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## Class Size Matters Testimony before the NYC Council Finance Committee on the Mayor's executive budget and the Feb. amendment to the Capital plan

May 24, 2023

Thank you for holding these important hearings today. My name is Leonie Haimson, and I am the Executive Director of Class Size Matters.

### **Concerns about proposed budget cuts and those already made**

Though we are relieved that there are supposed to be no cuts to schools' initial budgets next year, according to the DOE, we have remaining questions and concerns about the cuts that are proposed.

- Though no cuts will be made initially compared to this year, mid-year adjustments (i.e. funding givebacks) may be required.
- Some of these funding streams may prevent schools from hiring the teachers that they need to lower class size or keep class sizes low. For example, not a penny of Contracts for Excellence funds will be dedicated specifically towards class size reduction, but instead the additional funding is supposed to provide teacher training for the new literacy curriculum and to expand the number of ICT classes.
- The Executive budget **also** proposes a \$24.5 million cut for vacancy reduction (school staffing) that will likely lead to a further loss of K12 teachers. According to the analysis by Council finance staff, adoption of the would lead to the elimination of over 800 full-time teaching positions, some of them vacant.<sup>1</sup>
- Finally, as of May 22, 2023 schools entire Galaxy budgets were cut by over \$686 million compared to their previous year's budgets.<sup>2</sup> In any case, the proposed Executive budget would NOT allow schools to rehire the 4,000 plus positions they've lost over the last four years

After the Council voted to approve the budget last June, many members realized the severity of the cuts and their devastating impacts on schools. On July 12, a letter was sent to the Mayor asking for a revote, signed by forty one out of fifty one Council Members, including Speaker Adams.<sup>3</sup> These Council Members wrote:

*"The DOE's school budget policies are disrupting school communities in every borough, and we cannot afford for them to continue. The response we have received from you thus far – to wait until the school year to address this issue – is unacceptable, because it will be too late to avoid the negative impact on students."*

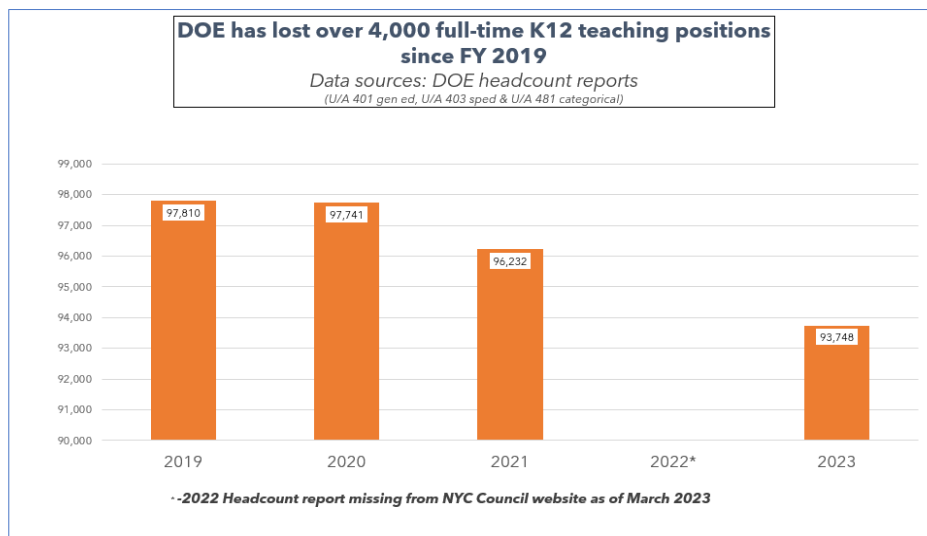
But now the Council has an opportunity to make things right by restoring the cuts made to schools in next year's budget.

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<sup>1</sup> <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2023/05/DOE.pdf>

<sup>2</sup> <https://classsizematters.org/total-cuts-to-nyc-school-budgets-as-of-may-22-2023/>

<sup>3</sup> <https://council.nyc.gov/press/wp-content/uploads/sites/56/2022/07/Council-Leadership-Letter-to-Mayor-Chancellor-re-School-Budgets-1.pdf>



**The Council should insist that the capital plan to create new capacity be immediately expanded and accelerated**

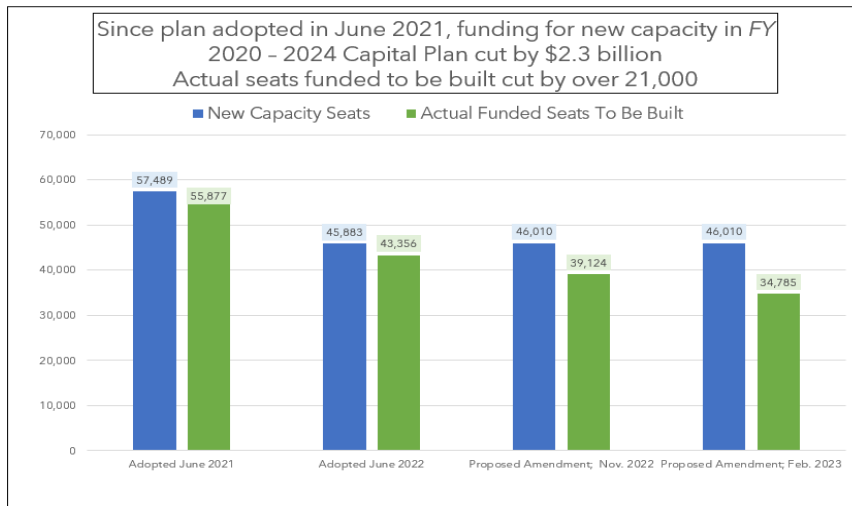
According to the city’s draft class size reduction plan , it will cost \$30-35 billion in capital funding to provide the necessary pace to lower class size to the levels required by the new class size. <sup>4</sup> We believe this estimate is vastly inflated, but there is no doubt that more space will be needed to lower class size especially in the most overcrowded neighborhoods.<sup>5</sup> And yet rather than increasing the funding for new schools and new capacity in the capital plan, the DOE and School Construction Authority have cut about \$2.3 billion and 22,000 seats out of the plan compared to the plan approved in June 2021. Nowhere in the nearly 900 pages of the capital plan, either the Nov. or the Feb amendment is the new class size law even mentioned.

First, the amount spent on new capacity plunged from \$7.8 billion to \$6.3 billion in the June 2022 adopted plan, compared to the plan adopted in June 2021, with more than 11,000 net seats cut (57,489 to 46,010). The February proposed amendment would further cut new capacity by another \$820 million and put 11,000 seats in eleven districts

<sup>4</sup> <https://drive.google.com/file/d/1gv9DZ6aENexWyozzVWV0SwhnlXLVVJ2a/view?usp=sharing>

<sup>5</sup> We do not believe that this estimate is accurate, given the approximate per seat cost of about \$121,000 in 2019, according to the Citizen’s Budget Commission, which would mean that DOE is calculating the required number of new seats to between 250,000 and 290,000. <https://cbcny.org/research/cut-costs-not-ribbons> Even at the higher apparent cost per seat of \$158,689 in the February 2023 proposed amendment, that amount would pay for about 190,000-220,000 new seats. This number of seats is about the same as DOE estimated in 2021, when they claimed that it would take 200,000 seats to provide the space for a proposed City Council class size reduction bill – a bill that would require far smaller classes of 14-21 students in all grades depending on the classroom size, compared to the state bill that would require class sizes of 20-25, dependent on the grade level. See <https://s3.documentcloud.org/documents/21154221/hearing-testimony-102721-2.pdf> Yet at the same hearing, the IBO estimated the law would require only about 100,000 new seats or half that number. <https://ibo.nyc.ny.us/iboreports/education-committee-testimony-academic-recovery-space-usage-in-city-schools.pdf> The IBO estimate and the DOE’s were also based upon 2019 enrollment figures, which were far higher than now, meaning that there is now more available space in existing schools. Adding 100,000 seats would cost roughly \$993 million a year over 30 years, according to Sarita Subramanian of the IBO, though half of the cost would be reimbursed by the state. <https://ny.chalkbeat.org/2021/12/15/22834858/nyc-schools-smaller-class-size-bill-vote-city-council>

into the category of “funded for design only.”



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

***There is no time to waste,*** given that all schools are supposed to meet the class size caps by the end of the 2027-8 school year. I fear that DOE and the SCA will continue to drag their feet, until it is too late, and say the only choices are non-compliance or adding more trailers, which no one wants.

The cost of meeting the class size caps in the law would be considerably less and the speed greater if the DOE accelerated the rezoning of elementary schools and revamped the admissions process in middle and high schools to more equitably allocate enrollment across all schools. This would also likely create more diversity across schools and enable currently under-enrolled schools to have more sustainable budgets.

Yet apparently, the DOE is not considering this option. During a Council hearing on January 25, 2023, when Deputy Chancellor Weisberg was asked whether the DOE was planning to cap enrollment at extremely overcrowded schools to better enable them to lower class size, he said that instead the DOE would rely upon “*new programming that is responsive to what the community is asking for in schools that are underutilized,*” though he did not specify what that programming might be and how this could be achieved, given how constricted budgets are at most under-enrolled schools.<sup>6</sup> During the hearings this week, Deputy Chancellor Weisberg again rejected the idea that enrollment could be capped at very overcrowded schools in order to allow them to lower class size. Instead he said, “We need to tell good stories about under enrolled schools to relieve pressure on overcrowded schools.” I would submit this is not a realistic strategy, especially given the time frame mandated by the law.

***A chart is appended to the end of this testimony about how many seats and in which districts are proposed to be cut. Again, we urge the City Council to reject any capital plan that fails to include expanded funding for new capacity,*** so that schools in the most overcrowded communities can achieve the new caps within the timeframe mandated by the law.

***Enhanced DOE transparency in budgeting and results should be required.***

Finally, so that no one is again misled or confused about the potential level and future impact of DOE overall budgets on school level funding, we urge the Council to require more transparency from now on in budgeting and reporting, including two new Units of Appropriation (U of A) that reflect school-level funding, as a subset of the existing General

<sup>6</sup> <https://legistar.council.nyc.gov/View.ashx?M=F&ID=11612014&GUID=1C796D91-62F0-4BC8-8B29-C75A60BB6ED7>

Education and Special Education U of As. Otherwise, it will continue to be impossible to know in advance how much the proposed cuts will affect school budgets, staffing and programming.

We also urge you to support proposed amendments to the class size reporting law, Local Law 125, to require reporting on the actual size of classes at the school level. Currently DOE school-specific class size reporting only includes averages and range of sizes by type of class and grade level, which will not tell us how many classes in each school are actually compliant with the new caps.<sup>7</sup>

The law also needs to be amended to require that the second round of class size reporting in February reflects actual class sizes during the second half of the year, as originally intended, rather than an audited version of October 31 class sizes, since classes often re-organize and change size significantly during the second semester. Moreover, the new law requires full compliance to the new class size caps by the end of the 2027-2028 school year.

Finally, DOE and SCA should also be required to comply with two critical laws both passed in 2018, related to the efficiency and reliability of capital plan, that flowed out of the recommendations of an internal Council taskforce that released a report in March 2018 called “Planning to Learn.”<sup>8</sup> Many of the recommendations of this report have still not been adopted.

Local Law 167, approved in 2018, required DOE and SCA to provide their actual estimates of the need for new seats, along with the methodology and the data on which their estimates are based.<sup>9</sup> Up until the year 2018, the capital plan included a column for their seats need estimates, separate from the number of seats actually funded. That column disappeared in 2018, so the capital plan is even less transparent than before. The page on which the SCA has posted data in supposed compliance with Local Law 167 provides little more information than it previously provided, despite the rigorous requirements outlined in the law.<sup>10</sup>

DOE also remains in non-compliance with Local Law 168 that created a Task Force for School Siting, aimed at identifying sites where new schools could be built, including an analysis of all city-owned & privately-owned empty lots.<sup>11</sup> The Task Force met only twice and released a two page summary report with no input from City Council or 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.<sup>12</sup> Given the fact that the SCA still has not identified sites for over 17,000 seats in the five-year plan that was first introduced in November 2018, amounting to 38% of the seats currently funded, plus over 1,000 unsited D75 seats, and the need to accelerate construction given the need to comply with the new class size law, they should be required to analyze all potential sites with deliberate speed.

***Thank you for the ability to testify today. A one-pager follows with our budget priorities, signed onto as well by NYC Kids PAC, the Alliance for Quality Education, and the Chancellor’s Parent Advisory Council, which represents all the PTAs in New York City.***

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<sup>7</sup> <https://legistar.council.nyc.gov/View.ashx?M=F&ID=890279&GUID=CFAAC008-AC94-4009-9AEA-9FB5858249FF> The class size reports are posted here: <https://infohub.nyced.org/reports/government-reports/class-size-reports>

<sup>8</sup> <https://council.nyc.gov/land-use/wp-content/uploads/sites/53/2018/03/Planning-to-Learn-3.16.2018-high-resolution.pdf>

<sup>9</sup> <https://legistar.council.nyc.gov/View.ashx?M=F&ID=6714467&GUID=ED9C486B-ACA7-4D5B-8D56-F2EA0A950976>

<sup>10</sup> <http://www.nycsca.org/community/capital-plan-reports-data#Local-Law-167-Reports-352>

<sup>11</sup> <https://legistar.council.nyc.gov/View.ashx?M=F&ID=6715118&GUID=2EE4A502-7E3B-44BF-9A06-EB8BC691F61B>

<sup>12</sup> The School Siting Task Force Report released in October 2019 is here: <https://www.classsizematters.org/wp-content/uploads/2020/01/School-Siting-Task-Force-Report-Final-10.4.19-1.pdf>; the spreadsheets are here: <https://www.classsizematters.org/wp-content/uploads/2020/01/Copy-of-School-Siting-Task-Force-LL168-Final-October-2019-4.xlsx> Our critique of the report and spreadsheets from 2020 is here: [https://drive.google.com/file/d/1sDpB\\_i6sOUKEJwXVRRrE6SHYNQ6-bZ0vr/view](https://drive.google.com/file/d/1sDpB_i6sOUKEJwXVRRrE6SHYNQ6-bZ0vr/view)



## Class Size Matters/NYC Kids PAC/CPAC/AQE Budget Priorities for FY 2024

*Updated May 16, 2023*

### **The Mayor and City Council should prevent any further cuts to schools, and instead restore the budget cuts made to schools in this year's budget.**

The DOE says they plan to cut school budgets again next year, though they refuse to say by how much. This year, school budgets were severely slashed, causing sharp increases in class sizes and the loss of many valuable programs and services. Shortly after approving the budget, the Council said they regretted their vote and unsuccessfully asked the mayor to enable them to revoke. This year, they have the opportunity to insist that these cuts be restored and should do so.

### **The funds to do so are available.**

The DOE will receive an additional \$493 million next year, the final tranche of a three-year phase-in of \$1.3 billion resulting from the CFE lawsuit, meant to ensure that students receive equitable funding so they can receive their right to a sound basic education. In addition, the IBO has estimated that NYC will end fiscal year 2023 with a \$4.9B surplus and as of early February, the city's cash balance was at \$14.6B, including reserves.

### **The need for more school funding is greater than ever.**

Students are still recovering, both emotionally and academically, from the huge disruptions caused by Covid and school shutdowns. They need the close support of their teachers, counselors, and other support staff as much as ever before. Moreover, schools are supposed to be phasing-in smaller classes starting next fall in accordance with the new state law.

### **The Mayor and Council should expand and accelerate the capital plan for new school capacity.**

The DOE and SCA have cut more than \$2 billion dollars and the number of new school seats to be built by 22,000 compared to the June 2021 adopted plan. Yet over 300,000 students are crammed into overcrowded schools, and it will be impossible to lower class size to the levels in the new state class size law without building many more schools.

The Council should refuse to approve any capital plan that does not expand the funding for new capacity so that there is sufficient space to lower class size to the goals required by the new state law.

### **Enhanced DOE transparency in budgeting and reporting should be required.**

Two new Units of Appropriation (U of A) should be required to report on school-level funding, or else it will continue to be impossible for the public and Council to know what cuts are actually going to be imposed on school budgets and their likely impact.

The class size reporting law, [Local Law 125](#), should be amended to require reporting on the size of all classes at the school level to see how many are compliant with the new caps. Currently DOE only reports on school-specific class sizes by averages and range of sizes by type of class and grade level. Local Law 125 also needs to require that the second round of class size reporting in February each year reflects class sizes during the second half of the year, as originally intended, since class sizes often re-organize and change size during that time and the law requires full compliance to by the end of the 2027-8 school year.

DOE and SCA should also be required to comply with [Local Law 167](#) and [Local Law 168](#), both passed in 2018, that require reporting on the actual data and methodology used in the capital plan, including what the SCA's actual estimates are for the need for more school seats at each grade level, as well as requiring that they thoroughly analyze empty lots for their potential use to site new schools.

**Planned Cuts to New Capacity in Capital Plan (Feb. 2021 – Feb. 2023)**

*(Districts not included below have no new seats planned)*

School District	Amount to be Spent on New Capacity (Feb 2023 proposed amendment) - <i>in millions</i>	Change in Amount Spent on New Capacity from June 2021- Feb. 2023 proposed amendment - <i>in millions</i>	February 2023 proposed amendment Total Funded Seats	Total Seat Change, June 2021 - February 2023	Seats moved into Design-Only (unknown number per district)
2	\$115.13	-\$214.78	2,716	-262	Yes
7	\$96.85	-\$200.85	451	-2,061	
8	\$83.12	\$18.27	500	-42	
9	\$135.86	-\$136.92	785	-1,017	
10	\$261.88	-\$72.81	1,882	-1,043	
11	\$310.53	-\$125.64	2,078	-1,058	Yes
12	\$182.23	\$18.37	1,029	-37	
13	\$98.21	-\$33.94	1,118	-502	
14	\$59.02	\$2.96	920	-71	Yes
15	\$240.63	\$24.37	1,694	-730	
20	\$471.67	\$66.11	4,041	509	Yes
21	\$189.15	-\$121.58	2,035	-681	Yes
22	\$133.62	\$24.97	865	41	
24	\$106.77	-\$14.55	1,316	200	Yes
25	\$324.90	-\$319.64	3,340	-2,296	Yes
26	\$303.11	-\$12.91	2,310	-282	Yes
27	\$153.24	\$24.60	1,514	-262	
28	\$189.49	-\$135.08	1,808	-1,084	Yes
29	\$138.41	\$112.43	554	78	
30	\$319.73	-\$30.31	2,899	-161	Yes
31	\$524.72	\$15.00	3,642	-202	Yes
D75 K8 (Sited & Unsited)	N/A	N/A	2,832	488	
D75 Brooklyn HS	\$5.38	\$5.38	192	192	
Queens HS	\$511.93	-\$134.29	4,334	-2,351	
Staten Island HS	\$14.68	\$14.68	1,155	1,155	Yes
Remaining Site Acquisition Costs	\$293.39	-\$121.91			
Funds for site specific/environmental code & D75	\$253.28	-\$932.01			
<b>Grand Total</b>	<b>\$5,516.93</b>	<b>-\$2,280.08</b>	<b>46,010</b>	<b>-11,479</b>	<b>-11,225</b>

Analysis by Class Size Matters, May 2023