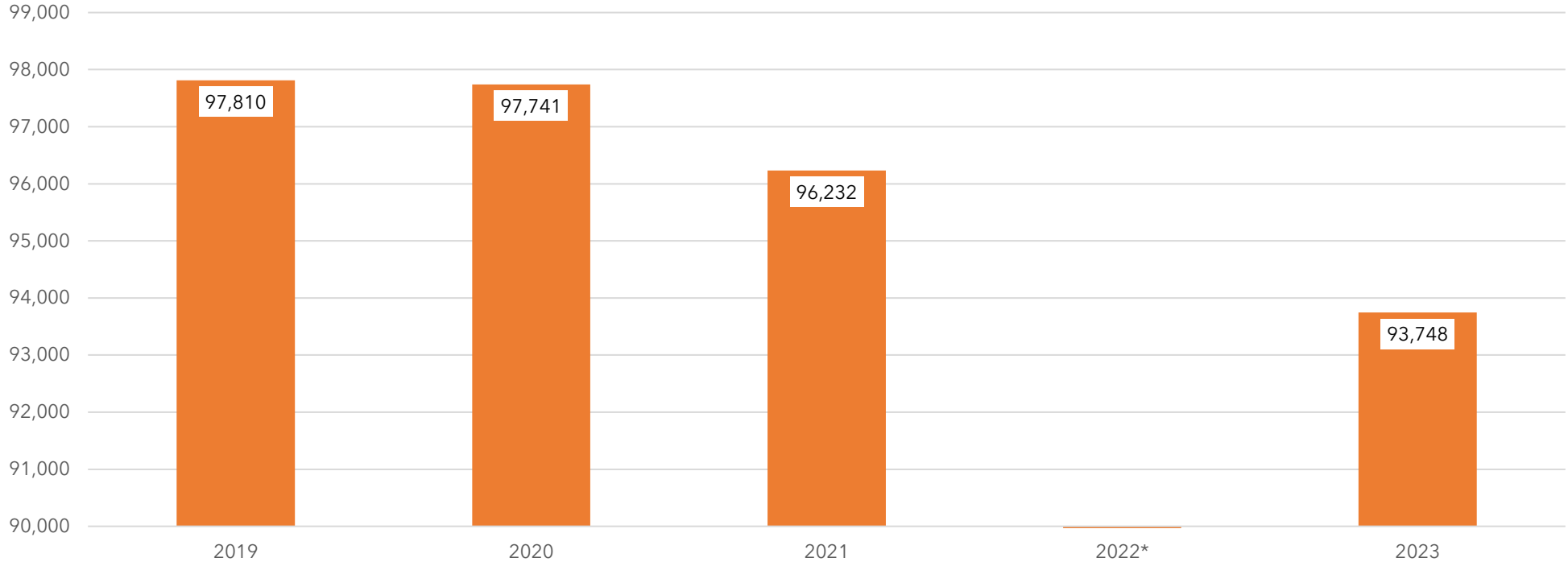
Additional budget for staffing/ hiring additional teachers

Creating more space in overcrowded districts by building more schools & possibly moving more 3K & PreK classes to CBOs

Cap enrollment at extremely overcrowded schools at lower levels

DOE has lost over 4,000 full-time K12 teaching positions since FY 2019

Data sources: DOE headcount reports
(U/A 401 gened, U/A 403 sped & U/A 481 categorical)



* -2022 Headcount report missing from NYC Council website as of February, 2023

Mayor's preliminary budget for FY 2024

- DOE overall budget would be cut by another \$800 million, over and above a cut of \$176 million in November.
- IBO says that that this budget while not apparently causing a further loss of headcount will not restore any of the approximately 1449 positions lost last year.
- Will certainly NOT allow schools to rehire the positions they've lost over the last four years.
- DOE has not yet confirmed whether the increase of \$90M in FSF for schools with high concentrations of homeless students or those in poverty will not cause other school budgets to be cut same amount.

In any case,
schools should
be receiving
MORE funding
to help them
restore
programs &
reduce class
size

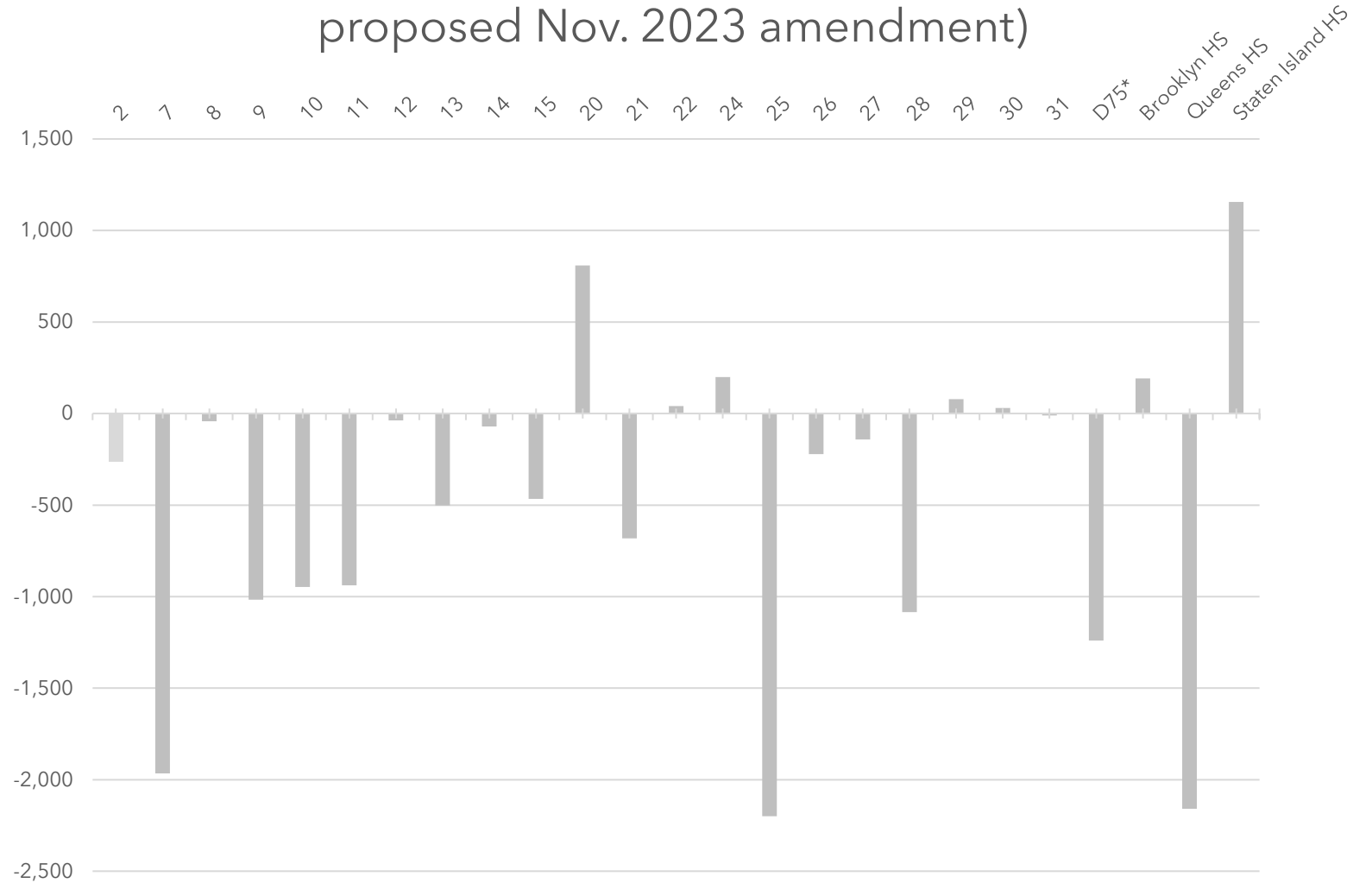
- [According to OMB budget doc](#), DOE plans not to add a single additional teacher through at least June 2025.
- Yet IBO projects NYC will end fiscal year 2023 with \$4.9B surplus & as of early Feb., NYC cash balance was at \$14.6B, including reserves.
- DOE slated to receive \$568M in additional state Foundation Aid --final CFE phase-in amount over three years of \$1.3B in additional annual aid -- in which class size was a central issue in the case
- Just-announced tweaks to FSF formula ignores how formula continues to be aligned with large classes & incentivizes principals to overcrowd schools & classrooms.
- We have now drafted [a resolution](#) on the issue of the DOE budget for CECs etc..

Big concern:
proposed
amended
capital plan
would cut
nearly \$2.3B in
new capacity
vs. plan
adopted in
2021

- Yet 347,000 (38%) of students citywide were enrolled in schools over 100% last year, according to Blue Book.
- Yet amount to be spent on new capacity plunged from \$7.8B to \$6.3B in the June 2022 adopted plan
- More than 11,000 net seats cut (57,489 to 46,010)
- Feb. 2023 proposed amendment cuts another \$820M & puts 11,000 seats in 11 districts into “funded for design only” category.

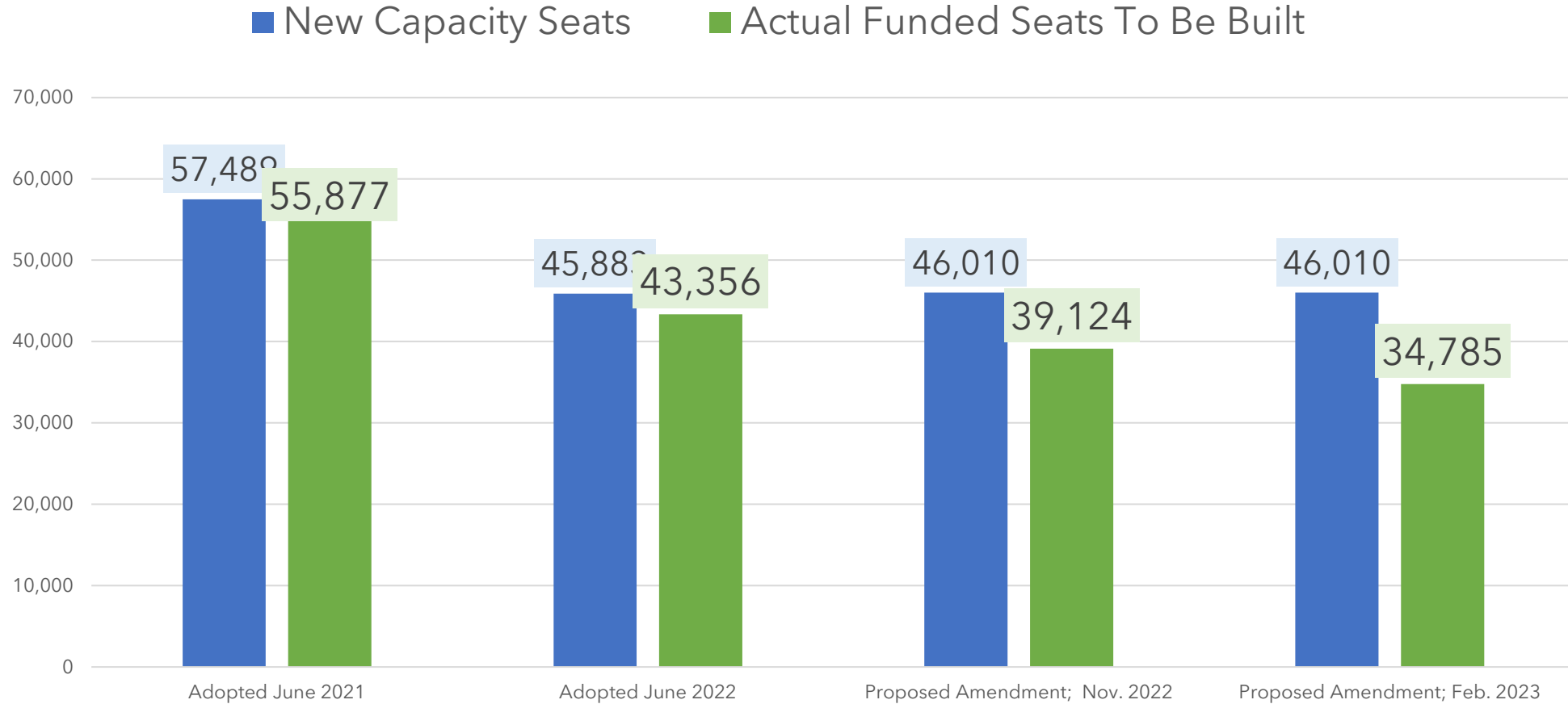
Net 11,000 seats cut in new proposed Feb. amendment compared to plan adopted in June 2021.

Capital Plan Seat Changes By School District
 (Five-year adopted plan June 2021 vs. proposed Nov. 2023 amendment)



* - D75 field includes only un-sited District 75 Seats.

Since plan adopted in June 2021, funding for new capacity slashed by \$2.3 billion & actual funded seats to be built cut by over 21,000 (38%)



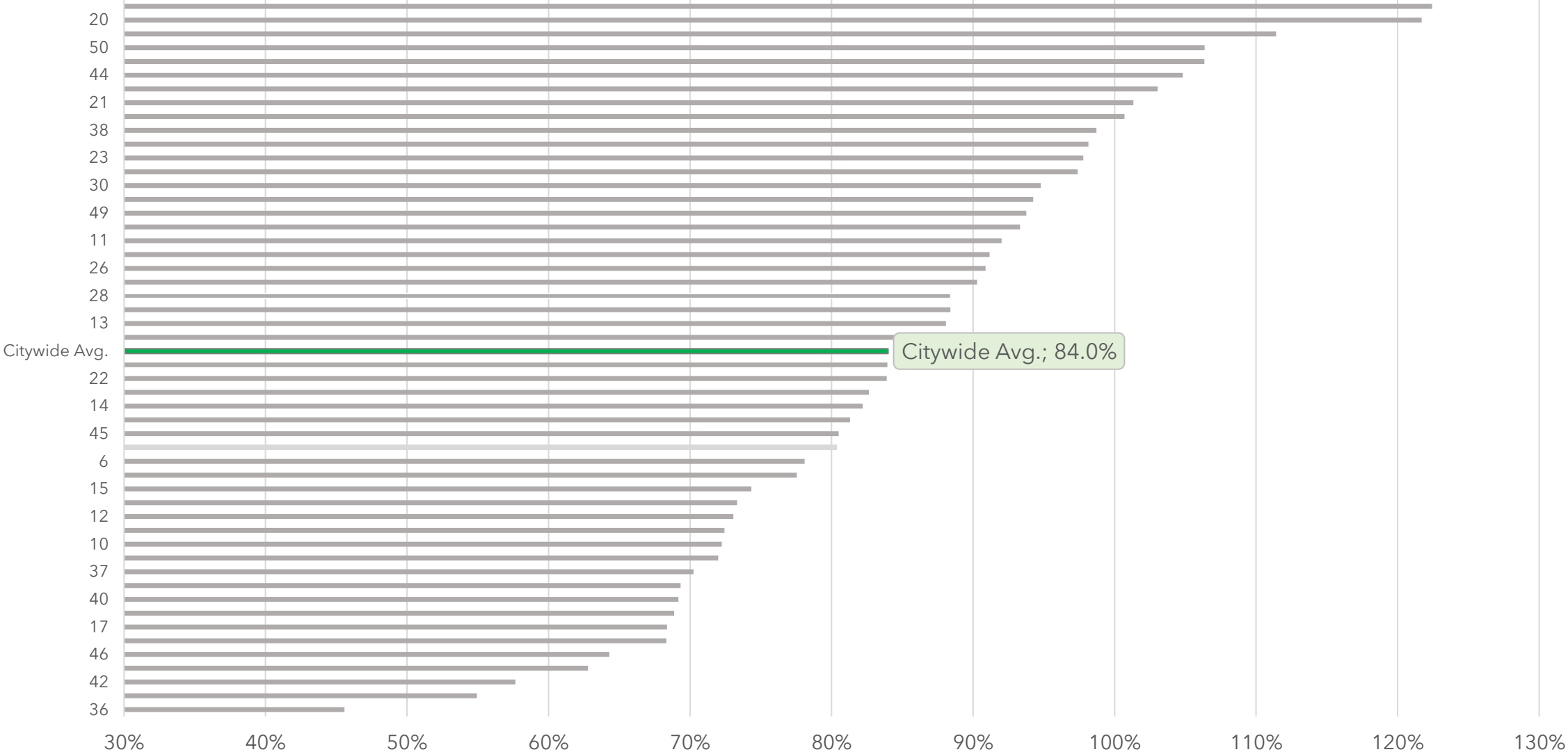
Source: New Capacity section of FY2020 - 2024 Capital Plan, including un-sited D75 seats

Between June 2021 adopted plan and Feb. 2023 proposed amendment nearly 10,000 seats pushed into “funded for design-only” category

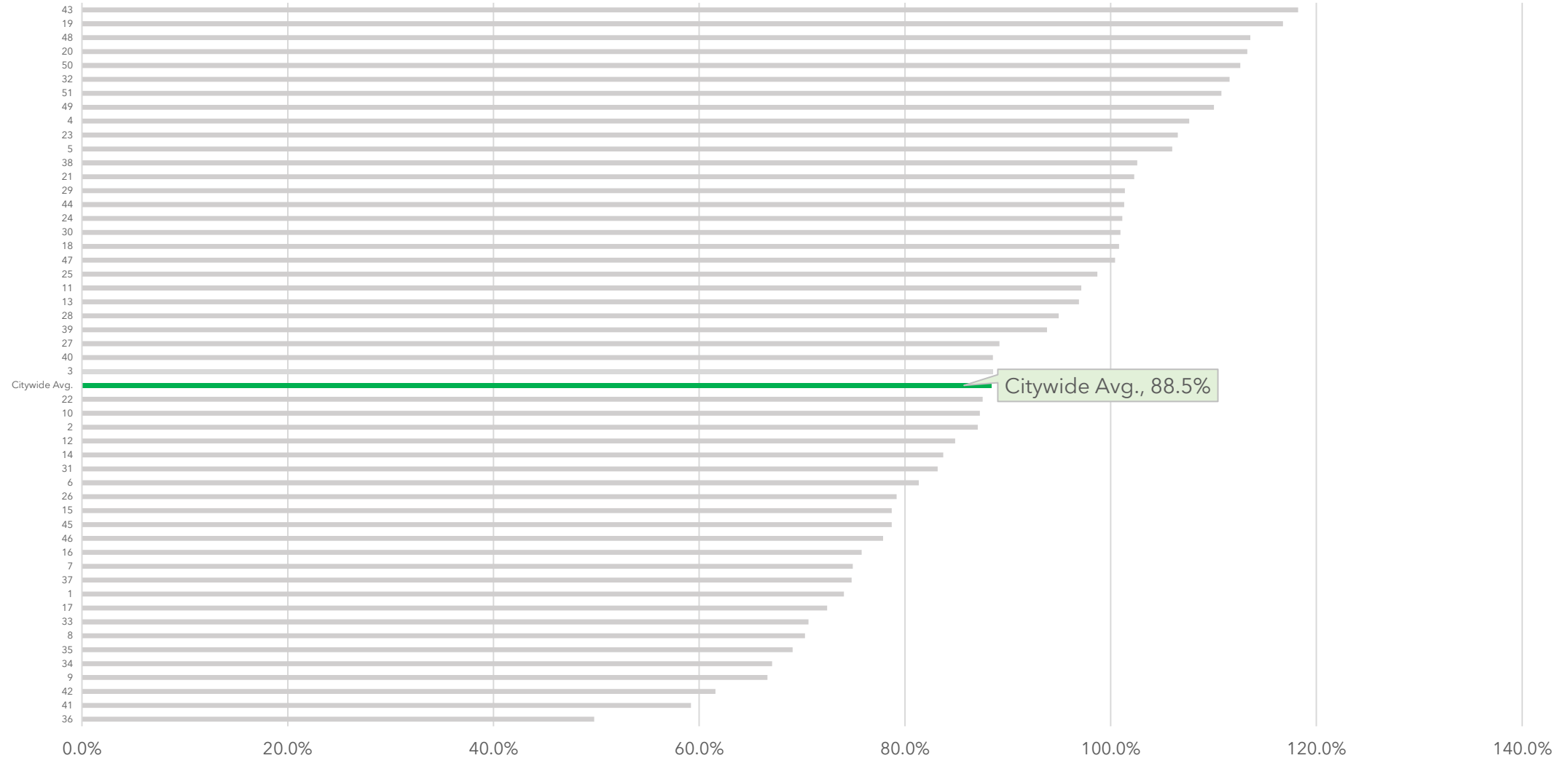
Plan	New Capacity Seats	PS/IS Seats	HS Seats	Total Estimated Cost	Funded Design-Only Seats	Actual Funded Seats To Be Built
Adopted June 2021	57,489	50,804	6,685	\$ 7.80 Billion	1,612	55,877
Adopted June 2022	45,883	40,202	5,681	\$ 6.34 Billion	2,527	43,356
Proposed amendment: Nov.2022	46,010	40,137	5,873	\$6.02 Billion	6,886	39,124
Proposed amendment: Feb. 2023	46,010	40,137	5,873	\$5.52 Billion	11,225	34,785

Source: New Capacity section of FY2020 - 2024 Capital Plan, including un-sited D75 seats

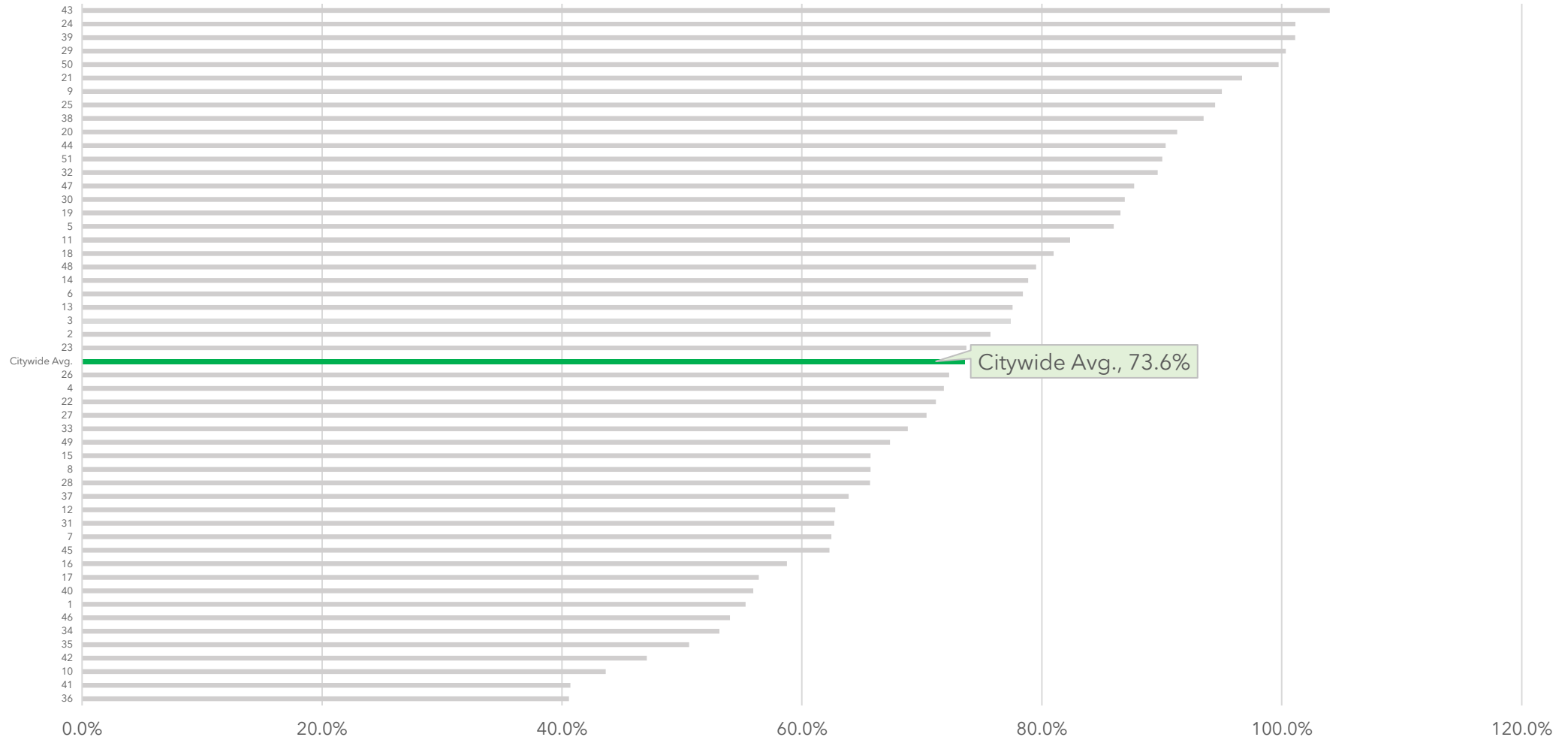
Average School Utilization by Council District (2021-2022)



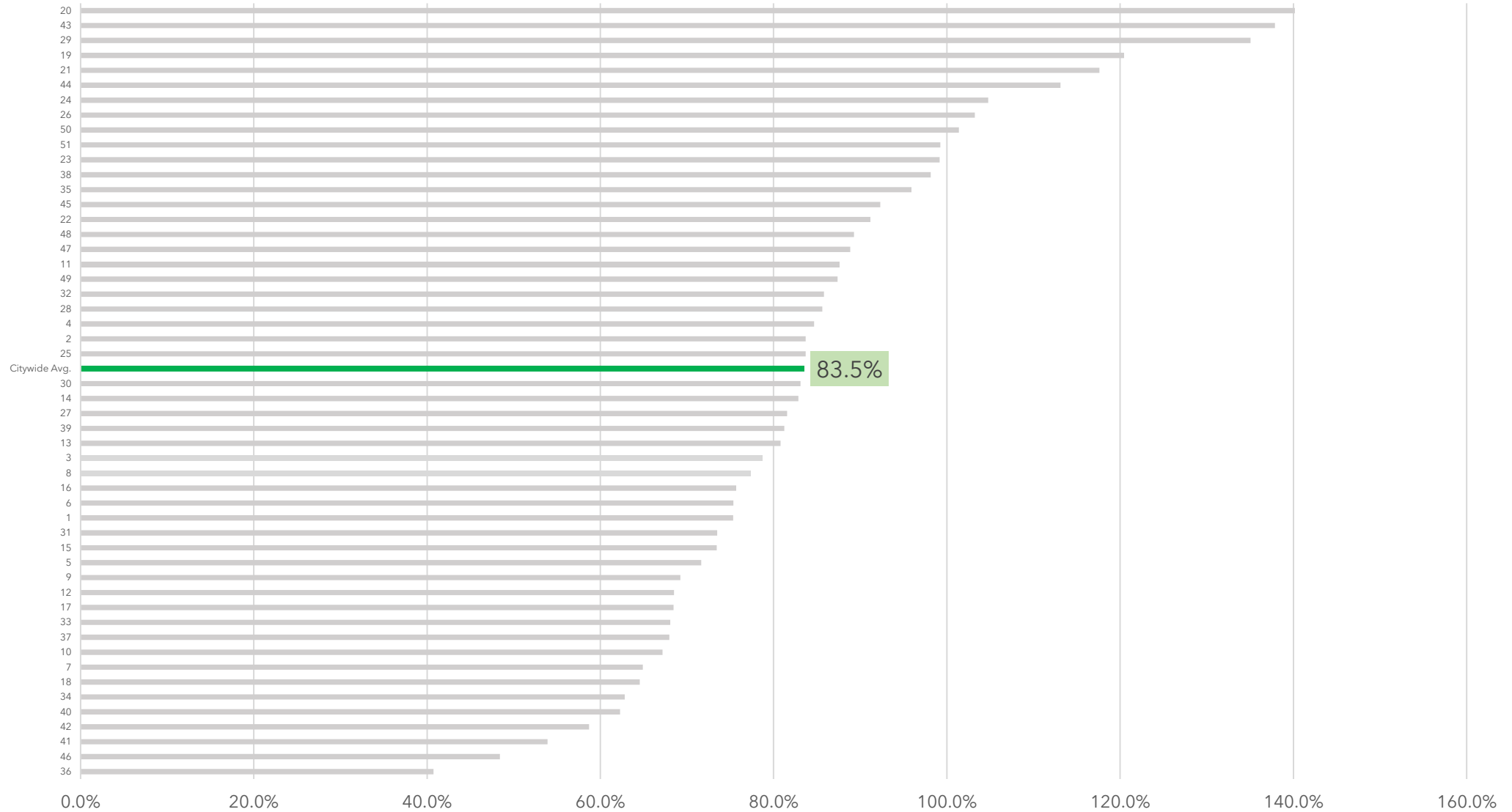
Average Elementary School Utilization by Council District (2021-2022)



Average Middle School Utilization by Council District (2021-2022)



Average High School Utilization by Council District (2021-2022)

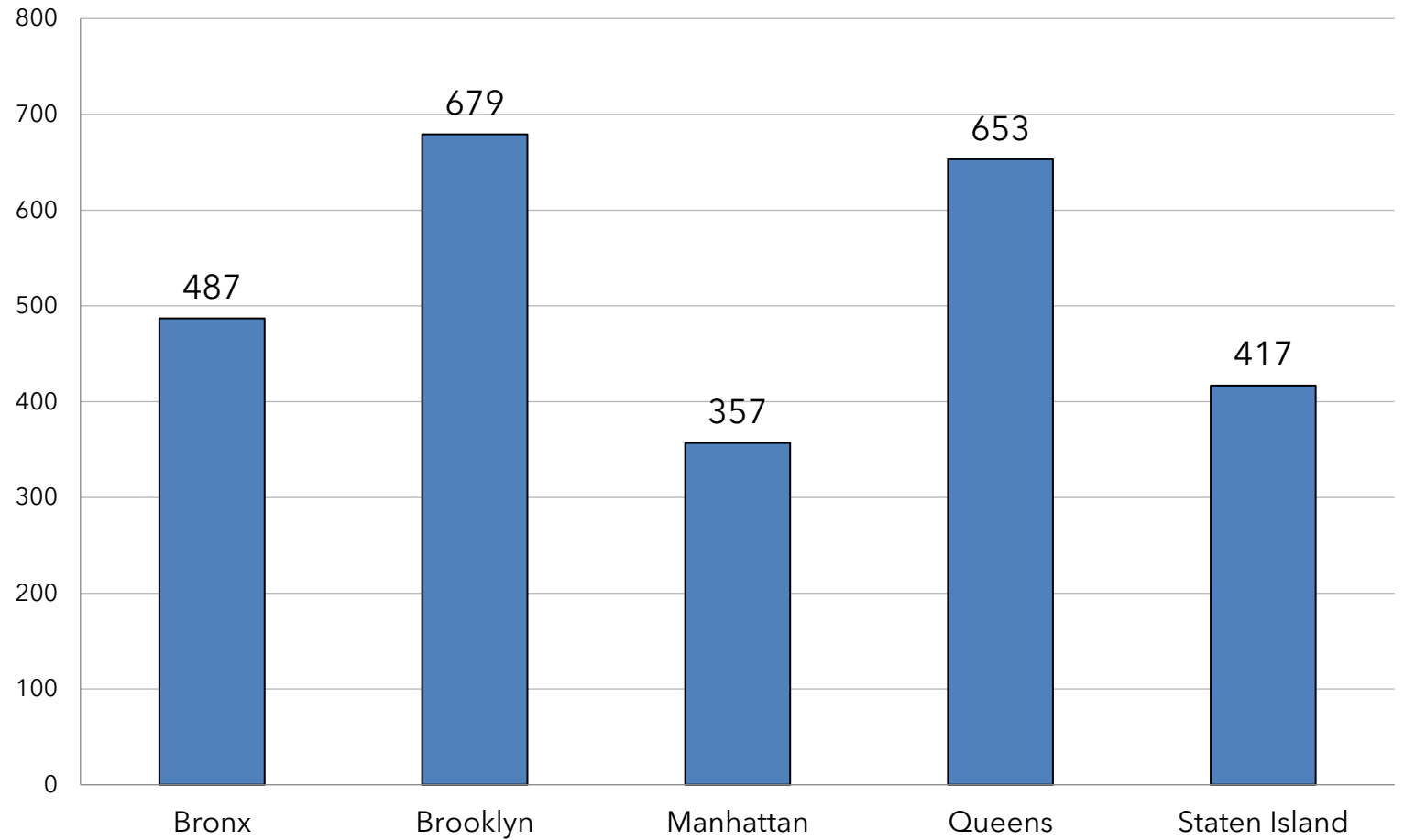


Cuts in capital plan not explained but presumably for 2 reasons

- No mention in any of these plans of new state law or need to create more space for class size reduction to comply
- DOE likely assuming continued enrollment decline though this is uncertain - see increase in migrant/refugee students this year
- SCA changed school capacity formula in 2019-2020 Blue Book by adjusting room capacity limits down to smaller classes ---but at the same time, changed "efficiency ratio" in utilization formula that assumes how many periods a day a MS or HS classroom will be scheduled.
- Previously regular classrooms were expected to be in use 7 of 8 periods a day. Specialty rooms 5 of 8 periods a day.
- Now all MS and HS rooms expected to be scheduled 100% of time - difficult if not impossible to achieve.
- ***This single change artificially added 2593 seats to existing MS & 20,279 Seats to HS without building any additional space***

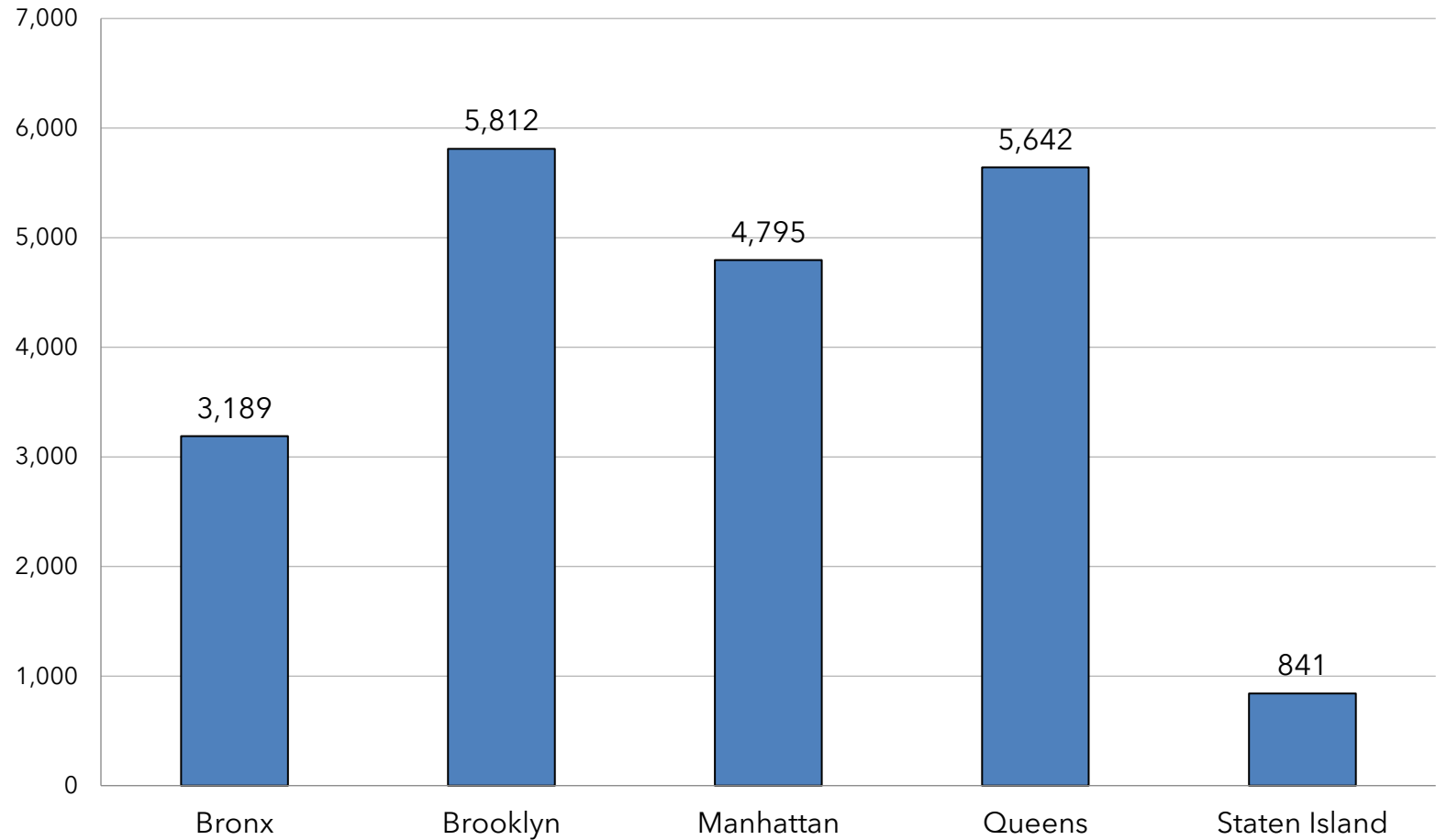
2,593 Seats
were added in
Middle Schools
due to the
revised
efficiency ratio

Seats Added in Middle Schools by borough
due to revised efficiency ratio




20,279 Seats
were added to
High Schools
due to the
Revised
Efficiency Ratio

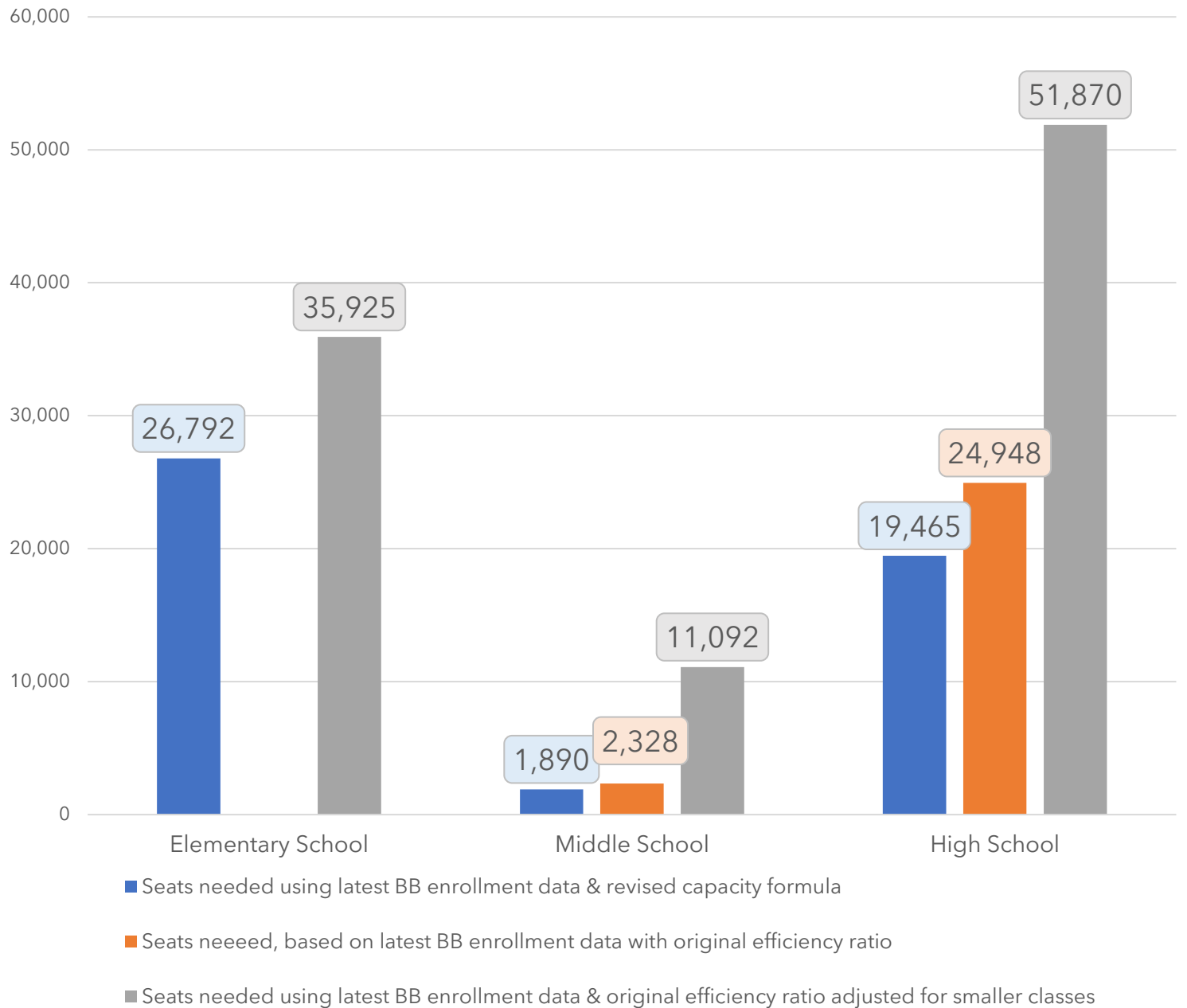
Seats Added to High Schools by borough due to Revised Efficiency Ratio



We
calculated
the need
for new
school
seats three
ways

- A: We used the latest capacity/enrollment from the '21-'22 Blue Book.
 - B: Using latest enrollment data but MS/HS capacity with original efficiency ratio (classrooms scheduled 7/8 periods; specialty rooms 6/8 periods; efficiency ratio of ES unchanged) & original class size assumptions
 - C: With latest enrollment data w/ original efficiency ratio & adjusted for smaller class sizes in grades 4-8 (23 vs. 28); and grades 9-12 (25 vs. 30)
- 

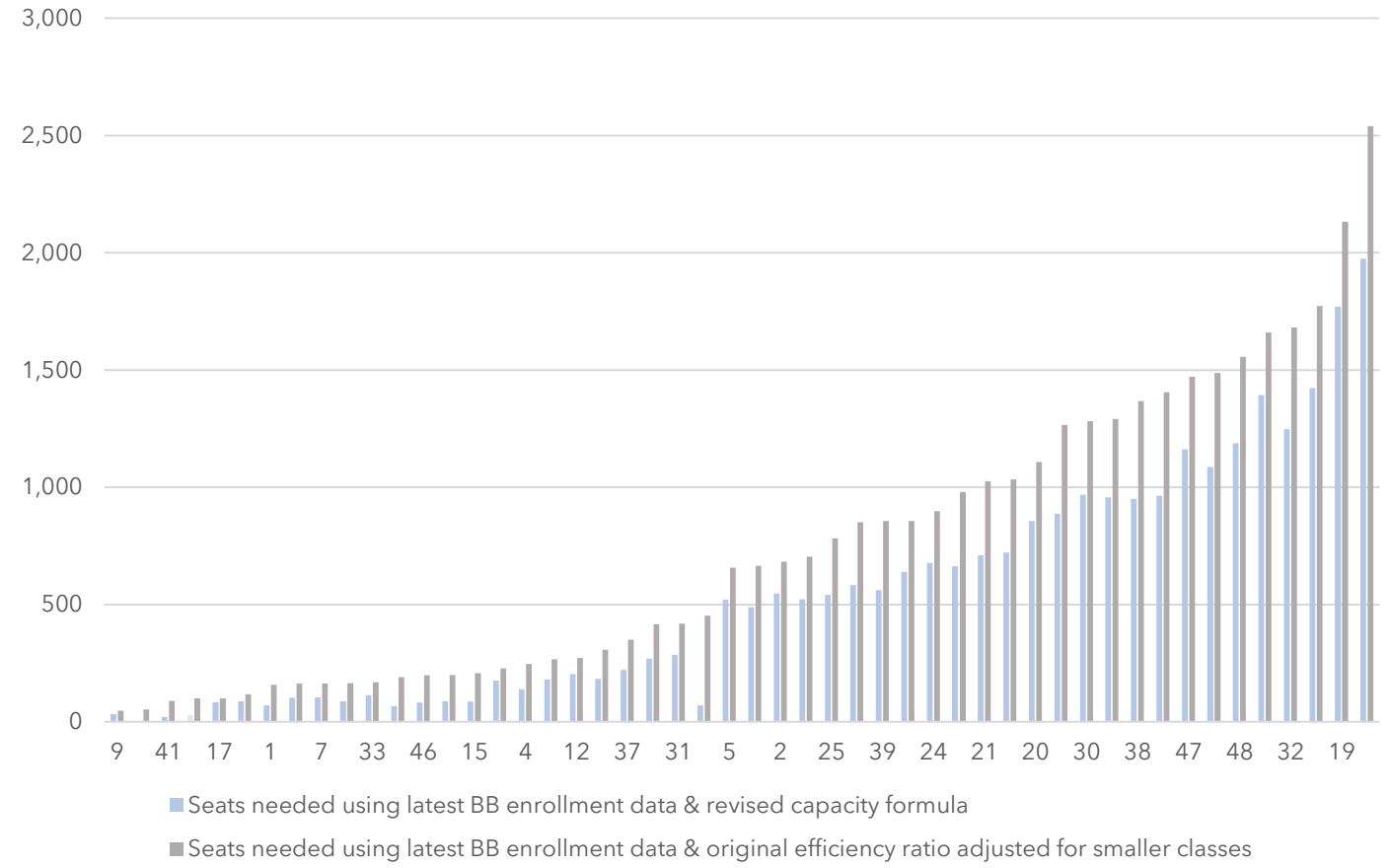
Estimates of seat shortage in overutilized schools range from 48K -100K depending on which efficiency ratio & assumed class sizes



26,000+ to nearly 36,000
Seats Citywide are
needed in over-utilized
elementary schools by
Council District.

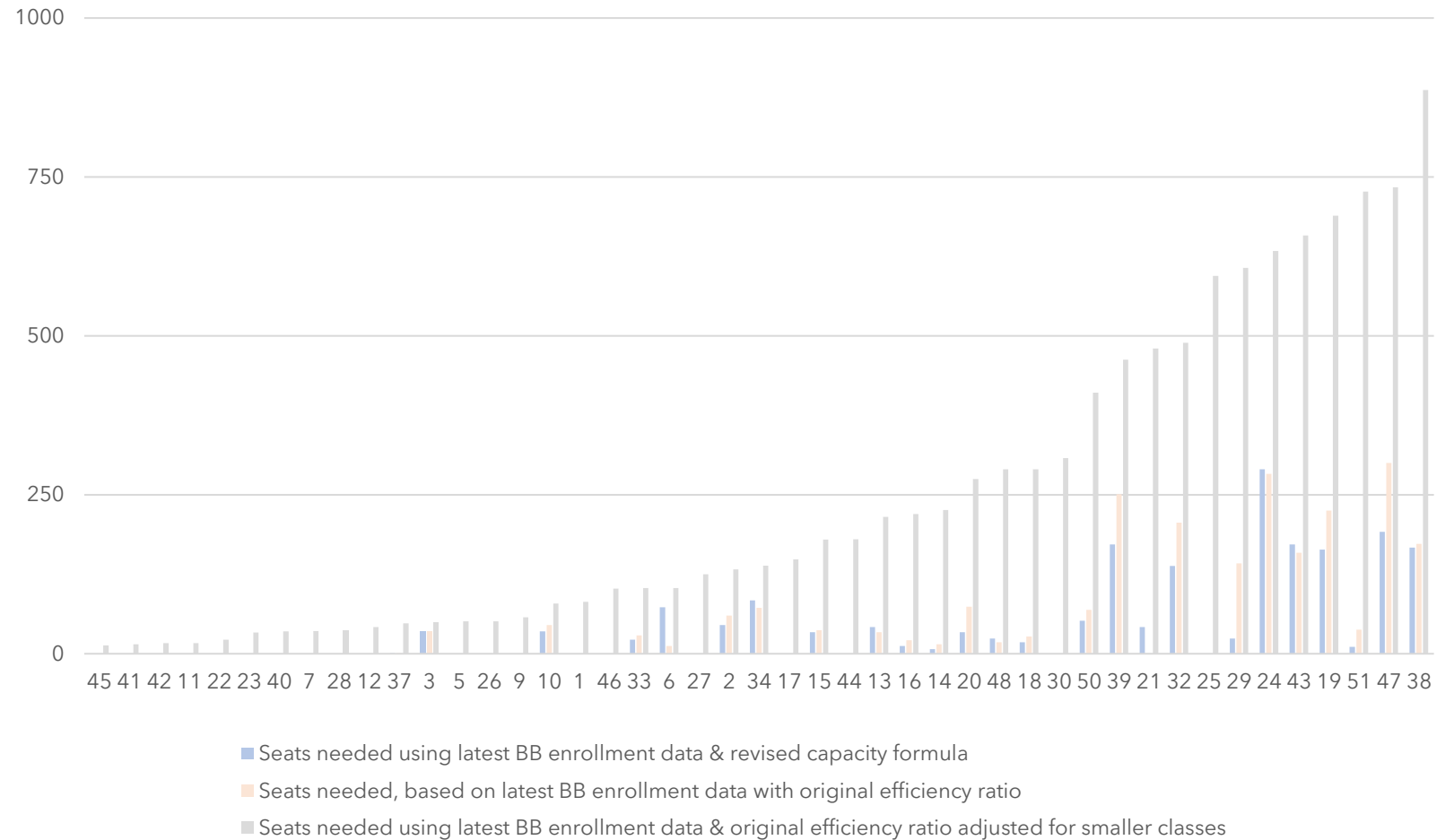


Seats needed in over-utilized elementary schools by Council District



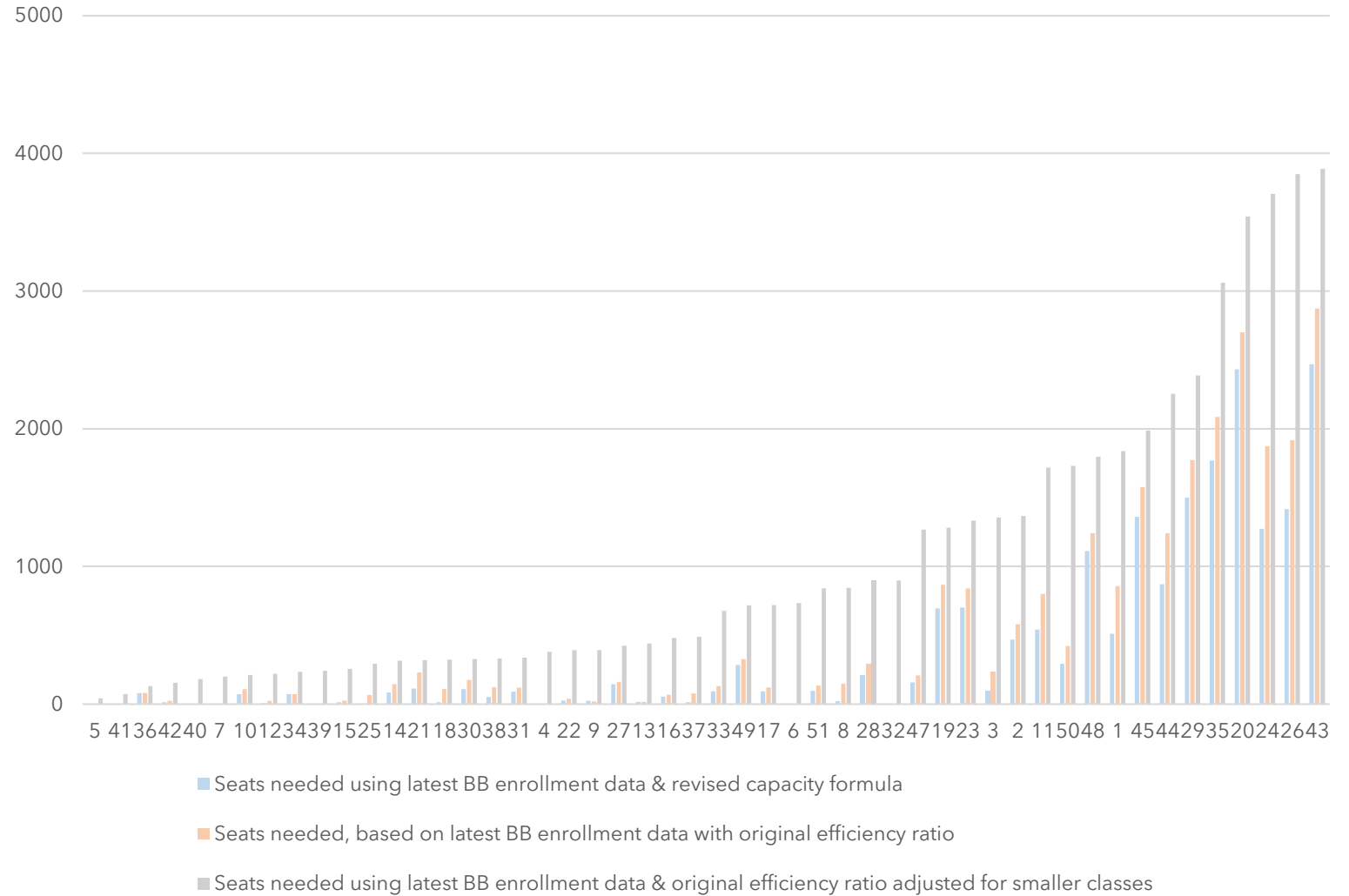
Seats needed in over-utilized middle schools by Council District

Approximately 1,800 to 11,000 Seats Citywide are Needed in Over-Utilized Middle Schools by Council District



Seats needed in over-utilized high schools by Council District

Approximately 19,000 to more than 51,000 Seats Citywide are Needed in Over-Utilized High Schools by Council District.



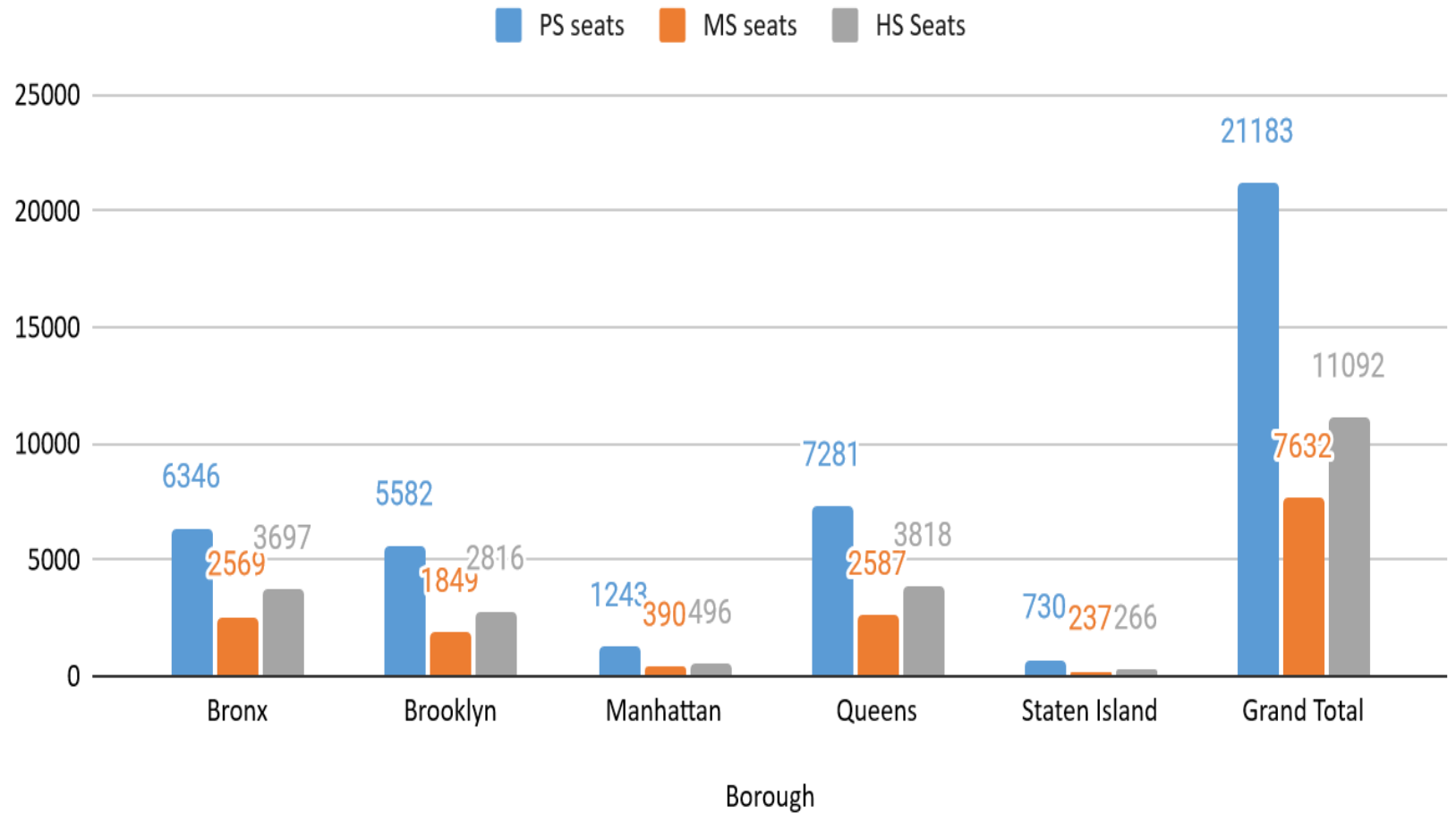
These estimates based on 2021-22 enrollment

- Blue Book capacity figures often incorrect as do not take into account need for specialized rooms, intervention rooms, & issues related to co-located schools
- Future enrollment trends difficult to predict especially as changes in in-migration and out migration rates uncertain
- More than 12,000 newly enrolled homeless students in 599 schools are currently receiving funds through [Project Open Arms](#)
- Reducing class size could lure more parents into staying in city and/or sending their children to public schools vs. charters/privates as happened in CA
- DOE/SCA also looks at building starts which add to & redistribute student population across the city

Another ~40K seats may be needed from new residential development 2020-2029

(Housing start data 6/2020; multiplier based on 2010 census data)

Projected need: 40K additional school from Building Starts multiplied by public school ratio



Reforms also need to be considered to admissions/ zoning policies

SCA in general does not plan to build any schools where district or subdistrict AVERAGE utilization is under 100% except in rare occasions

Yet many schools in same district may be at 50% utilization or less while others over 150%

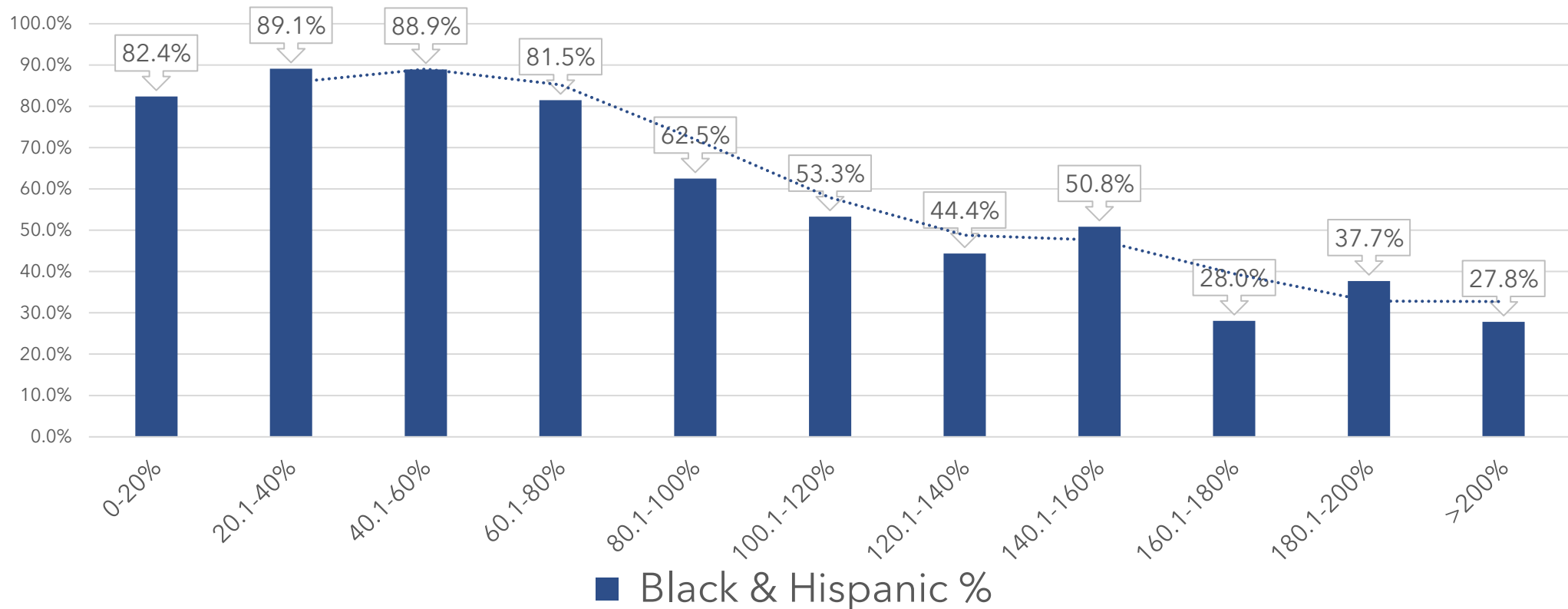
Accelerating rezoning of elementary schools and revamping MS & HS admissions to more equitably allocate enrollment across all schools would lower # new seats needed

This would also likely create more diversity across system and more sustainable school budgets for under-enrolled schools.

Alleviating
overcrowding by
redistributing
enrollment could
provide several
important
benefits

- It would make it easier to achieve the mandated class size caps in all schools
- It would ensure more sustainable budgets to principals who currently struggle to fund staffing and critical services and programs in under-enrolled schools
- It would alleviate the overcrowding in overutilized schools that often leads to large classes, students attending school in double or triple shifts and/or forced to eat lunch early in the morning or late in afternoon.
- It would likely create more diversity within schools, as the most underutilized schools tend to have the highest % Black and Hispanic students, and the most overutilized the highest % of White and Asian students .

Elementary School Racial Breakdown by School Utilization, Citywide* (2021-2022)

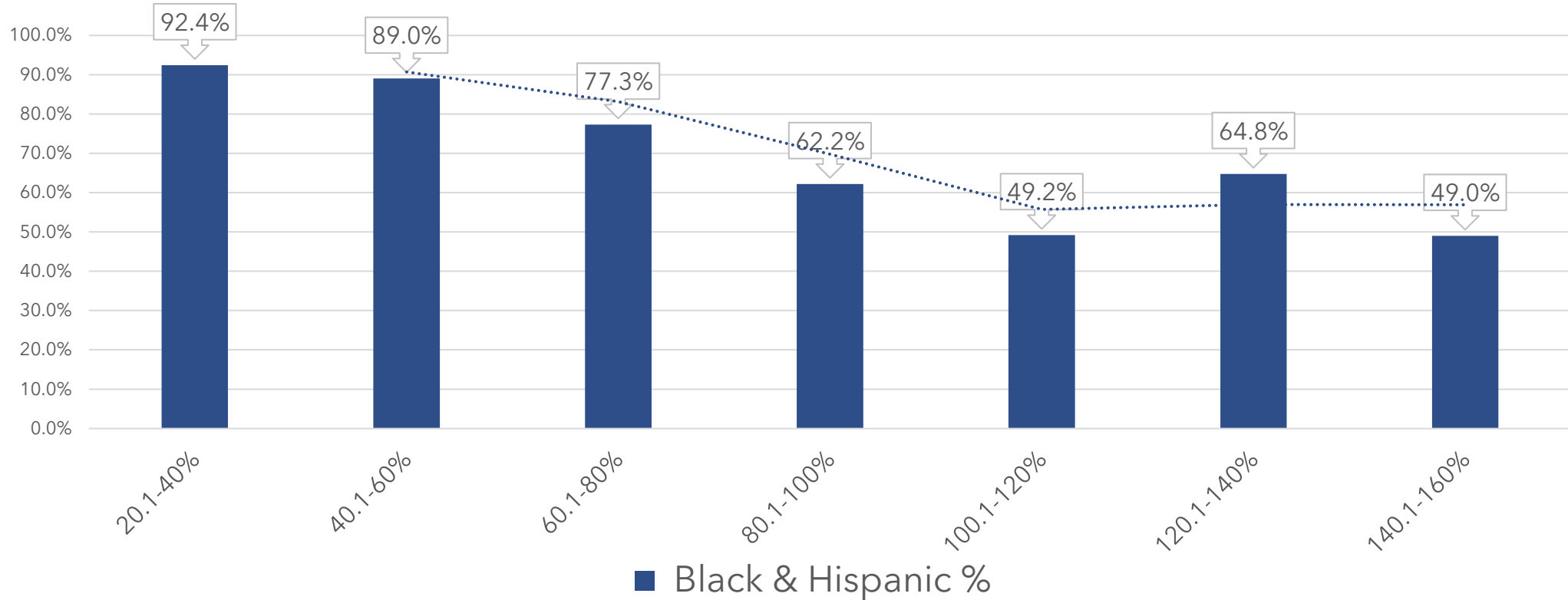


■ Black & Hispanic %

*- Data includes K8 Schools

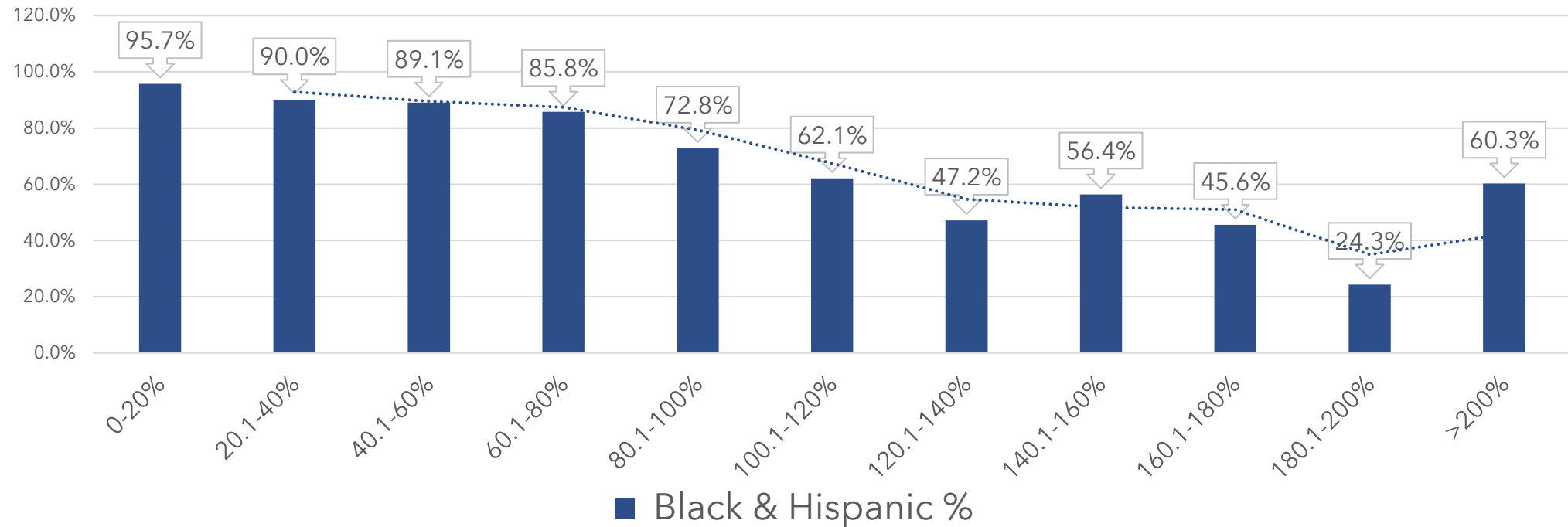
Data Sources: 2021-2022 Enrollment, Capacity, & Utilization Report & 2021-2022 Demographic Snapshot.

Middle School Racial Breakdown by School Utilization, Citywide (2021-2022)



Data Sources: 2021-2022 Enrollment, Capacity, & Utilization Report.
& 2021-2022 Demographic Snapshot

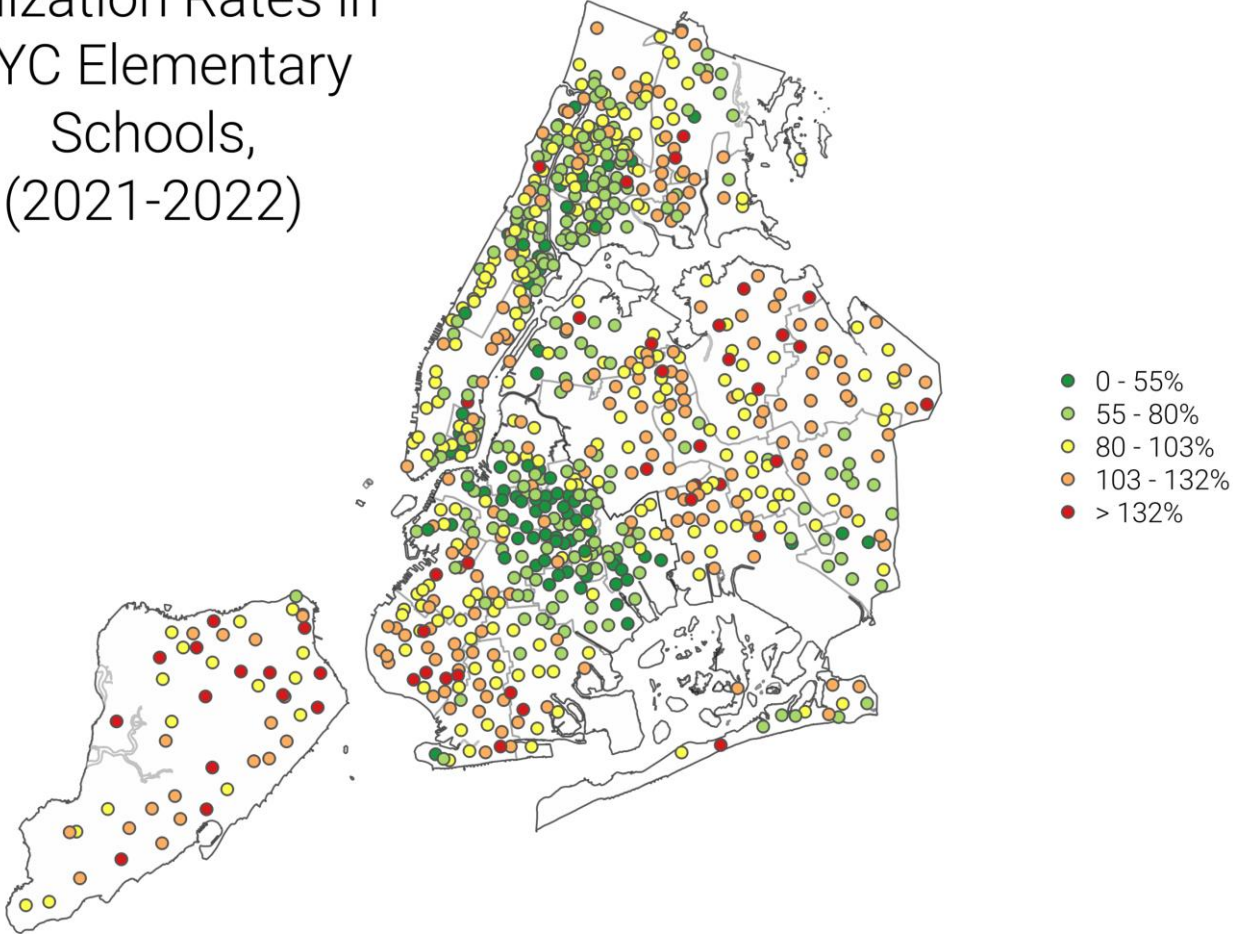
High School Racial Breakdown by School Utilization, Citywide* (2021-2022)



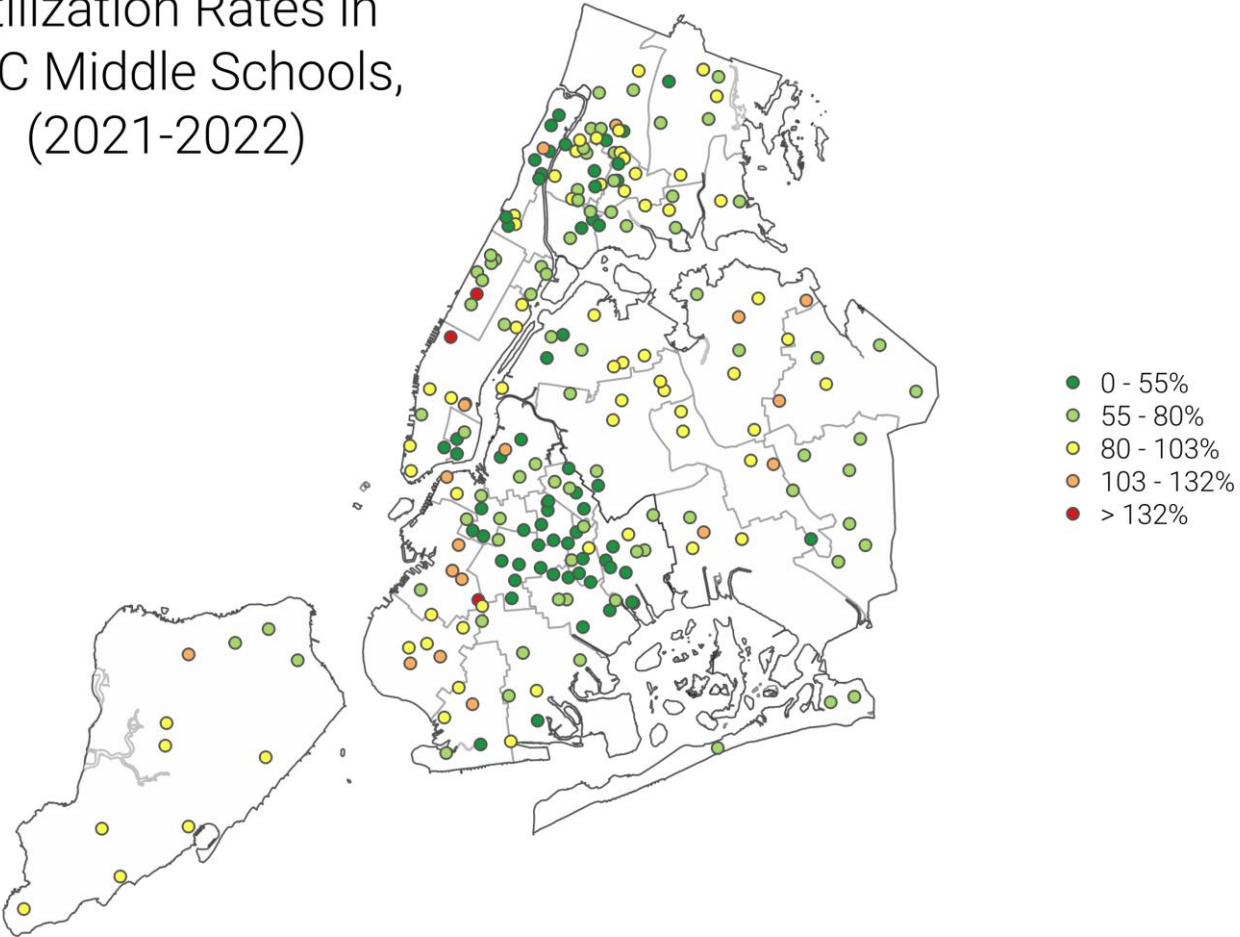
*- Data includes 6-12 Schools

Data Sources: 2021-2022 Enrollment, Capacity, & Utilization Report &
& 2021-2022 Demographic Snapshot

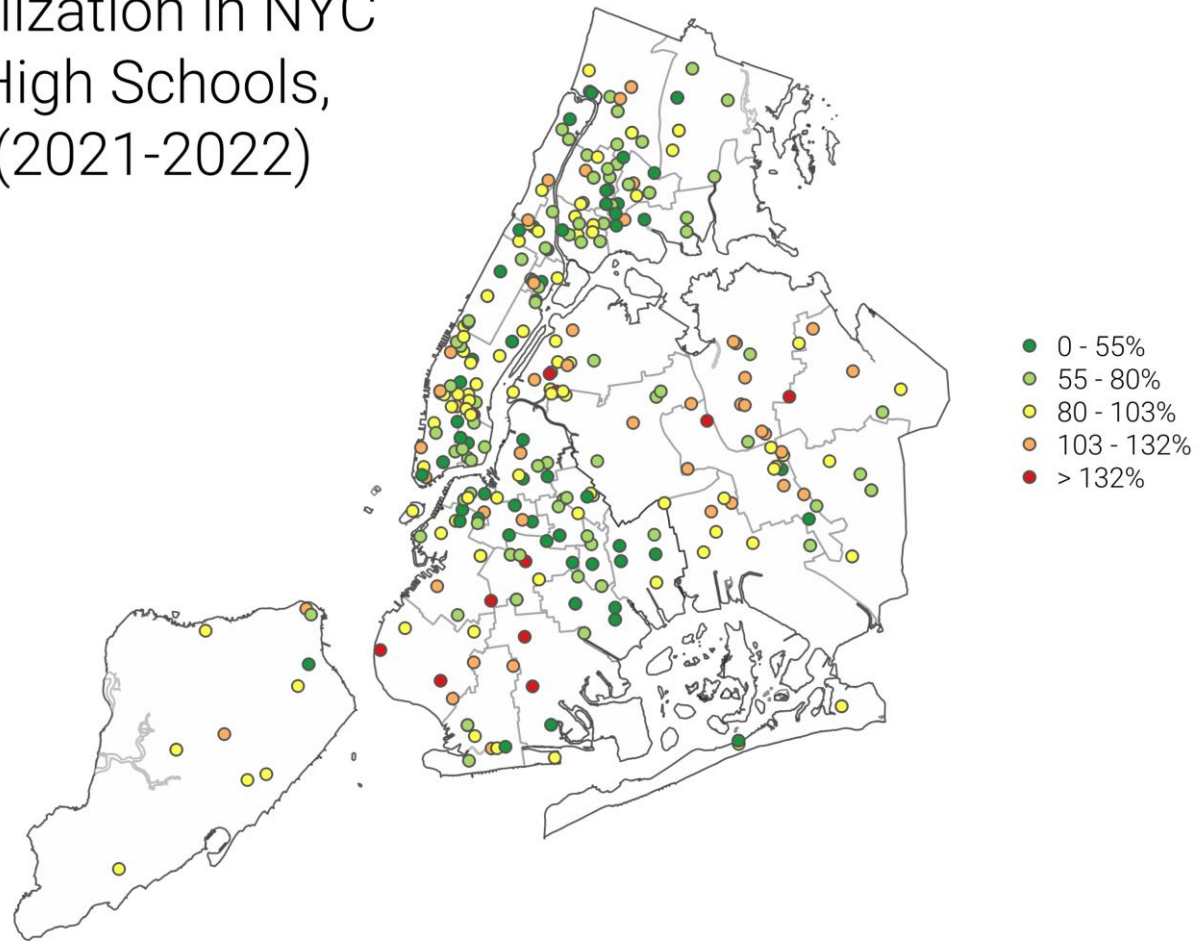
Utilization Rates in
NYC Elementary
Schools,
(2021-2022)



Utilization Rates in NYC Middle Schools, (2021-2022)



Utilization in NYC High Schools, (2021-2022)



Yet so far
DOE
appears to
have no
plan to meet
benchmarks
in the law

- In Capital plan no mention of need to create school space to lower class size and thousands of seats were cut and thousands more moved into the “design only” category.
- DOE district planning documents dated Aug. 2022, “**2023-2024 Strategic Planning Data Considerations**” do not mention of need to lower class size.
- During Council hearing on Jan. 25, 2023, when Deputy Chancellor Weisberg asked whether the DOE planning to cap enrollment at extremely overcrowded schools to enable them to comply with the new law, he said no & instead would rely on underutilized schools offering “**new programming that is responsive to what the community is asking for,**” though didn’t say what that programming would be.
- Educational Impact Statements for recent charter school co-location proposals assume current class sizes in existing schools to continue into the indefinite future, including those schools where all of their classes are far above levels required in the law.

Need for task force to start planning for class size reduction NOW

- Planning needs to start now to ensure sufficient funding for staffing
- An expanded & accelerated capital plan & new enrollment policies to ensure that all schools can achieve class size targets over next 5 years.
- DOE soliciting applications for a working group to help them develop a plan, to meet through Oct. 16 of next fall, but this is quite late
- Moreover, both he & Deputy Chancellor say they may have to sacrifice other critical programs to lower class size.
- ***With an equitable, efficient, accelerated, and fully funded class size reduction plan, no important programs would need to be sacrificed.***

Steps Public Advocate with City Council could take to help

- Hold hearings to ask DOE about the progress or lack thereof for planning for class size reduction.
- Amend class size reporting law passed in 2005, [Local Law 125](#). (CM Joseph said she submitted this to LS back in October but haven't seen it yet)
- Law should require reporting by school of each size of class to confirm how many classes in each school are compliant with cap
- Currently school-specific class size data only includes only averages and range of sizes by type of class and grade level
- Also, require that second round of reporting in Feb. each year reflects 2nd semester class sizes as originally intended (rather than audited version of Oct. 31 class sizes).

Other steps re Budget

- PA in conjunction with Council should require a new Unit of Appropriation --a subset of the General Education and Special Education U of As -- to reflect school-level funding, or else it will be impossible to know in advance what spending & cuts are being made to school budgets.
- They should insist that additional operating funding be allocated to schools & in capital plan to help them meet the class size benchmarks in the law - especially for out-years.
- Require DOE to comply with two laws passed in 2018, to require better and more transparent capital planning and more timely school siting.

SCA/DOE claims they're building sufficient seats but haven't provided data to support this

- [Local Law 167](#) (2018) required DOE to provide transparent methodology and data on which seats needs estimates made. Neither has happened.
- Enrollment projections do not include 3K, D75, D79 or co-located charter school students, and no sub-district trends are available.
- Seat needs in capital plan STILL do not differentiate elementary vs MS needs
- Housing start data is from 6/2020; with multiplier based on 2010 census data; rezonings/changes in school utilization info provided only to 2021
- Actual methodology isn't provided, instead says it uses above data and then adds unspecified "*qualitative analysis*" and "*various strategies to address need.*"
- Data source <http://www.nycsca.org/community/capital-plan-reports-data> as of 5.22.22

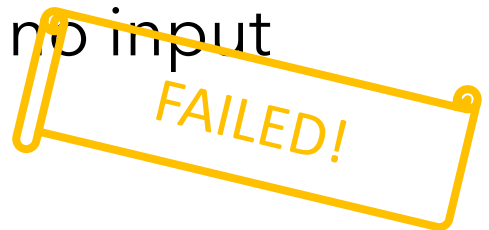


FAILED!

DOE also in non-compliance with Local Law 168

[Local Law 168](#) (2018) created a Task Force for School Siting to identify sites where new schools could be built, including all city-owned & privately-owned empty lots

The Task Force met only twice, released a 2-pg report with no input from City Council & parent members



Through FOIL we received a spreadsheet that ruled out hundreds of city-owned sites for unclear reasons, and never reported on suitability of 22,065 privately-owned sites.