



# The new class size law and planning for class size reduction

Parent Action Conference 2023  
Leonie Haimson, Class Size Matters  
[info@classsizematters.org](mailto:info@classsizematters.org)

6.10.2023

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 4<sup>th</sup>-8<sup>th</sup>, and 25 students in HS classes in core academic subjects by the end of the 2027-8 school year.
- Phys ed 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.
- DOE must hold hearings within month of State adopted budget and take public input into account before submitting to state
- UFT & CSA must also agree to the plan before submission; if not goes through arbitration process

Last school  
year (2021-  
2022) class  
sizes  
decreased  
significantly  
citywide and  
in most  
districts

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Enrollment fell sharply

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School budgets were not tied to enrollment  
for first time

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There was additional federal funding for  
Covid relief

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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

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

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

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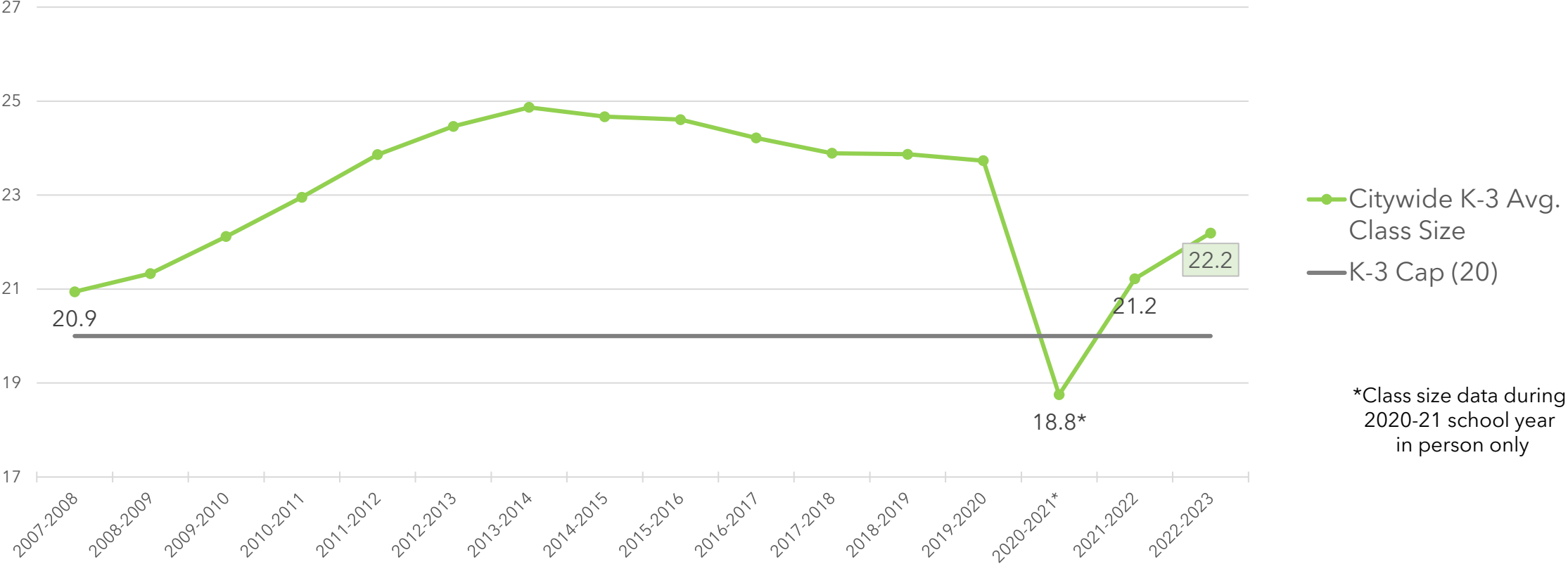
These cuts led to class size increases in many schools as teachers were let go or retiring teachers not replaced, and critical programs & service eliminated.

# 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-3<sup>rd</sup> increased this year to 22.2, above eventual cap of 20

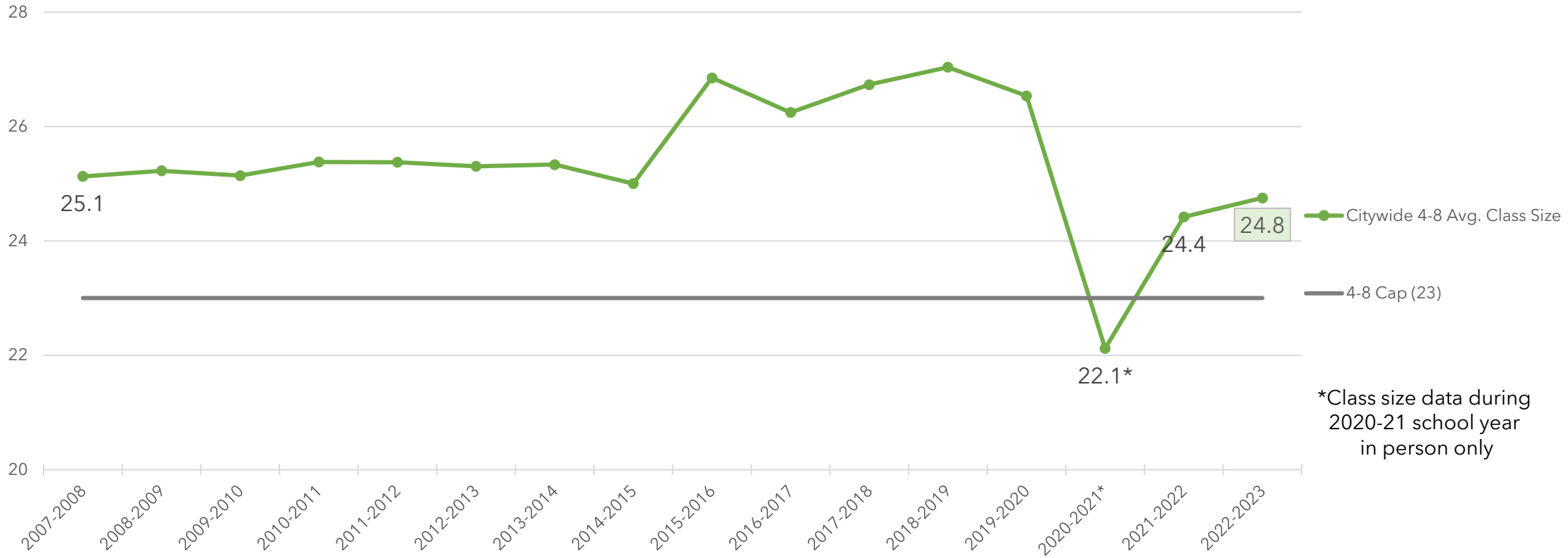
(2007-2023)



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

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

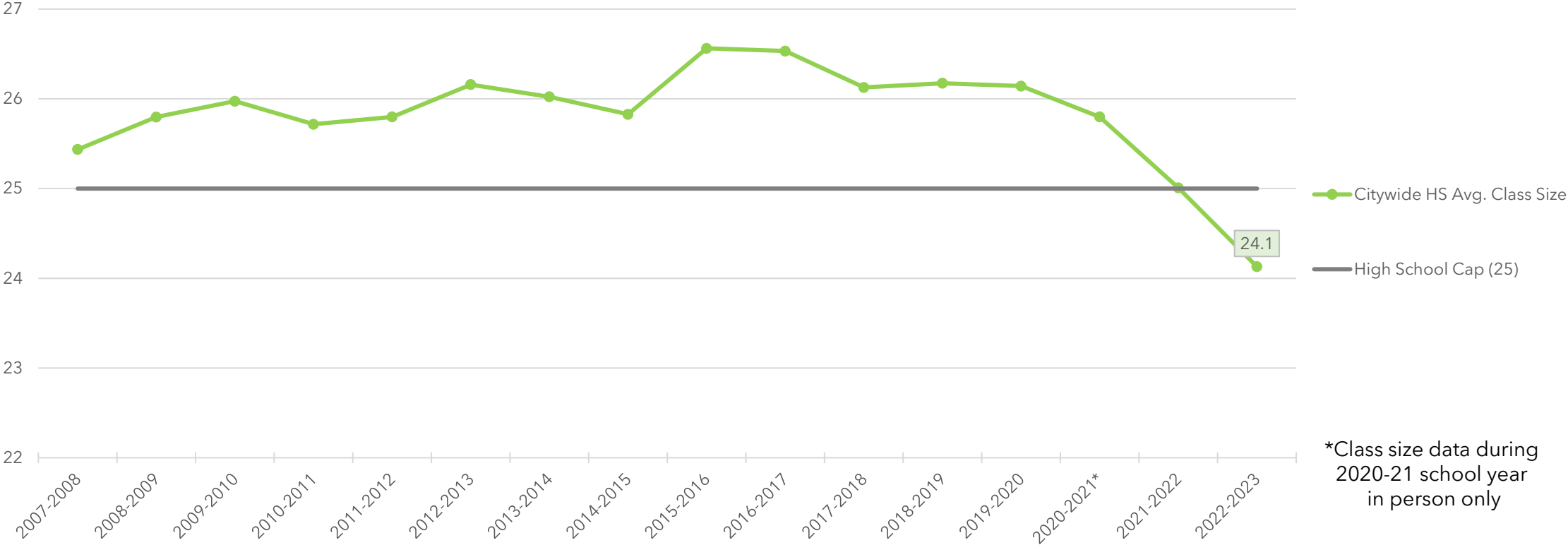
Average 4-8 Class Sizes  
(2007-2023)



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

# Citywide high schools averaged 24.1 students per class, below the cap of 25 - but disparities in HS huge

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



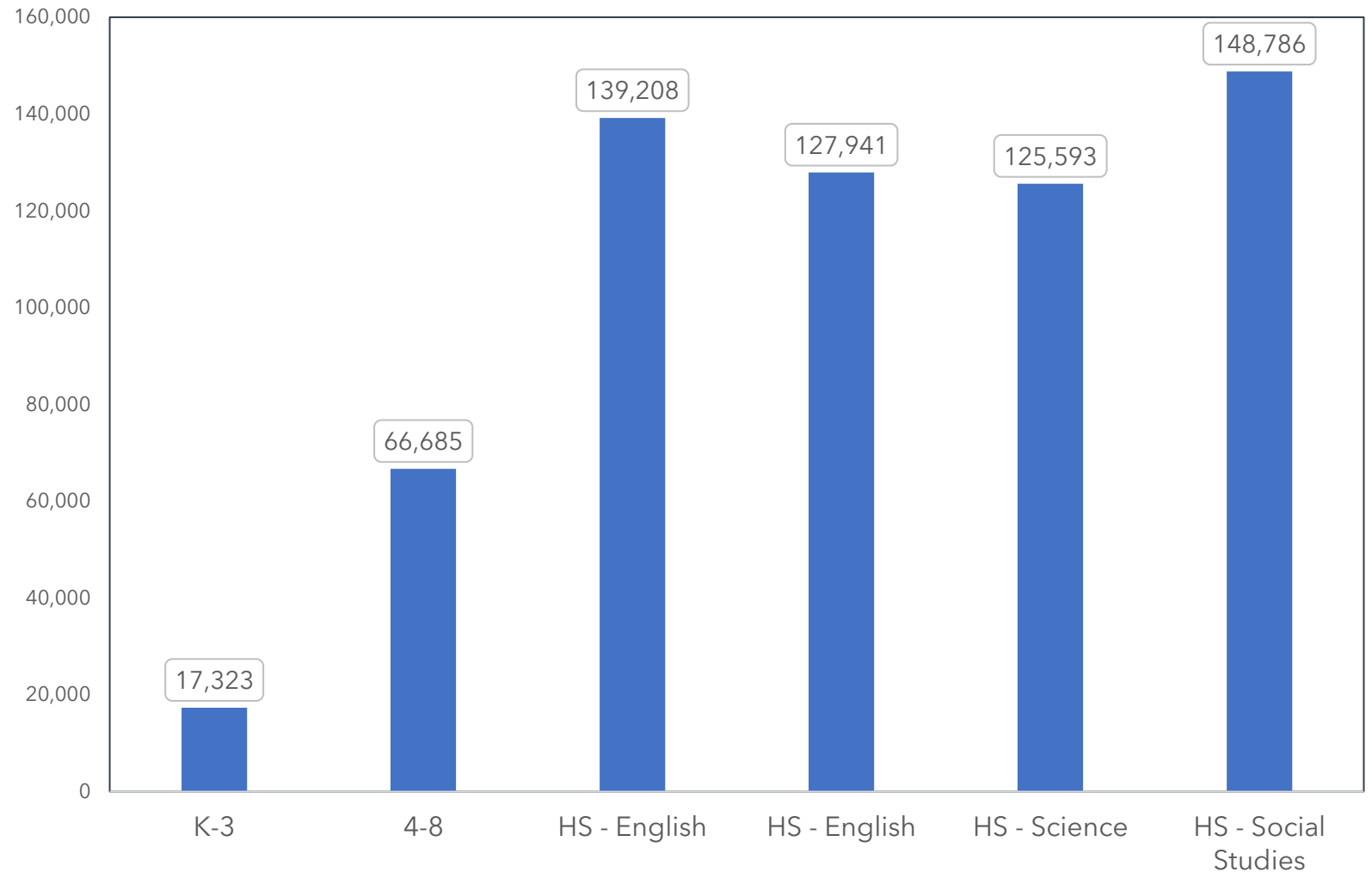
\*Class size data during 2020-21 school year in person only



Still more than 232,000\* students citywide were crammed into classes of 30 or more (>149,000 in HS )

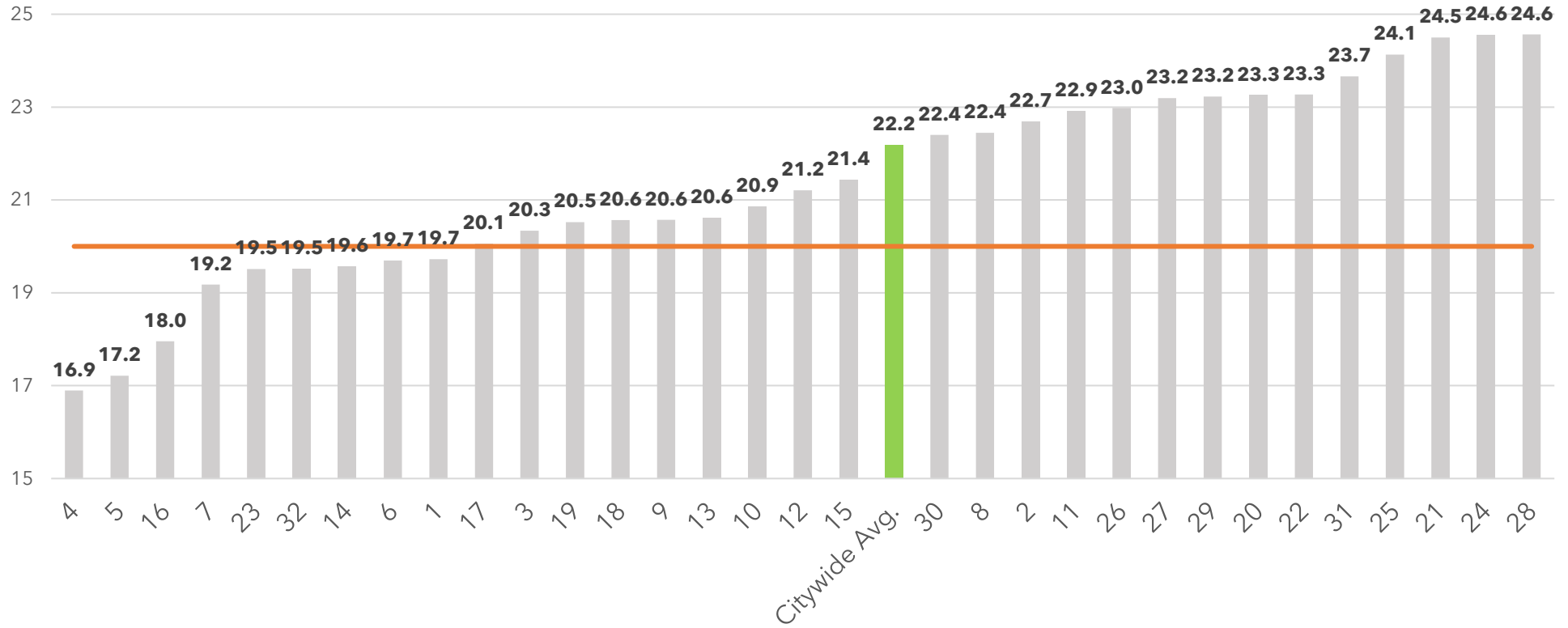
\* - (only HS social studies classes included, so not to double count)

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



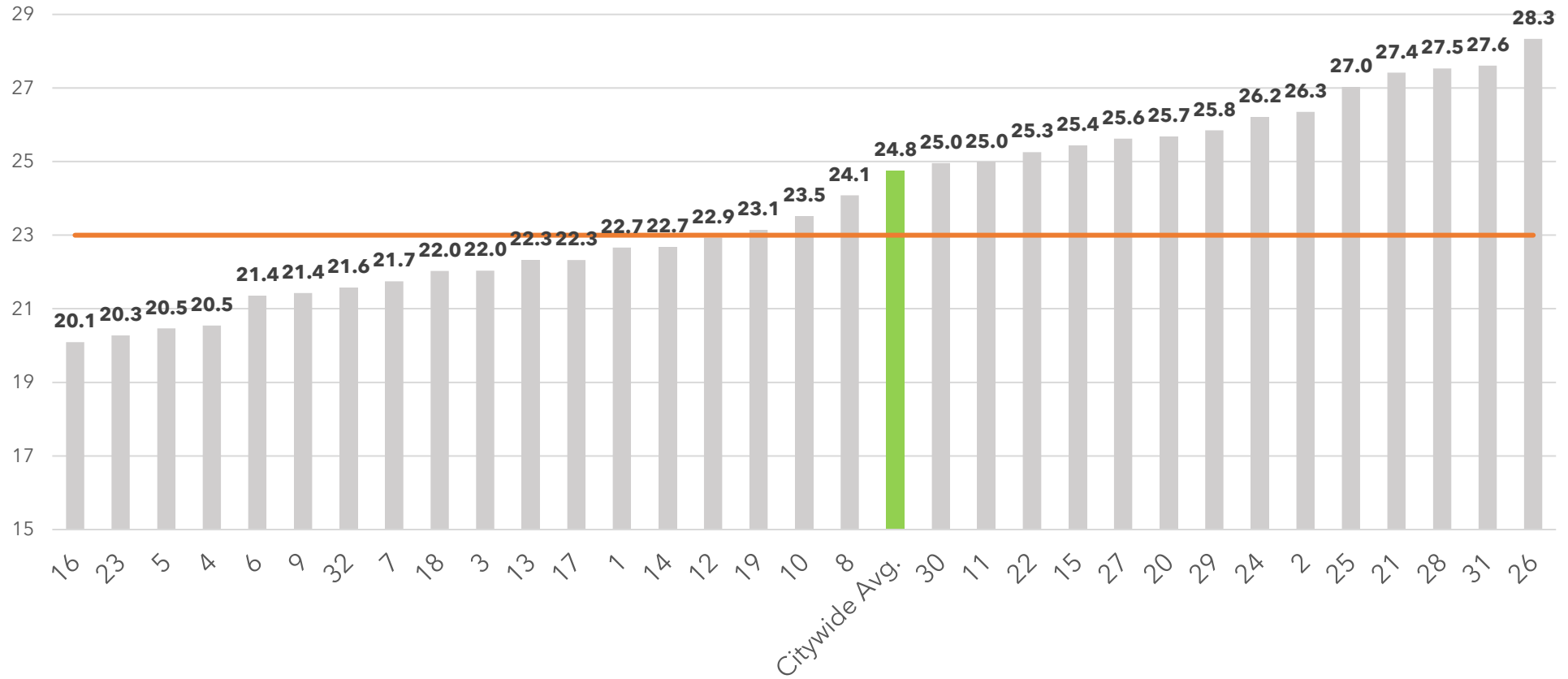
# K-3 Class Sizes by School District ('22-'23)

— Class Size Cap (K-3)



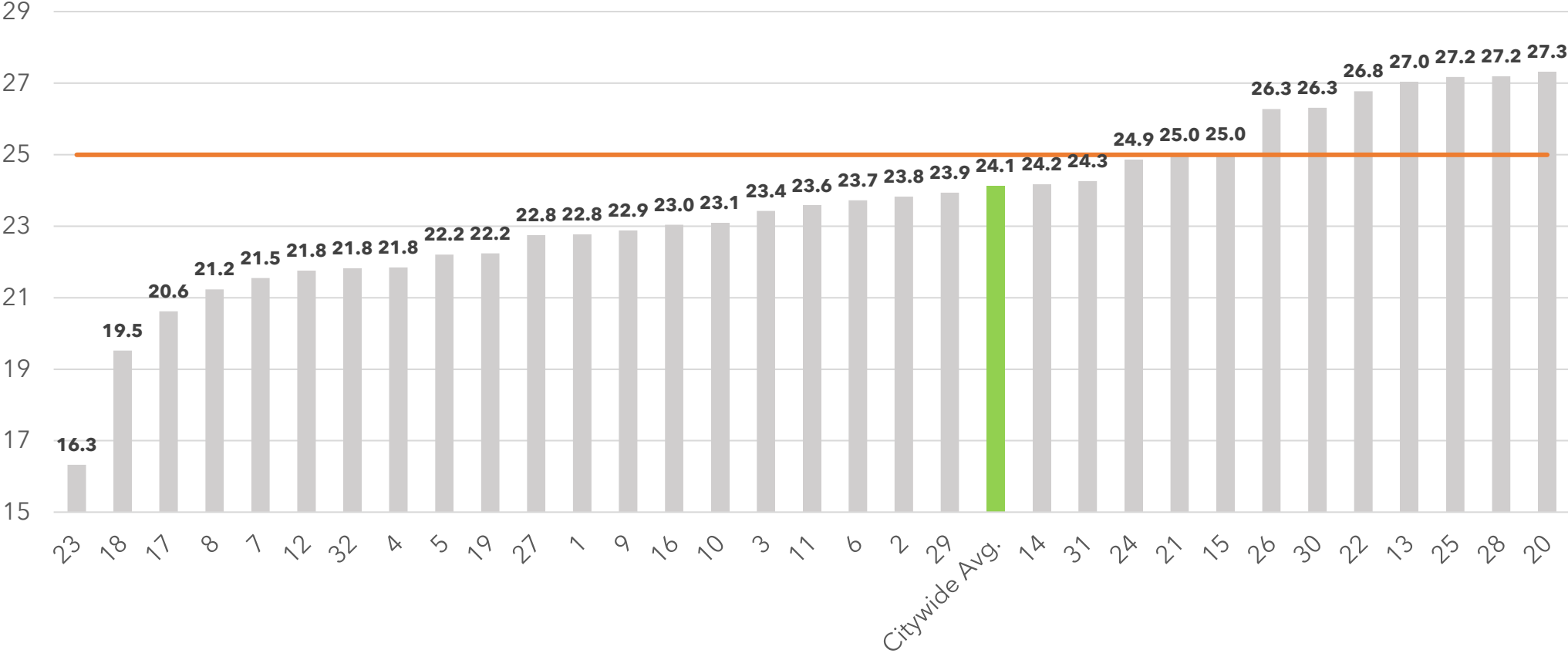
# 4-8 Class Sizes by School District ('22-'23)

— Class Size Cap (4-8)

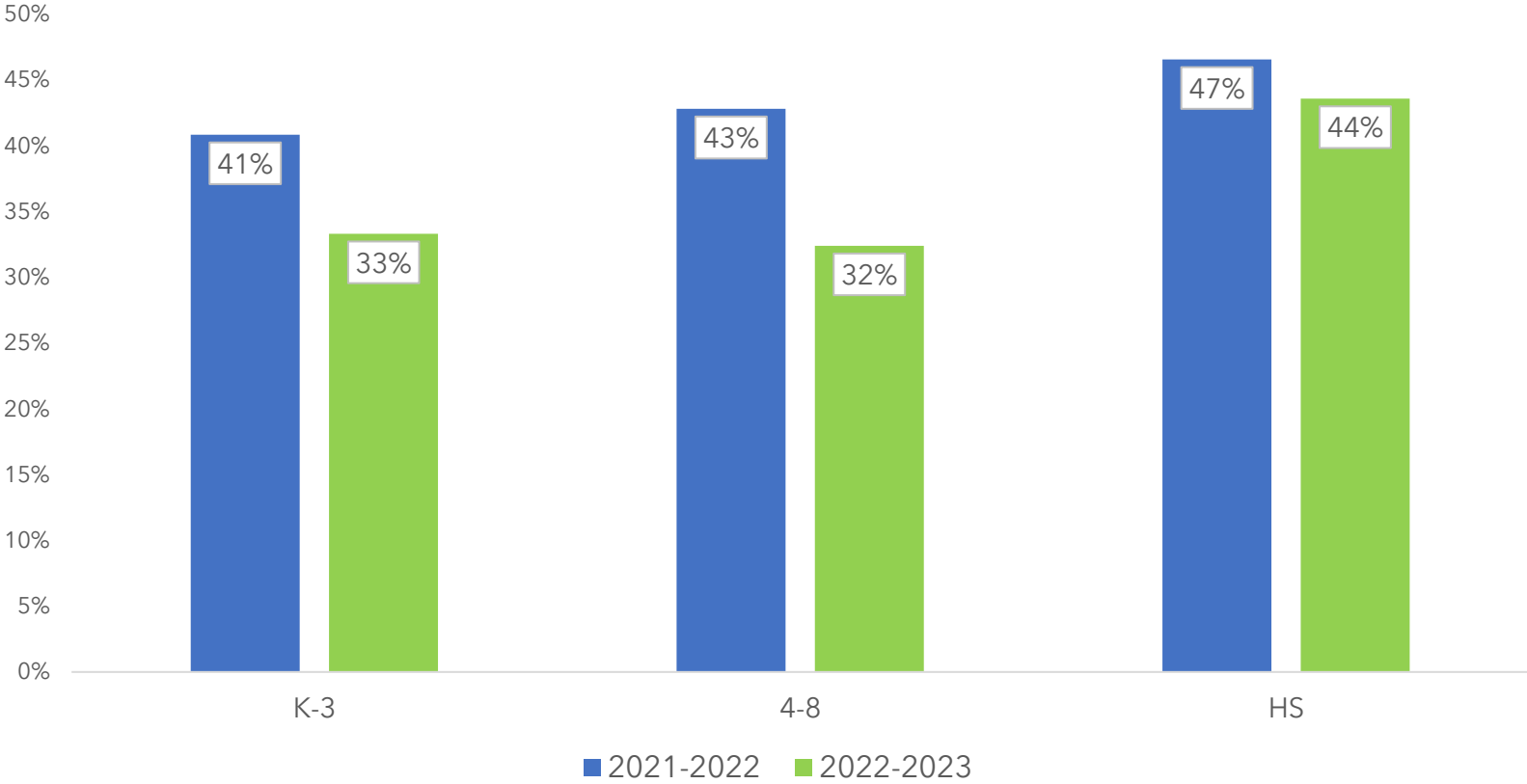


# High School Class Sizes by School District ('22-'23)

— Class Size Cap (HS)



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

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Additional budget needed for staffing/ hiring additional teachers

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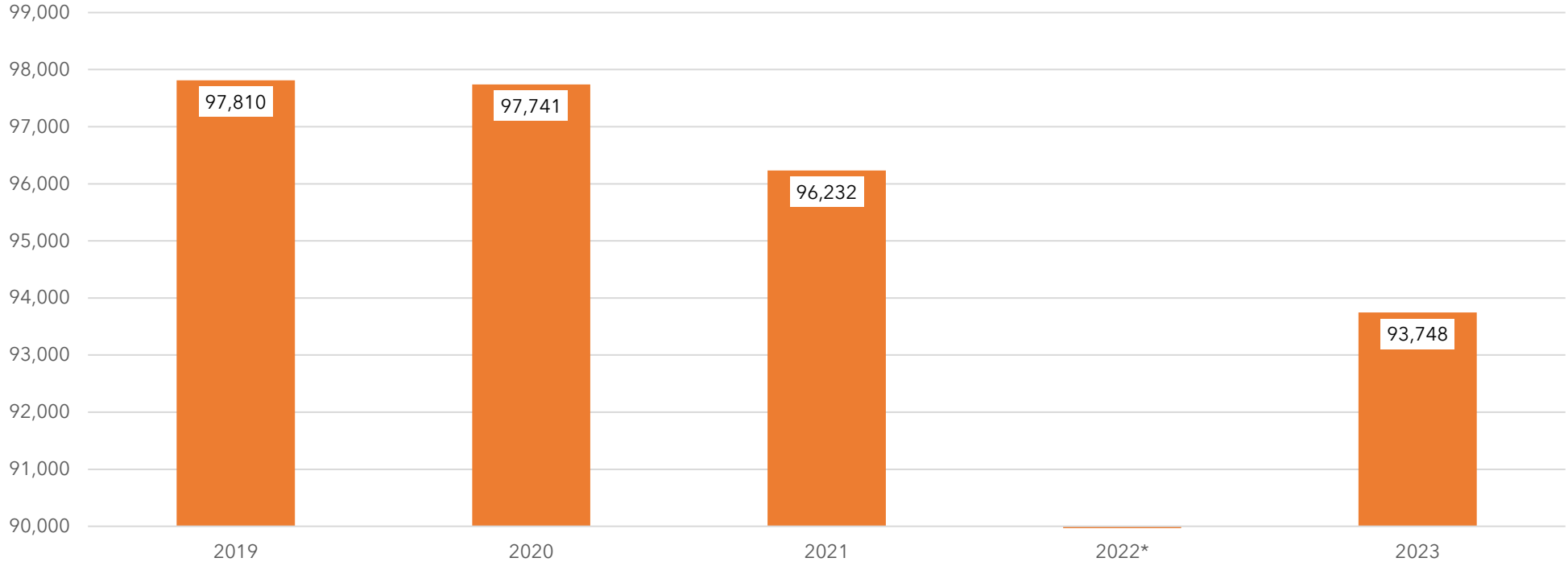
Creating more space in overcrowded districts by building more schools & possibly moving more 3K & PreK classes to CBOs

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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 proposed budget for next year again claims NOT to cut school budgets, but is this true?

- DOE overall budget would be cut by \$1.1B, much of that to 3K expansion as expected;
- DOE claims no cuts to school **initial budgets** compared to this year's **initial budgets**, though mid-year adjustments (i.e. funding givebacks) may be required.
- ***In addition, schools in which Fair Student Funding is being cut will be funded in other areas that are targeted for specific programs and positions - and cannot be used to keep teachers on staff or hire new ones.***
- Already we've heard of schools forced to excess teachers; and according to [Council analysis](#), this budget would lead to the elimination of over 800 full-time teaching positions, many of them unfilled.
- Also less \$ likely in future months as most of the \$ provided upfront; an analysis of Galaxy budgets show initial budgets for next year more than \$800M less than school budgets this year as of March.

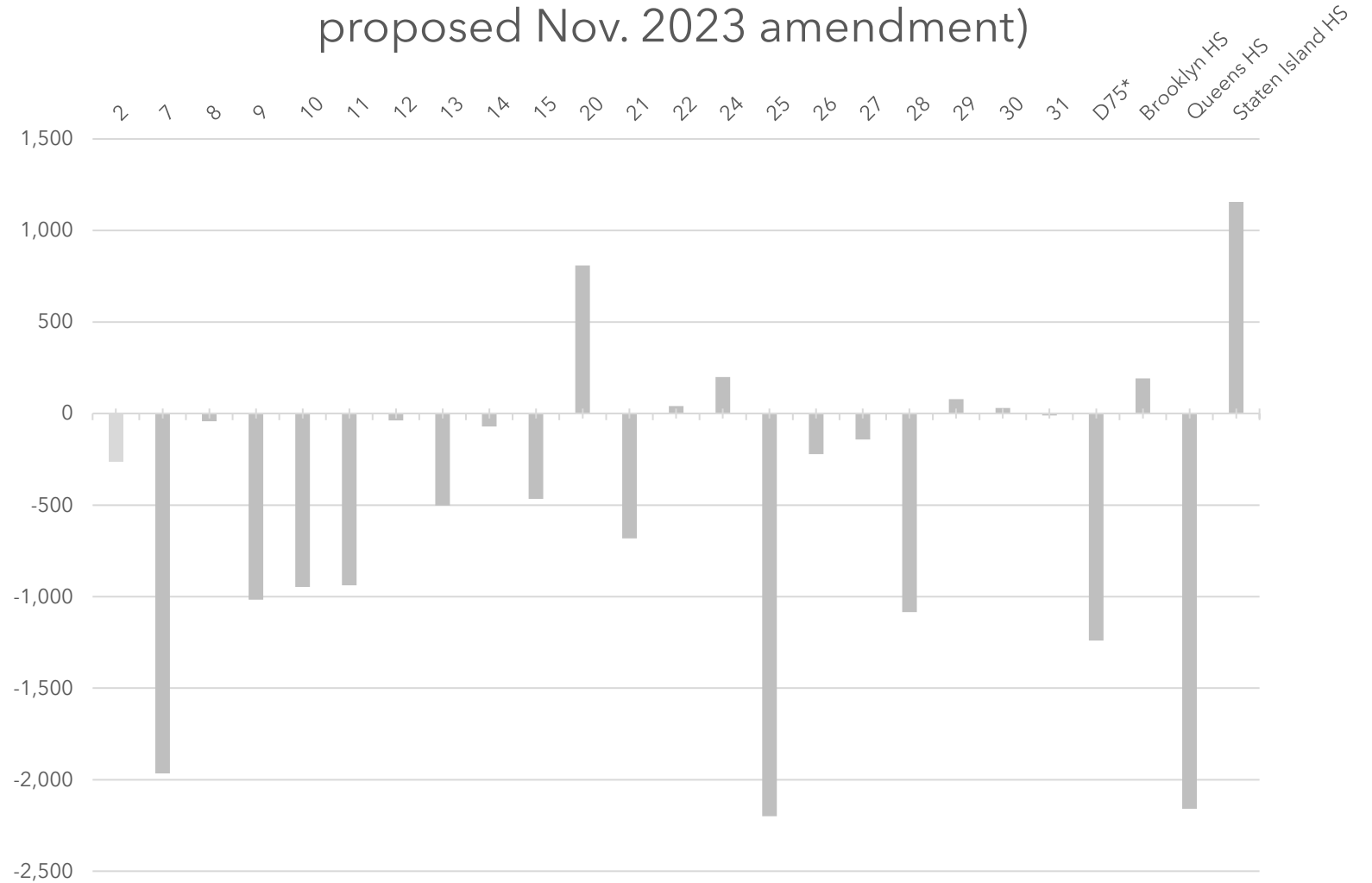


Big concern:  
proposed  
amended  
capital plan  
would cut  
nearly \$2.3B in  
new capacity  
vs. plan  
adopted in  
2021

- 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.

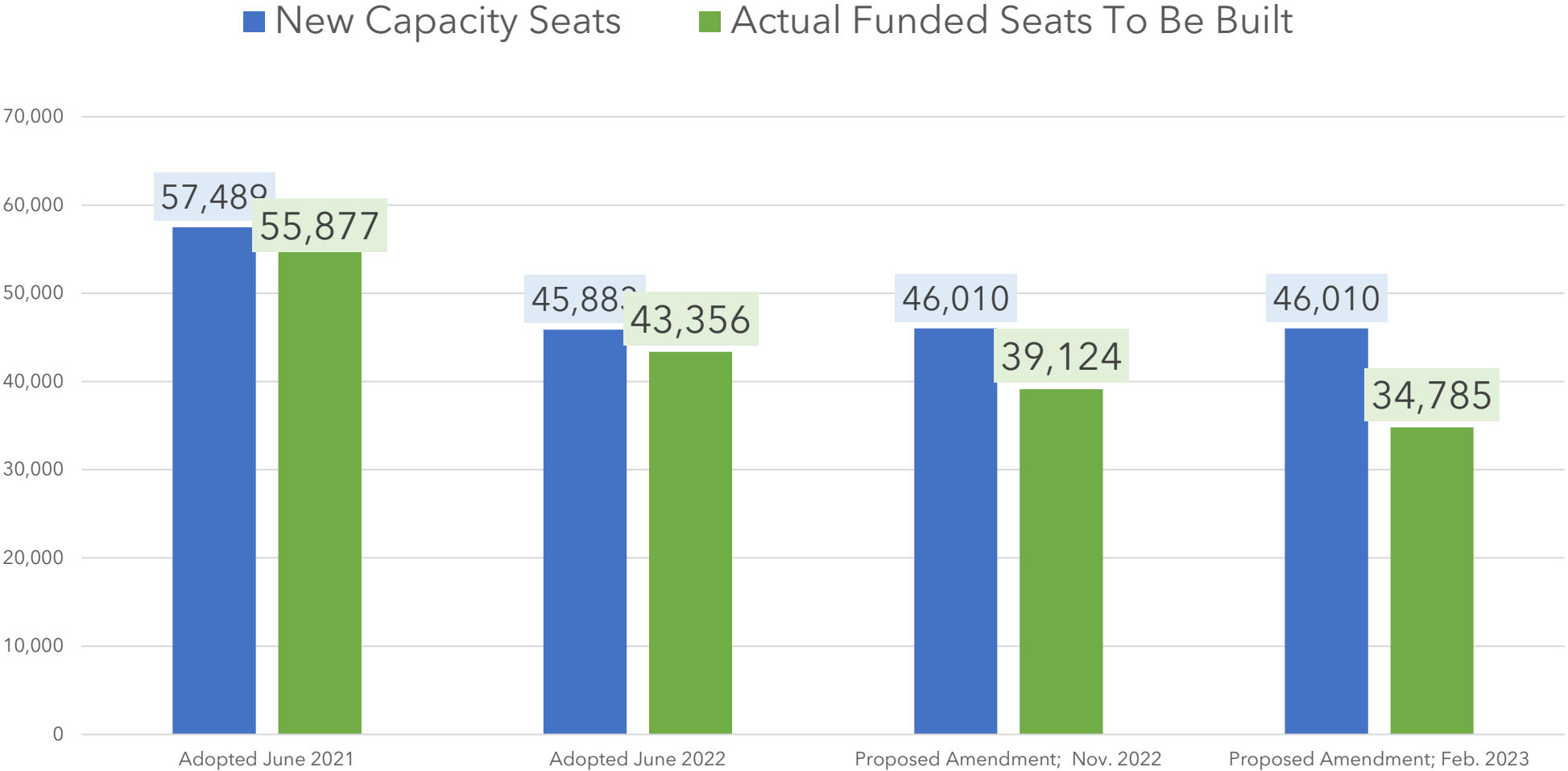
In addition, capital plan proposed to cut net 11,000 seats compared to plan adopted June 2021, and move another 11,000 seats in category of "funded for design only."

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



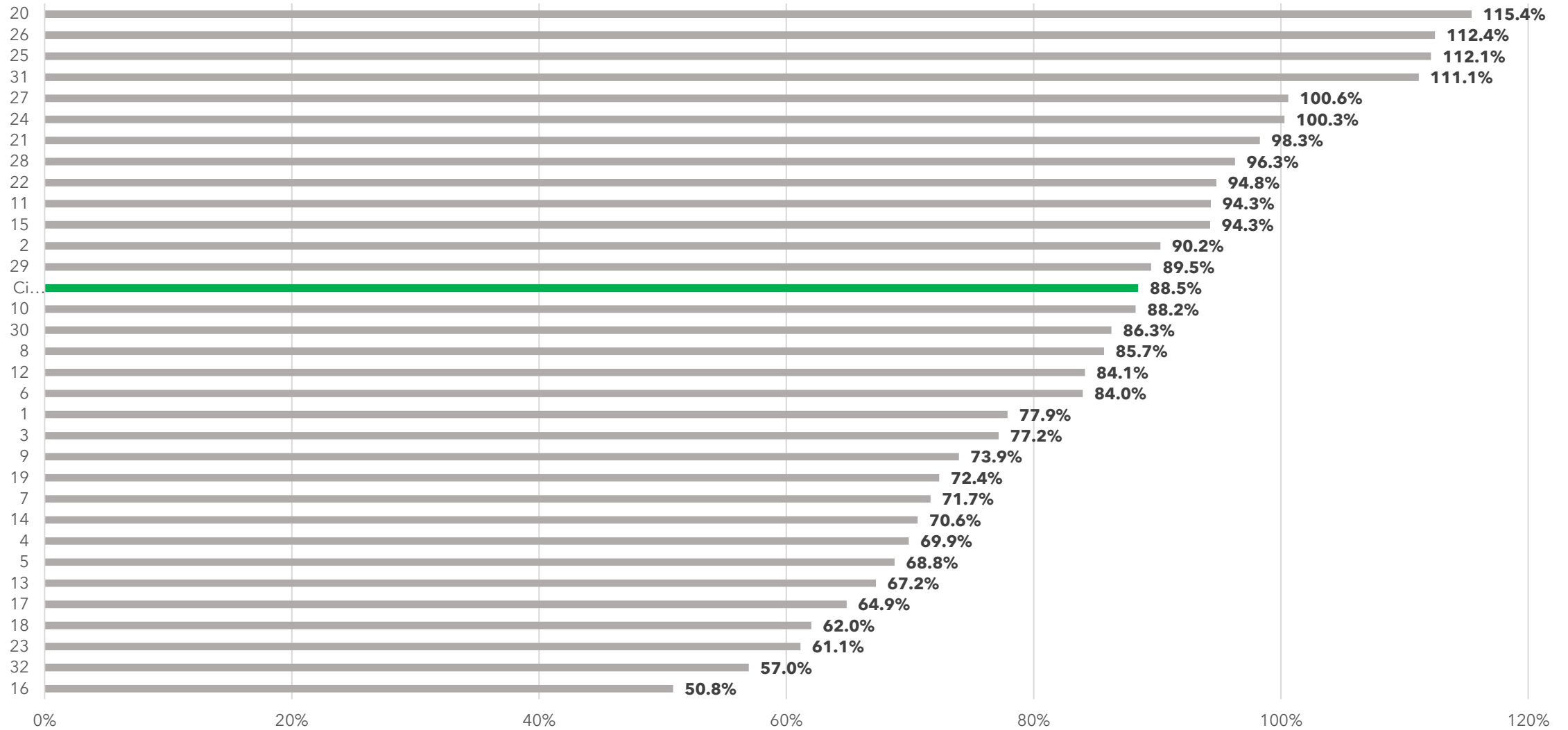
\* - D75 field includes only un-sited District 75 Seats.

**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%)**

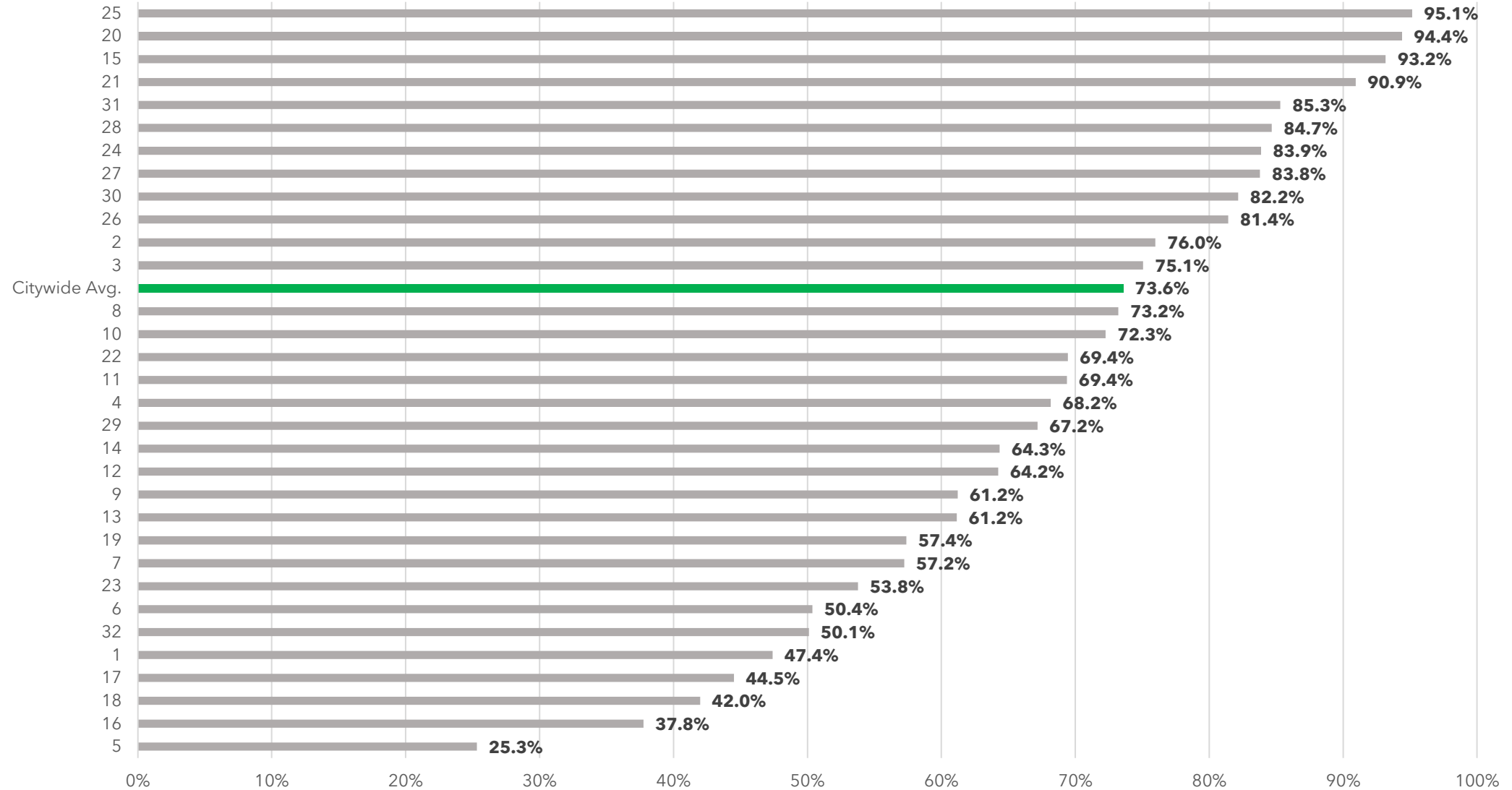


Source: New Capacity section of FY2020 - 2024 Capital Plan, including un-sited D75 seats

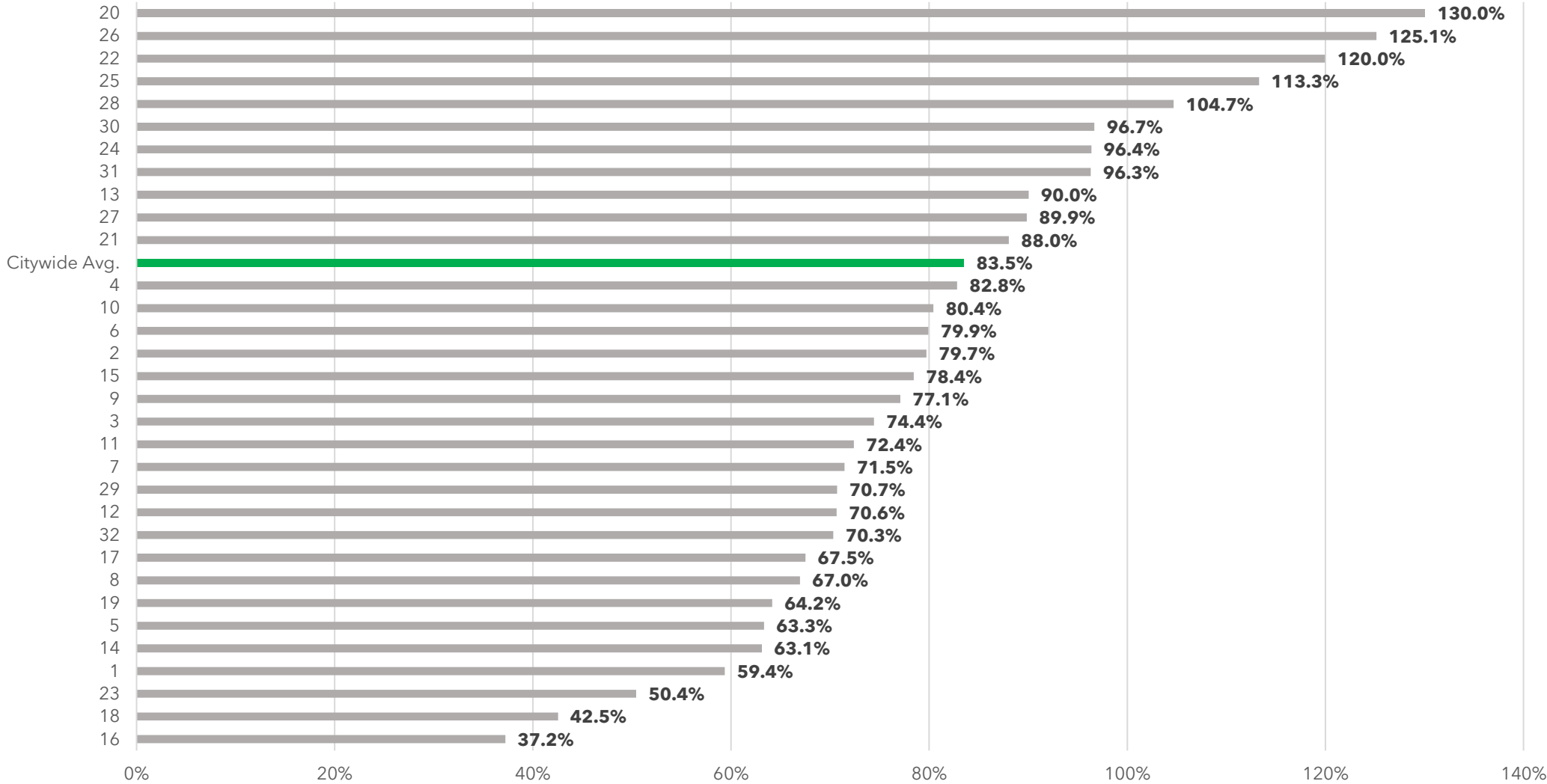
# Average ES Utilization by School District (2021-2022)



# Average MS Utilization by School District (2021-2022)



# Average HS Utilization by School District (2021-2022)



# Cuts in capital plan not explained and class size not mentioned

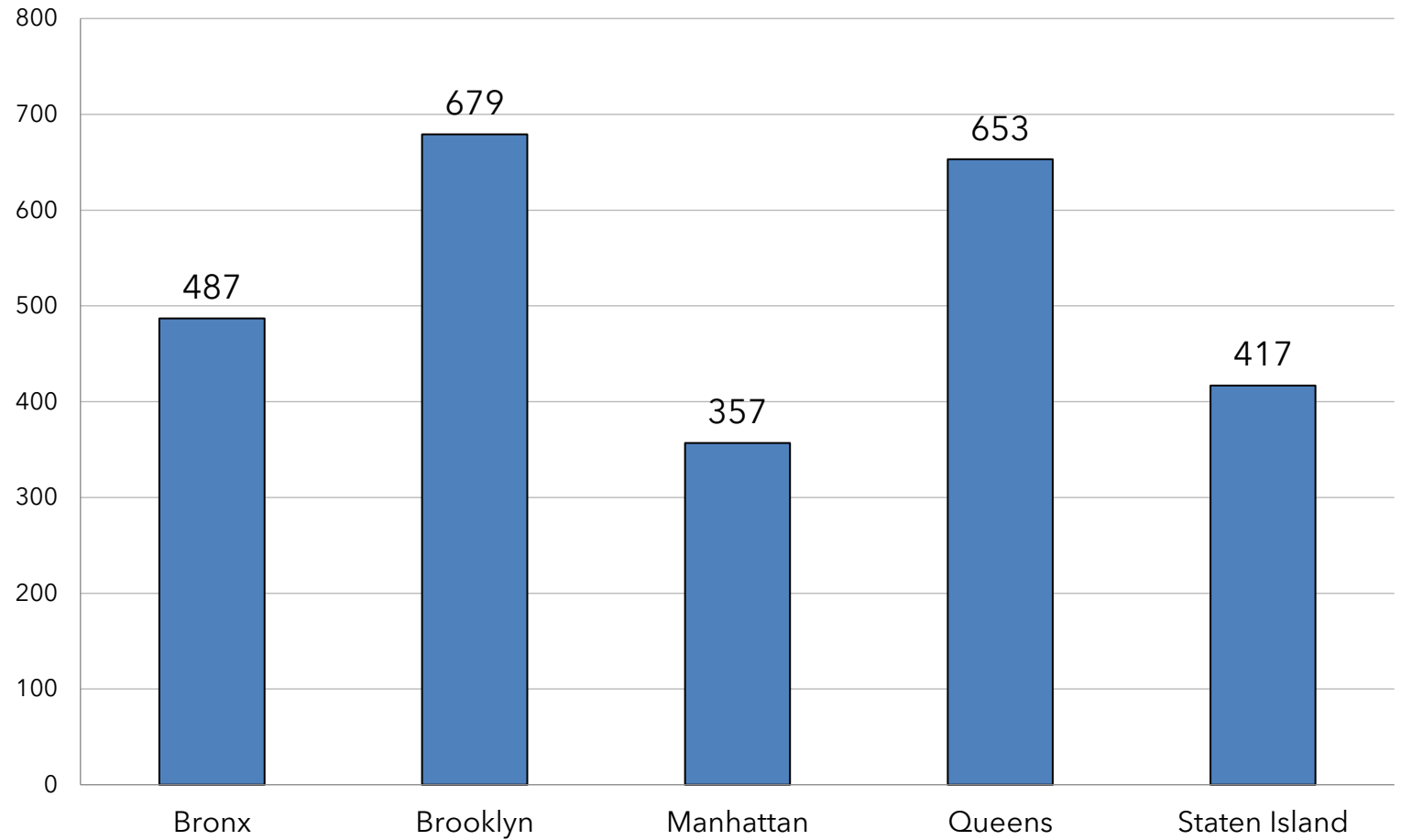
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- No mention in any of these plans of new state law or need to create more space for class size reduction to comply
- SCA changed school capacity formula in 2019-2020 Blue Book by adjusting room capacity limits down to smaller classes ---but at the 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

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

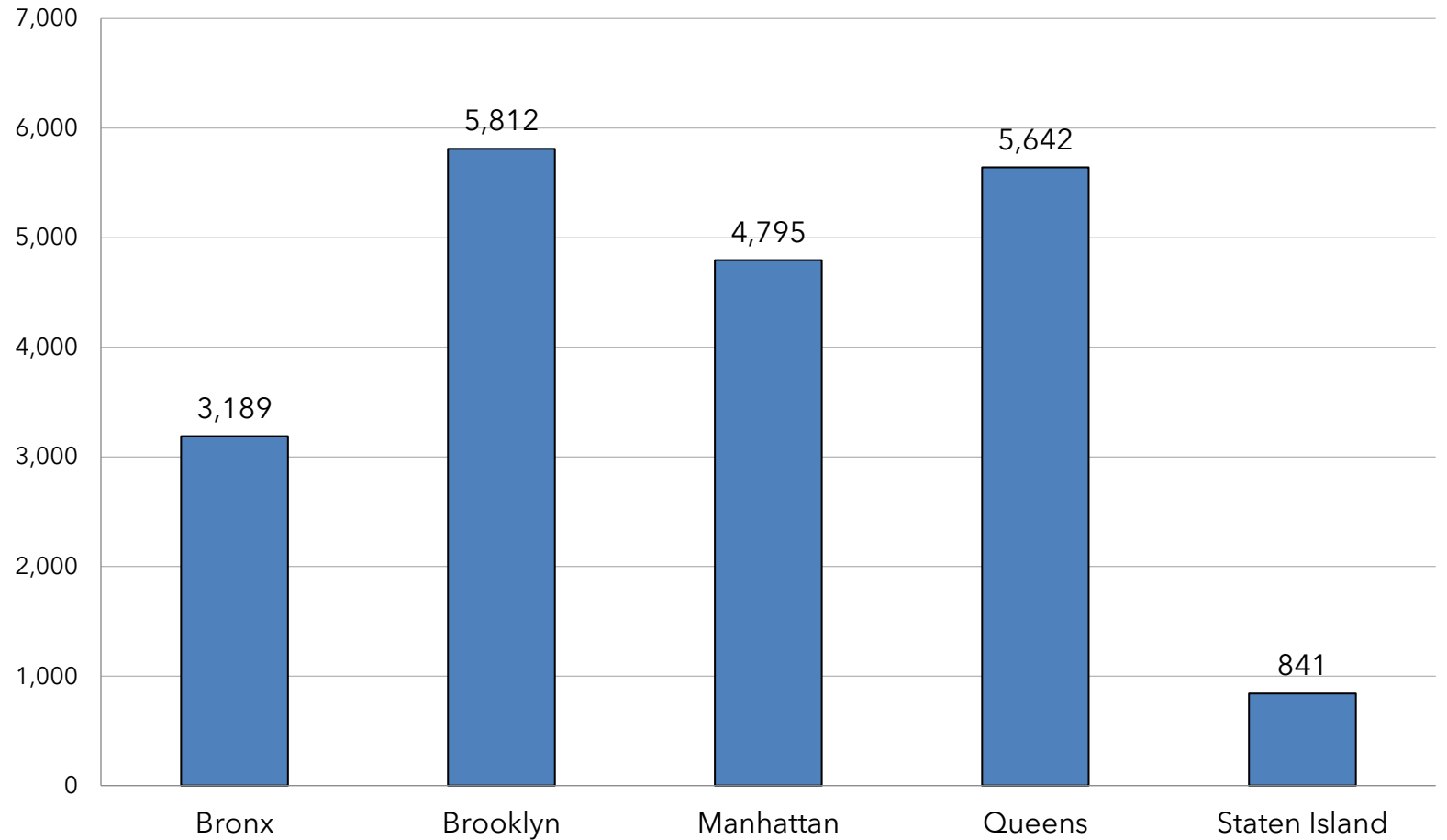





20,279 Seats  
were added to  
High Schools  
due to the  
Revised  
Efficiency Ratio

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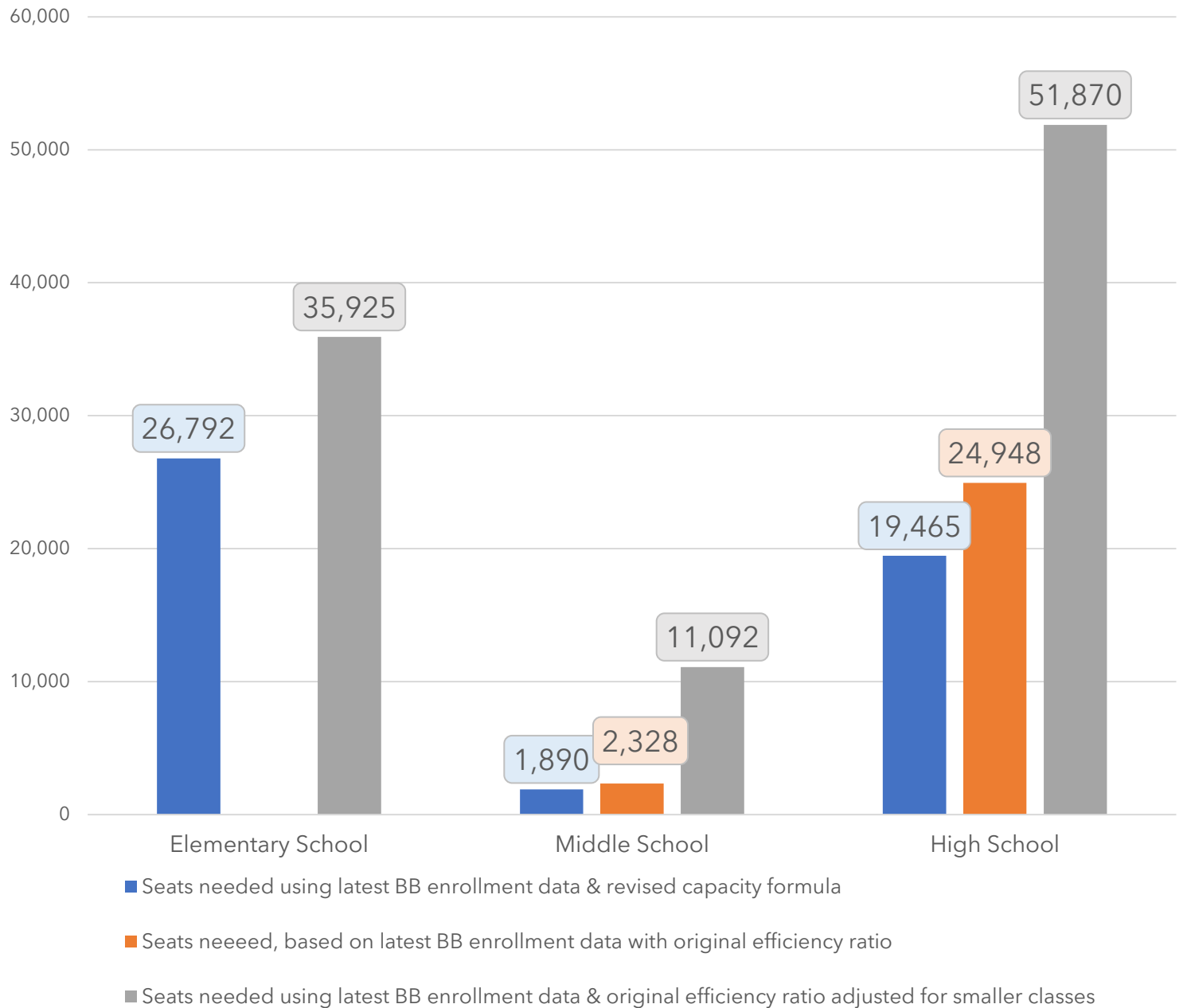
Seats Added to High Schools by borough due to Revised Efficiency Ratio



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



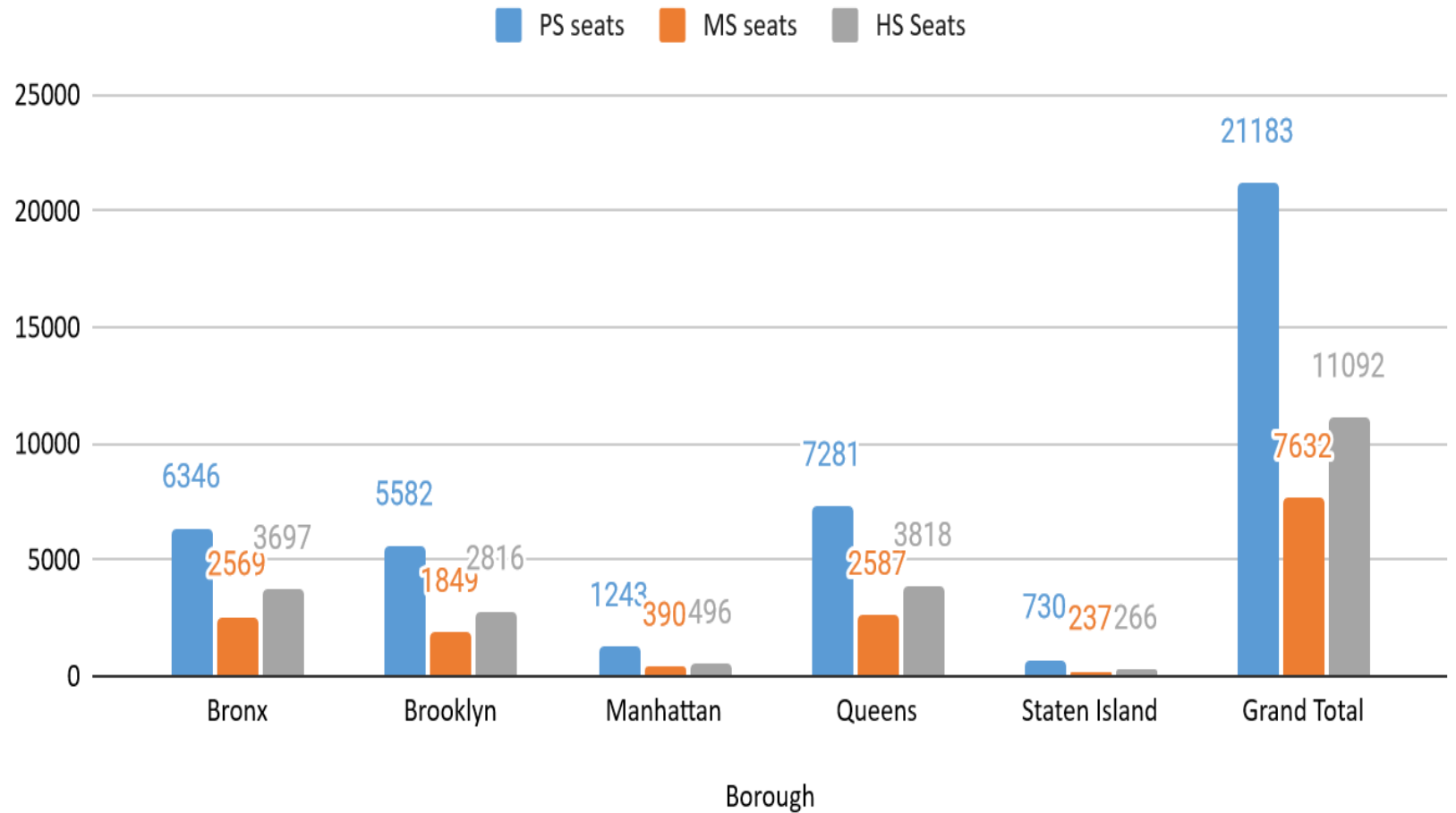
These  
estimates  
based on  
2021-22  
Blue Book  
figures,  
but...

- 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 15,000 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

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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%

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

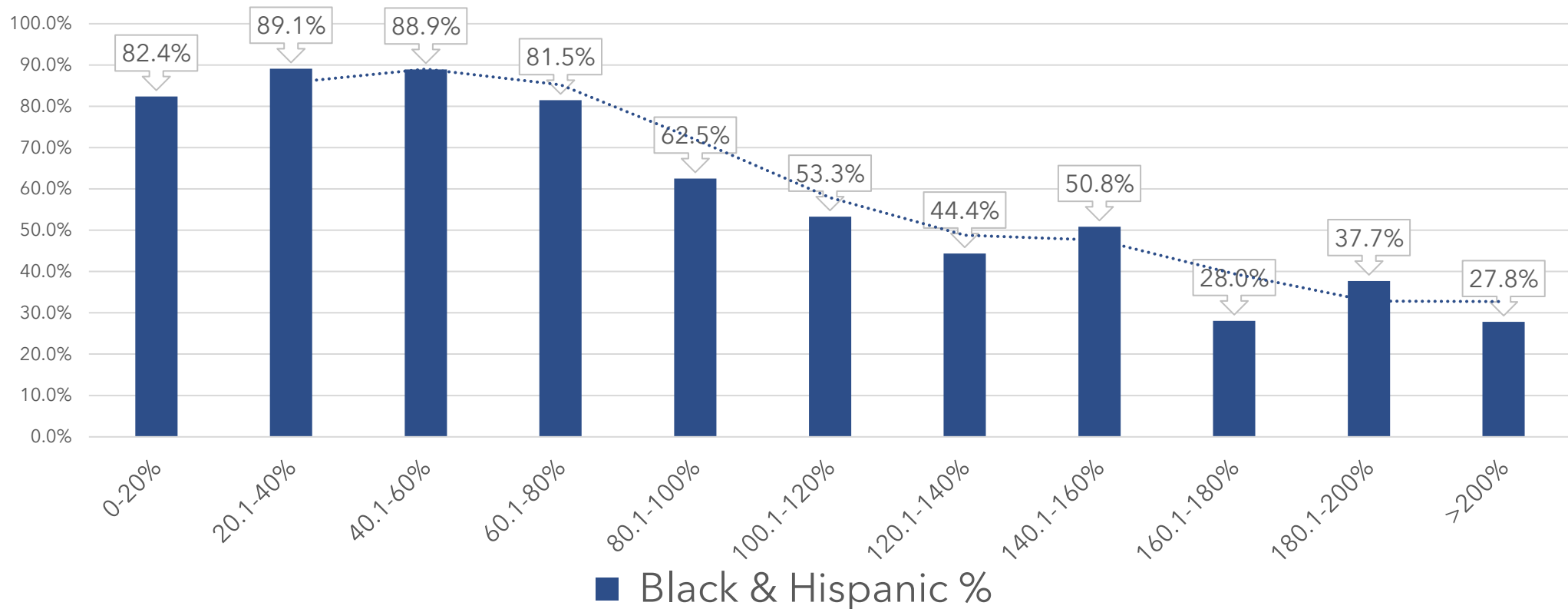
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This would also likely create more diversity across system and more sustainable school budgets for under-enrolled schools.

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Yet Deputy Chancellor Weisberg has repeatedly said they oppose taking any steps to cap enrollment at extremely overcrowded schools but would rely on principals at underutilized schools to create programs to attract more parents

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

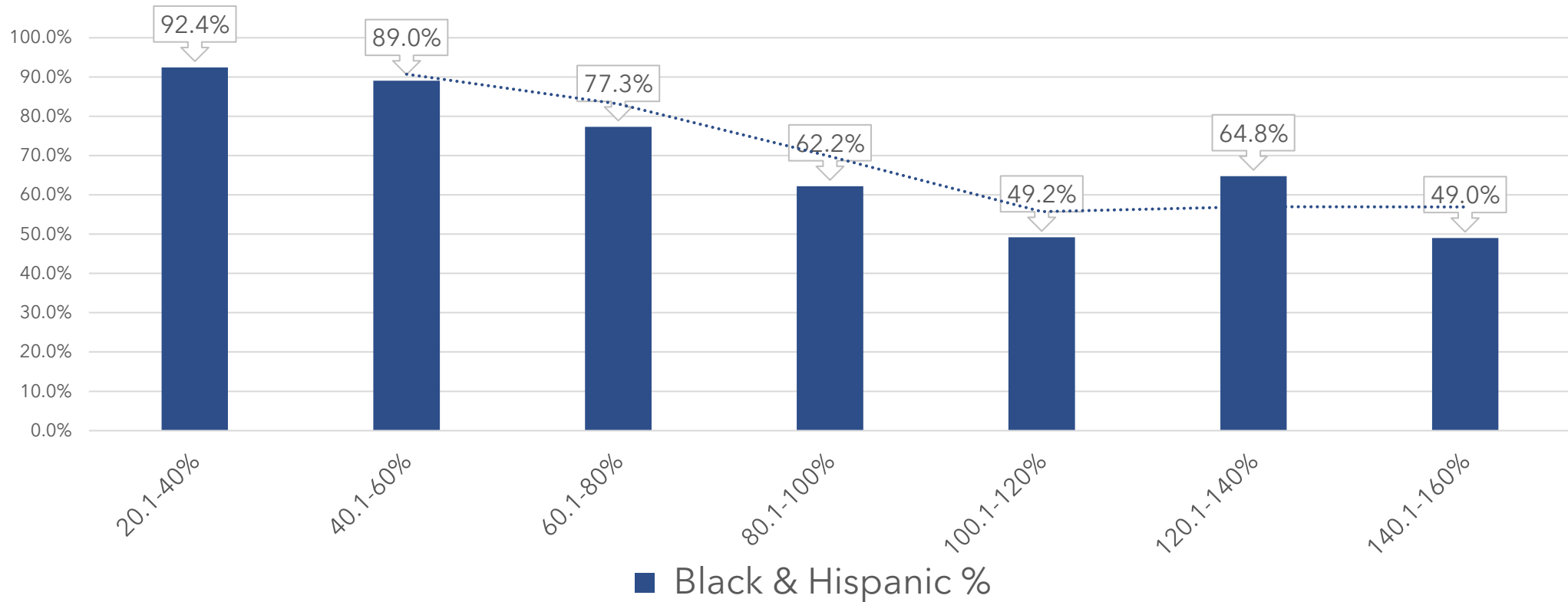


■ Black & Hispanic %

\*- Data includes K8 Schools

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

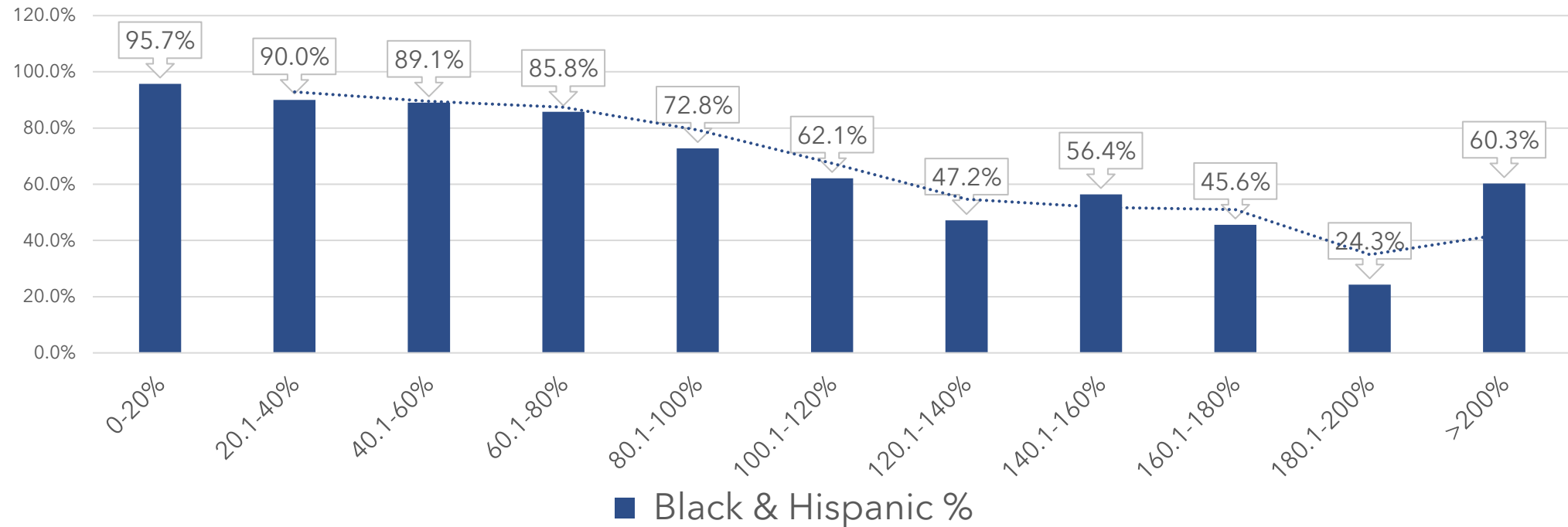
## Middle School Racial Breakdown by School Utilization, Citywide (2021-2022)



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



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

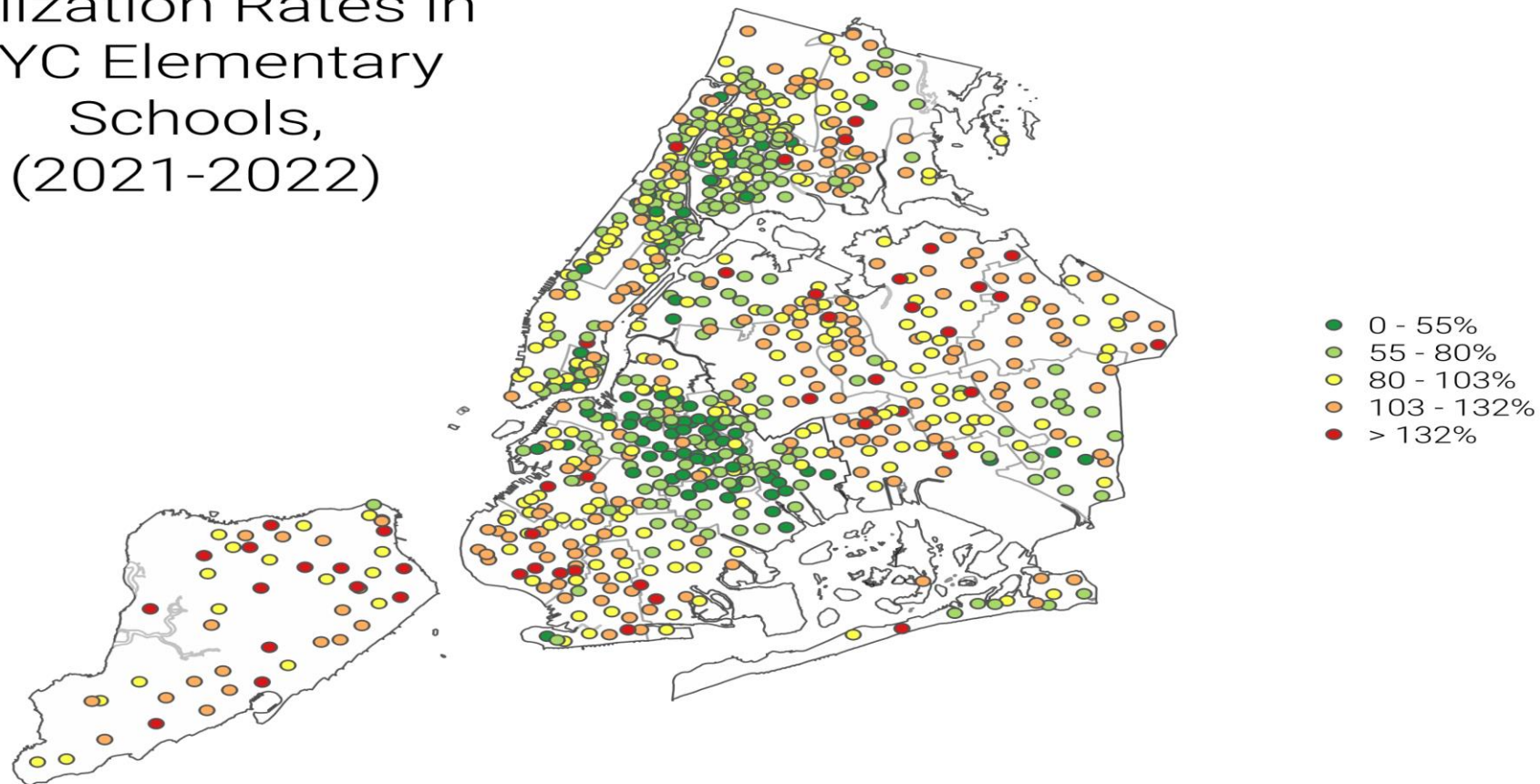


\*- Data includes 6-12 Schools

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

We have interactive school overcrowding map at <https://tinyurl.com/NYCschoolovercrowdingmap>

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



# Other steps DOE could take to create more space for smaller classes

- There are more than 34,000 empty 3K and preK seats in CBOs and DOE pre-K centers, according to data released last week
- Moving 3K and preK classes out of overcrowded elementary schools into neighborhood CBOs would benefit parents and children, since many CBOs have longer hours and higher quality ratings
- This would also create more space in elementary schools and provide CBOs with more sustainable budgets –over the short and long term
- Merging co-located schools and moving charter schools out of DOE buildings would also help in terms of funding and creating additional space for smaller classes.

Need for  
DOE to start  
making  
changes now  
to meet the  
caps in out  
years- but  
their class size  
draft "plan"  
doesn't take  
any steps to  
do so

- After advocacy by CSM, CPAC and other parent groups, DOE agreed to form a Class Size Working Group
- [The DOE draft "plan"](#) posted in mid-May takes no affirmative steps in funding or policies but has vague rhetoric and repeats that they formed a working group to come up with proposals
- Yet WG members named only in April and recommendations not due till late October.
- Issue of space and capital plan critical now, since it takes 5+ years to site and build schools.
- Meanwhile, both Chancellor & Deputy Chancellor say they may have to sacrifice other critical programs if they're forced to lower class size and install trailers to provide space.
- ***With an equitable, efficient, accelerated, and fully funded class size reduction plan, no important programs would need to be sacrificed.***

# How can you help?

- Call and email your City Council member and insist on NO budget cuts to schools compared to this year.
- Urge them to expand rather contract the capital plan.
- Ask them to co-sponsor bill just introduced by CM Joseph: [Intro 1075-2023](#) to amend the class size reporting law to require reporting by school of each actual size of classes rather than average & range, to confirm how many classes in each school are compliant with cap
- Bill also would require that second round of reporting in Feb. 15 each year reflects 2<sup>nd</sup> semester class sizes as originally intended (rather than audited version of Oct. 31 class sizes).
- Bill also requires more detailed data of student composition at school and district level
- We will provide a script and info on what to say to share with you.

# Other steps re Budget transparen cy

- 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.
- 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

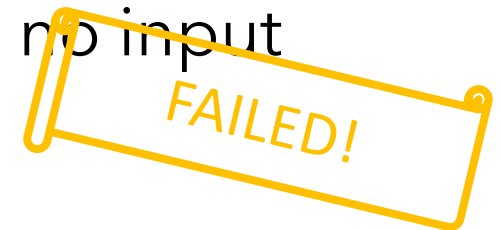


FAILED!

# 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.



# Also participate in DOE class size hearings happening through end of June

- DOE's non-plan draft "plan" along with a calendar of Borough & CEC hearings at: <https://tinyurl.com/C4Eclasssizehearings>
- Remaining Borough hearings will be held next week: ***Manhattan Tuesday, June 13 & for Bronx, Thursday, June 15, both starting at 6 PM.***
- You can also email DOE comments through August 11 to: [ContractsForExcellence@schools.nyc.gov](mailto:ContractsForExcellence@schools.nyc.gov)
- If you want talking points, email us at [info@classsizematters.org](mailto:info@classsizematters.org) or sign up at [tinyurl.com/classsizehearings](https://tinyurl.com/classsizehearings)