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Sent via email to: ContractsForExcellence@schools.nyc.gov

Comments on DOE's draft class size plan

To whom it may concern:

The new state class size bill requires that all class sizes in NYC public schools be gradually capped over the next five years to no more than 20 students per class in grades K-3, 23 students per class in grades 4-8, and 25 students per class in high school, with an additional 20% of classes meeting those limits every year.

Because of overall enrollment declines, there is little doubt that the New York City Department of Education will meet the first year benchmark of 20% of classes at or below these levels. This past fall, 38% of classes citywide were at or below the mandated caps, though this was significantly fewer than the year before, in which 42% of classes were aligned to these limits.

Class sizes increased at most schools this year because of budget cuts to schools, causing the loss of teachers and important programs. In fact, New York City public schools have lost 4,000 K-12 teachers over the last five years according to DOE data.

It is far less likely that the DOE will meet the 40% mandate in school year 2025-2026 if current trends continue, and extremely unlikely that these caps can be met in years three to five without significant changes to school funding, enrollment practices and policies, and the capital plan for school construction; none of which has DOE proposed in this plan.

In its original draft class size plan posted in May, DOE made only one promise in ensuring progress in compliance with the caps for the coming school year:

Support schools that already meet class size mandates: Ensure that schools with classrooms that currently meet the class size mandate have appropriate funding to continue to maintain these class sizes in SY23-24. As noted above, roughly 39% of classes across New York City currently meet the law's requirements.

But after parents and advocates pointed out that there was no additional or targeted funding allocated for class size reduction to ensure that class sizes do not rise again next year, despite an additional \$535 million in Foundation Aid, DOE has now omitted that one promise from its revised July draft plan.

According to the Independent Budget Office, there are approximately 11,000 pedagogical vacancies, and the DOE has posted plans to cut the headcount even further by approximately 3,500 positions from 2023 to 2026. These cuts will make the challenges of hiring enough teachers to lower class size in years 3-5 that much more difficult.

Although the DOE has maintained that initial school-level budgets for the upcoming 2023-2024 school year will remain steady compared to their initial budgets last year, Fair Student Funding that can be used to keep teachers on staff is being cut in 35% of schools at an average loss of \$228,687 each. Even more troubling is that schools enrolling larger percentages of Black and Hispanic students, students in poverty and those with disabilities are more likely to experience cuts in their FSF allocations.

While DOE has pointed out that schools with FSF cuts are receiving other funding to make up the difference, these allocations are often targeted towards other purposes and cannot be used to keep teachers on staff. Finally, the DOE has refused to promise that schools will not be forced mid-year to return significant portions of their Fair Student Funding if their enrollments fall more than projected. Thus it is likely that many schools will experience class size increases this year.

Moreover, despite the fact that more than 320,000 students were crammed into overcrowded schools this year, the School Construction Authority has instead slashed the number of new seats to be built by 38%, compared to the plan adopted in June 2021. The need to provide space to lower class size is never mentioned in either version of the capital plan, one proposed in November and one in February, both months after the class size bill was signed into law by the Governor. As it takes about five years to site and build new schools, these cuts will threaten the ability of the DOE to meet the benchmarks in the law at the most overcrowded schools.

Instead of taking positive steps to ensure compliance with the new law, the July DOE draft plan repeatedly refers to the existence of a Working Group appointed by the Chancellor that will provide recommendations on how these caps can be achieved. Yet the members of this working group were not named until late April, and the group's recommendations are not due until late October. The mere existence of this Working Group, of which some of us are members, should not be an excuse for inaction.

Instead, we urge the DOE to revise its draft plan in advance of the Working Group report in the following manner:

- The DOE should commit to stopping the shrinkage of the K12 teaching force, and promise to refrain from forcing schools to give back additional FSF funds mid-year;
- The DOE and the School Construction Authority should immediately expand the number of seats in the capital plan to ensure there is sufficient space to meet the smaller class size caps in years three through five;
- The DOE should suspend all new co-locations, school closings and other significant changes in school utilization until and unless there is a rigorous analysis contained in their Educational Impact Statements to show there is sufficient space for all the existing district public schools in the building to lower class size to mandated

levels, without capping their enrollment and without causing more overcrowding in other schools nearby.

- The DOE should set specific goals as to what percentages of classes will achieve the mandated caps next fall and in each of the following years, and outline in which high-poverty schools class sizes will be lowered first, as the law requires.

If the DOE does not adopt these recommendations, we urge the State Education Department to require them to do so.

Yours sincerely,

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