

The new state class size law & how to help ensure the Mayor complies

info@classsizematters.org , Info@nyckidspac.org , info@aqenyc.org

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Why is class size so important?

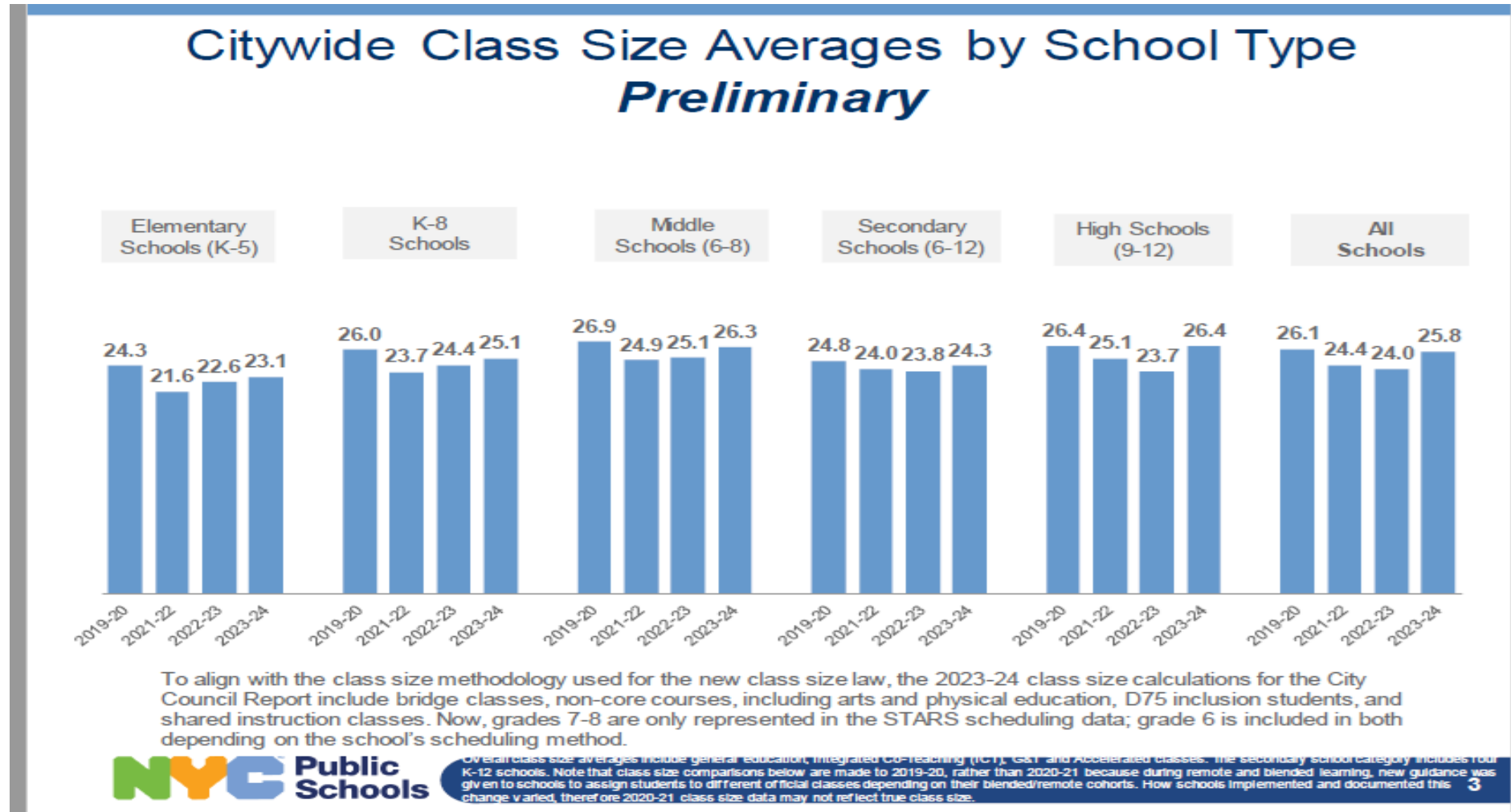
- Class size reduction one of only a handful of reforms proven to work through rigorous evidence, according to Inst. Education Sciences, research arm of US Ed Dept.
- Scores of peer-reviewed studies show that students who have smaller classes do better in every way that can be measured – high test scores, better grades, fewer disciplinary problems, more likely to graduate from HS, attend college and get a STEM degree. Also important for social-emotional learning.
- While all students benefit, gains are especially large for disadvantaged & minority students, ELLs and students with special needs – who make up majority of NYC students, yet for decades, NYC schools had the largest class sizes in state.
- In CFE decision in 2003, NYS highest court said NYC students were denied their constitutional right to adequate education as a result of excessive class sizes
- In survey, 86% of NYC principals said they were unable to provide a quality education because of excessive class sizes & teachers overwhelmingly agree reducing class size best way to improve public schools.

New class size law passed June 2022 by NYS Legislature & signed by Gov. in Sept. 2022 who gave DOE an extra year to comply

- 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 to be capped at 40 students per class instead of 50.
- 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.
- We made the 1st year caps for this year but 2nd-5th year unlikely without changes in DOE policies & planning.

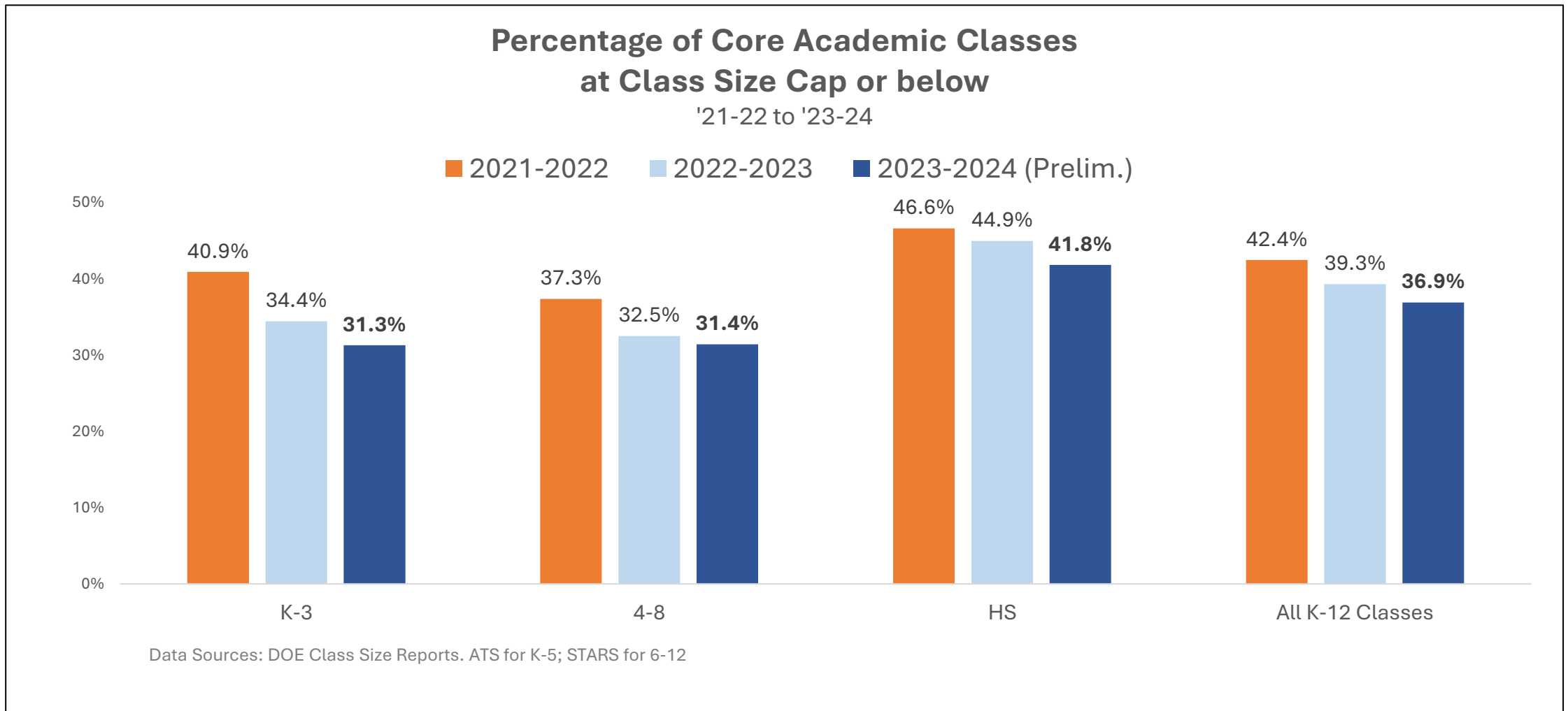
Yet class size averages increased this year

For Elementary and Middle school classes for 2nd years in a row



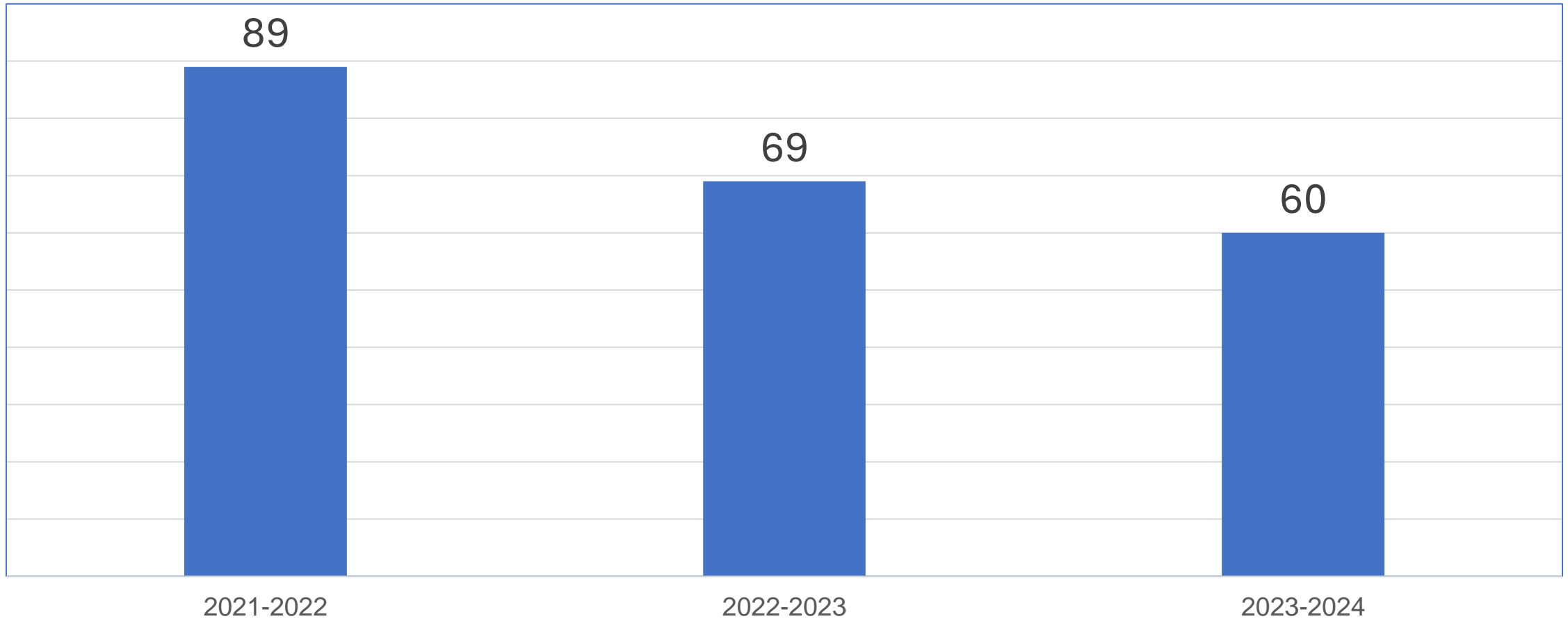
Declining percentage of Core Academic Classes at Class Size Cap or below

This year only 36.9% met the caps vs. 42.4% two years ago



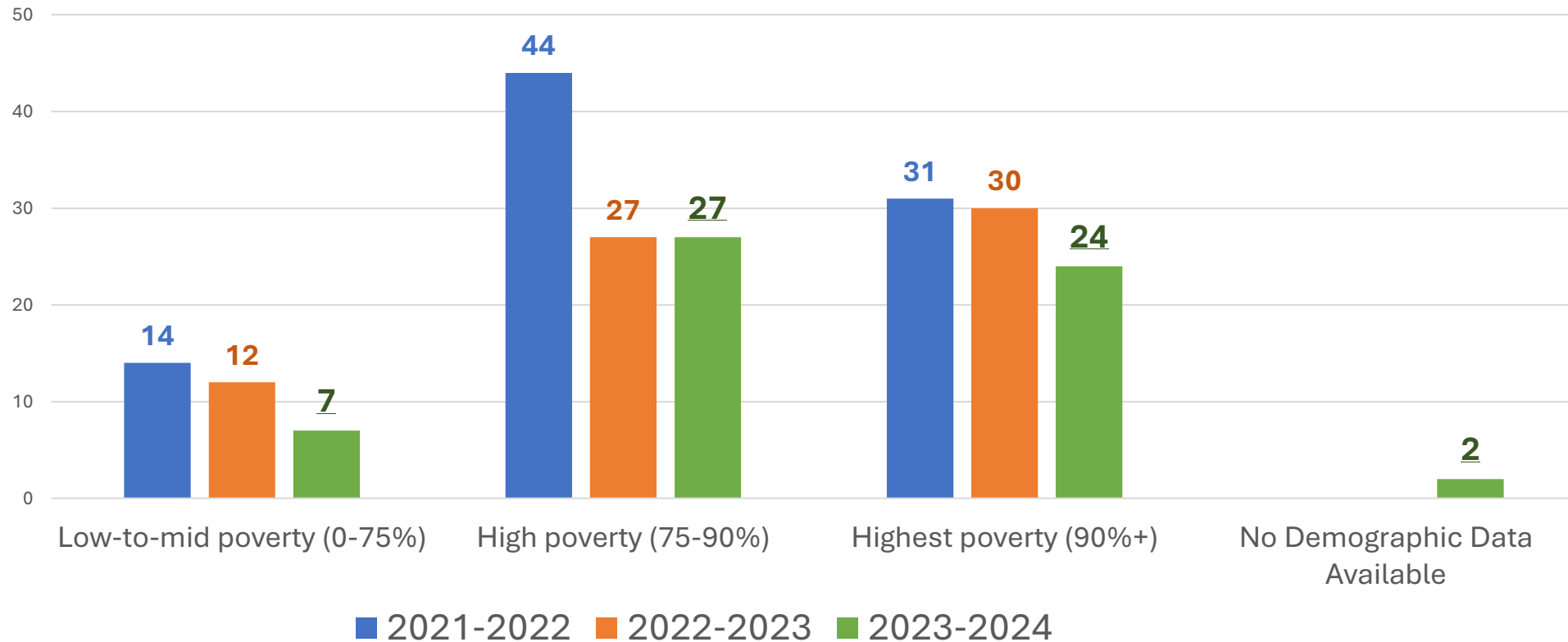
Only 60 schools fully complied with the class size caps this year

33% decline over the last two years



DOE claims most schools with highest economic need already have smaller classes

But only 24 of highest need schools fully comply this year



Data Sources: DOE Class Size Reports for '21-22 & '23-24 Figures; Chalkbeat Data for '22-23 Figures. Demographic data from '22-23 School Year used.

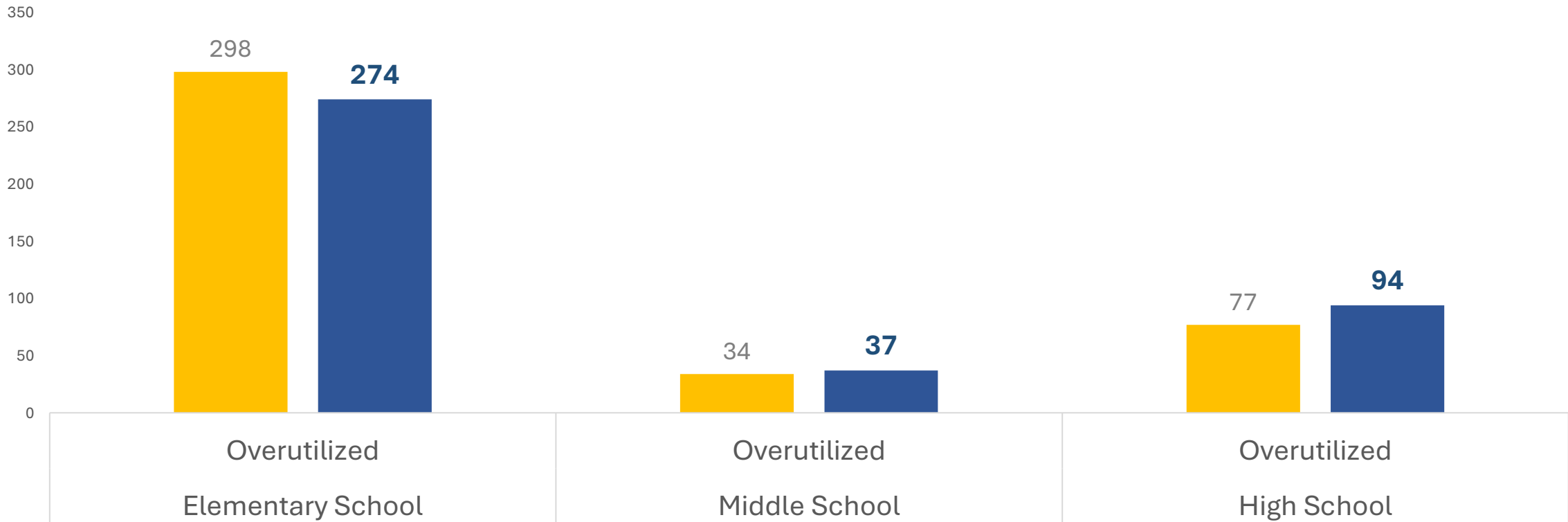
More high needs students attend schools in other three quartiles rather than schools of highest need

77.8% Black students, 73.5% Hispanic students, 73.7% English Language Learners & 79.1% of students in poverty enrolled in the other three categories of schools with lower ENI need last year.

Quartile of schools (by Economic Need Index)	Number of Schools	Enrollment	Average ENI	Est. Classes Over Cap	Classes At or Below Cap	Black Students	Hispanic Students	ELL Students	Students at Poverty Level
Quartile 1 (5% - 67%)	381	277,314	46.9%	78.5%	21.5%	33,434 (21.2%)	65,678 (19.5%)	19,622 (15.4%)	147,609 (24.9%)
Quartile 2 (67% - 82%)	381	232,601	75.6%	65.8%	34.2%	50,429 (32.1%)	93,300 (27.7%)	38,606 (30.3%)	181,254 (30.6%)
Quartile 3 (82% - 91%)	381	162,603	86.6%	51.1%	48.9%	38,471 (24.5%)	88,420 (26.3%)	35,610 (28.0%)	139,760 (23.6%)
Quartile 4 (91% - 96%+)	380	133,948	93.9%	41.1%	58.9%	35,007 (22.2%)	89,355 (26.5%)	33,504 (26.3%)	123,457 (20.9%)
Grand Total	1,523	806,466	75.7%	62.0%	38.0%	157,341	336,753	127,342	592,081

Number of Overutilized Schools, by School Level
405 overcrowded schools last year – with more MS & HS overcrowded despite enrollment decline

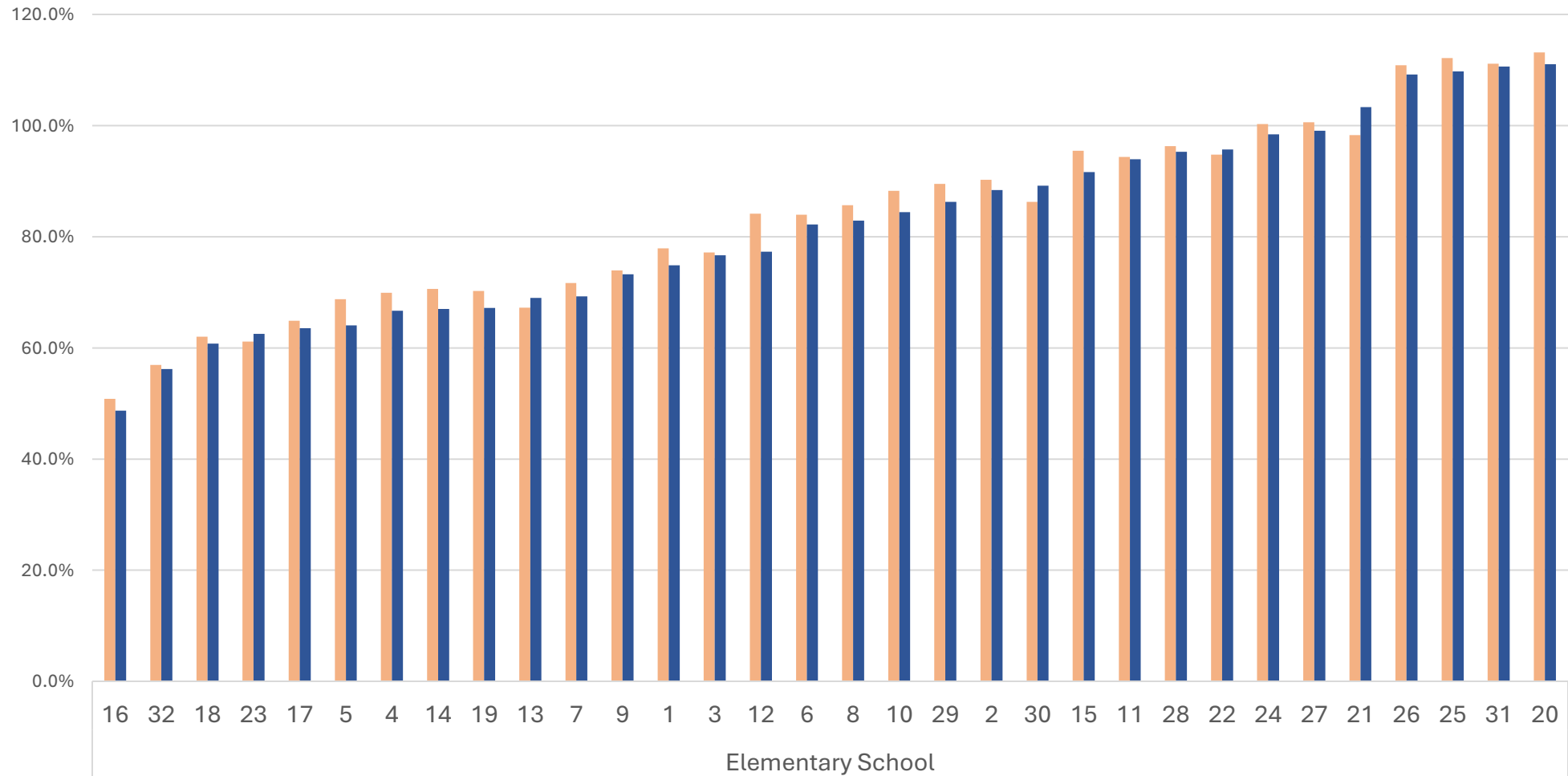
■ 2021-2022 ■ 2022-2023



Average Utilization, by School District

Elementary Schools

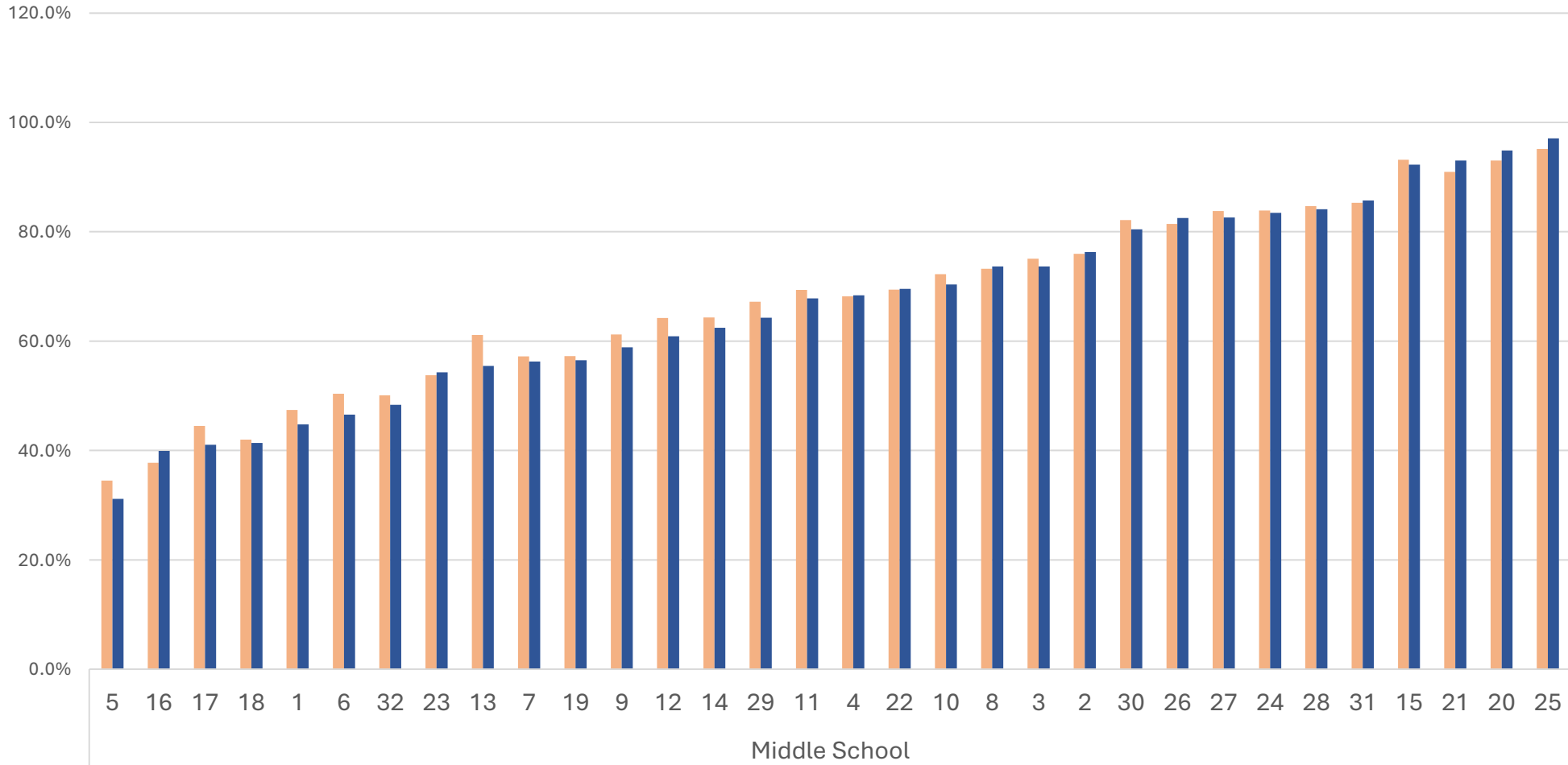
2021-2022 2022-2023



Average Utilization, by School District

Middle Schools

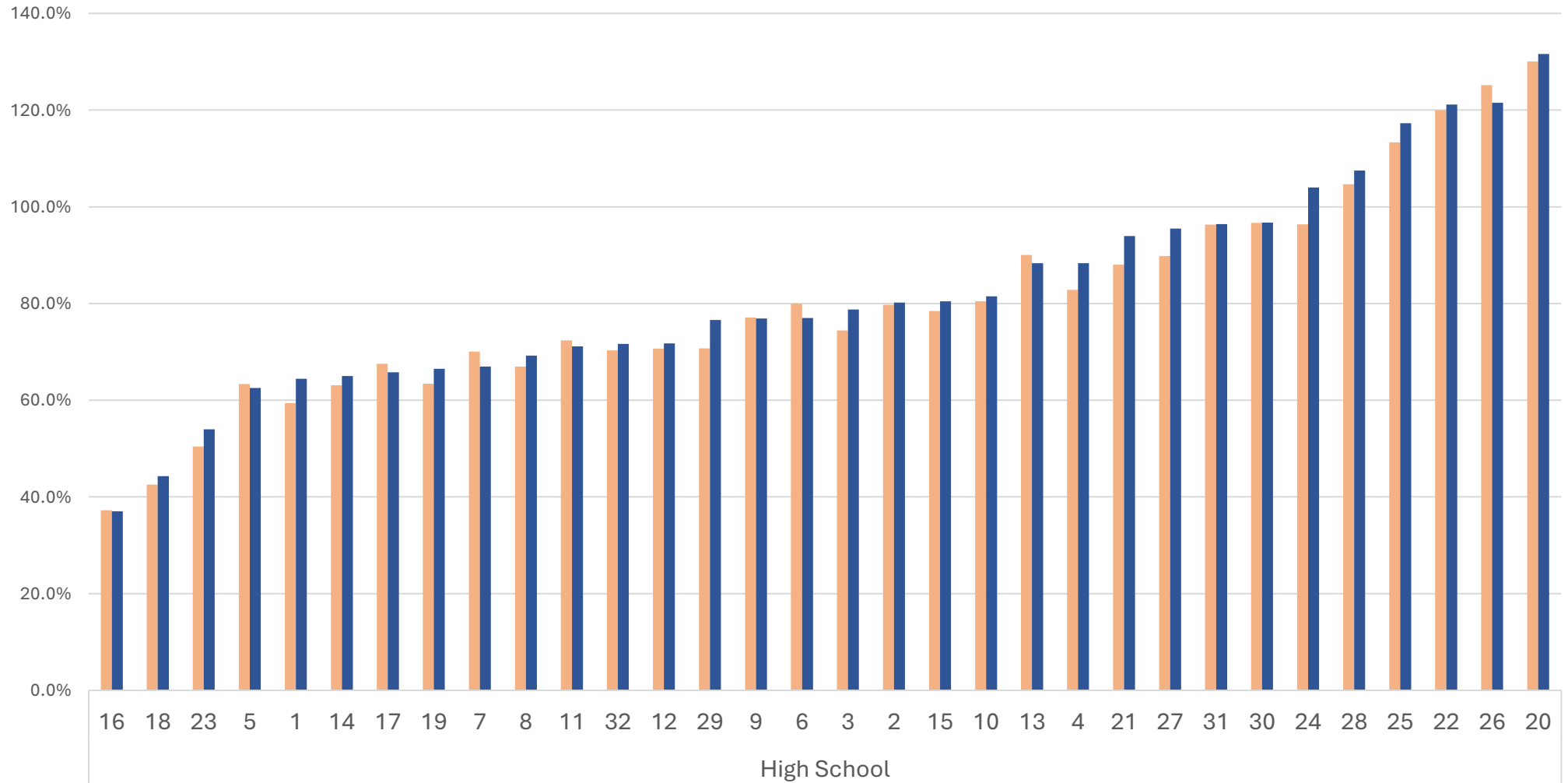
2021-2022 2022-2023



Average Utilization, by School District

High Schools

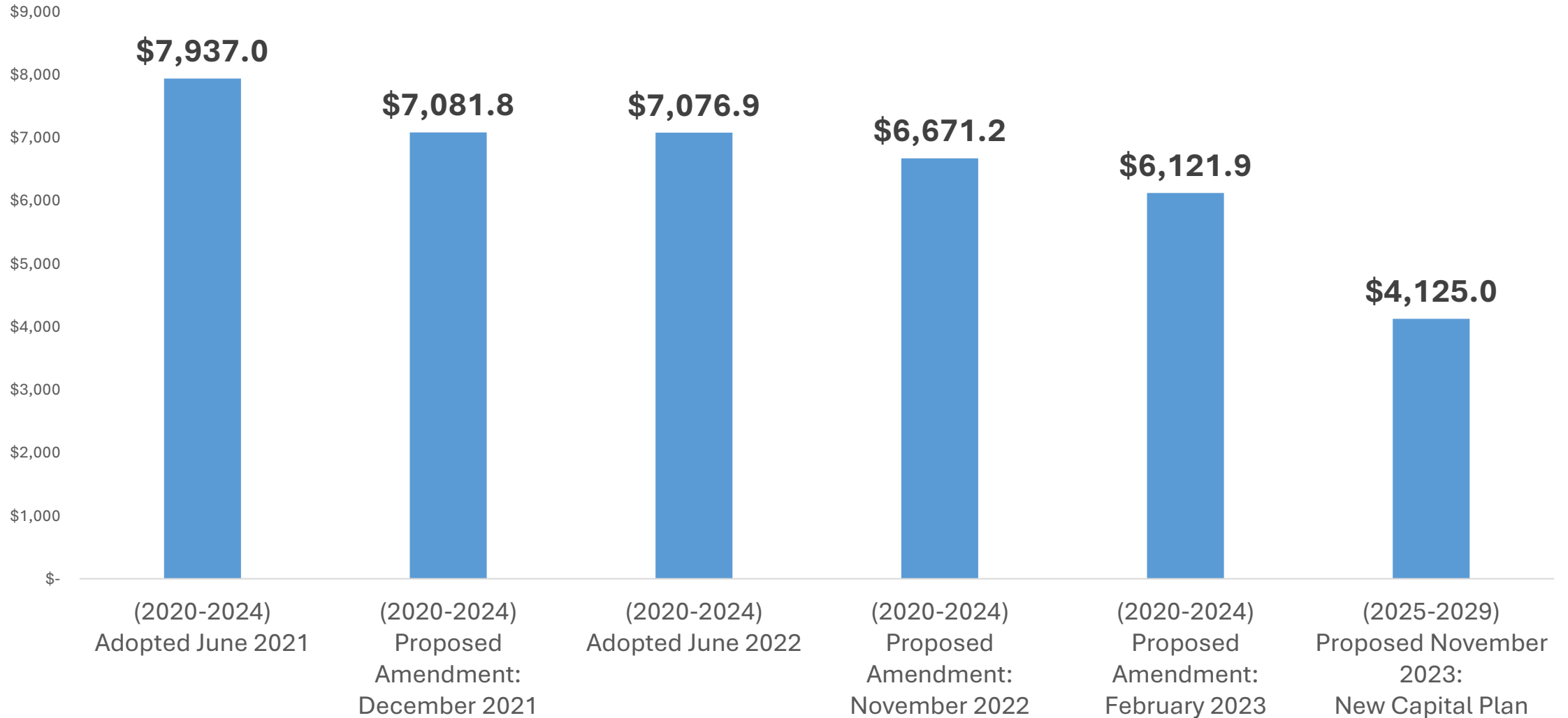
2021-2022 2022-2023



Yet despite existing overcrowding & class size law, new proposed 5-yr capital plan radically cuts #new seats

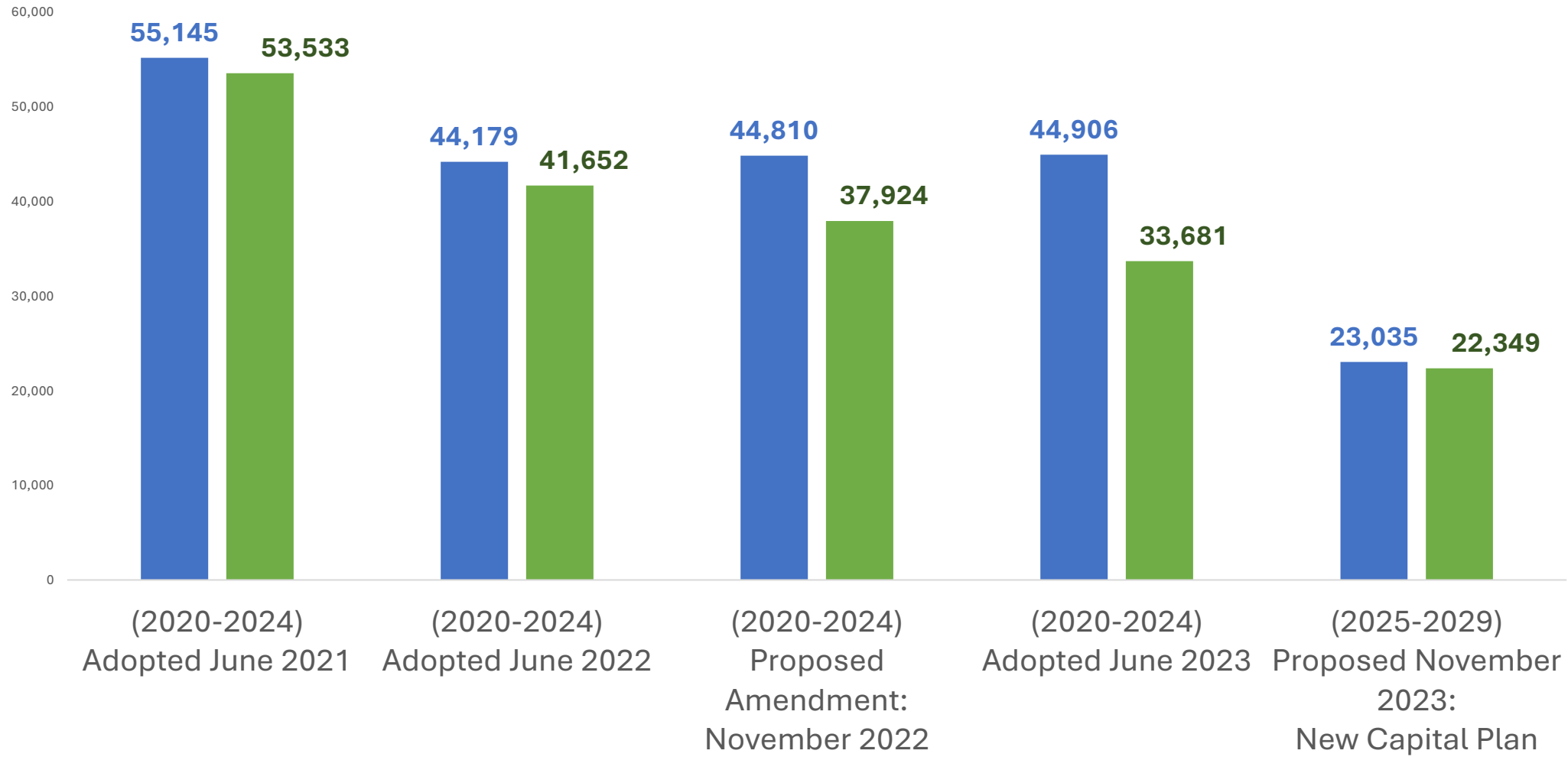
- Proposed 5-year plan for 2025-2029 will likely determine whether NYC can comply with class size law in the most overcrowded districts as it takes at least 4-5 yrs to site & build a new school
- Yet funding for new seats are cut by over \$2 billion in new plan compared to current 5-year plan & more than 70% of seats are unidentified as to borough, district or grade level
- All identified projects are carried over from the current five-year plan

New Capacity funding in Capital Plans, including Class Size Reduction (In Millions)



Total 'New Capacity' Seats in Five-Year Plans

■ New Capacity Seats ■ Actual Seats funded



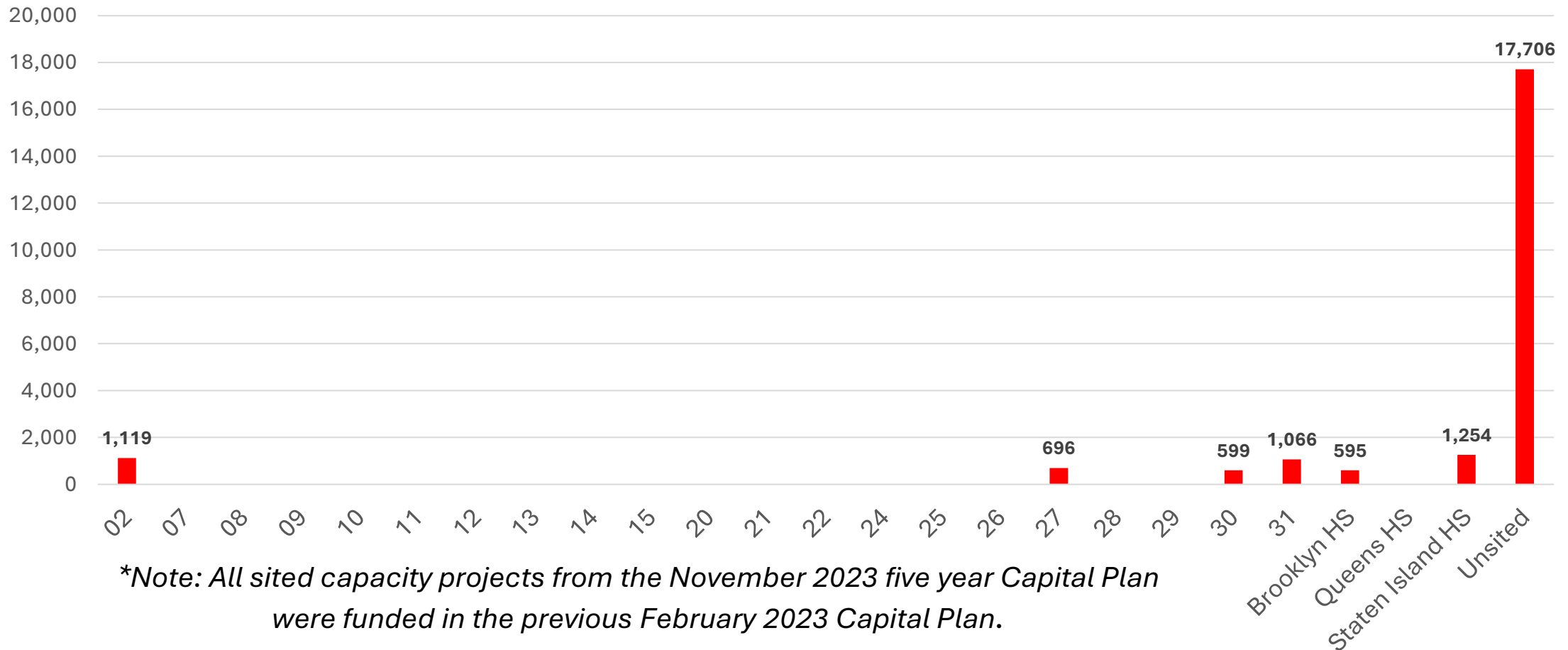
Many overcrowded districts have NO seats specified in new 5-year plan

- According to DOE, Districts 20, 21, 22, 25, 27, 28 and 31 do not currently have the space in elementary schools to cap Kindergarten classes at twenty students
- There needs to be additional space in at least these 7 districts and likely others to be able to lower class size to mandated limits
- Yet only District 27 and District 31 have any seats specified in new 5-year plan

23,035 "New Capacity" seats funded in proposed FY 2025-2029 Capital Plan

Only 5,329 seats identified as to borough or district (2,27,30,31)

■ Proposed 2025-2029 Capital Plan



Lack of transparency departure from all previous cap plans

- 77% of seats in the plan lack any identification as to borough, district or grade level, & SCA asserts that they will never identify the schools to be built in advance.
- Instead: **“projects will be officially listed in the Plan following the identification of a suitable site and the commencement of the school facility’s design process. “**
- This leaves the public out of the potential siting of schools and their input as to where new schools are needed
- Lack of transparency appears to violate state law that requires Chancellor to annually prepare an “educational facilities master plan...including a list of prioritized projects to the extent ascertainable and [to] list each proposed new educational facility and set forth a justification, including demographic data, documenting the long term need therefor.”
- It also violate the class size law, which states that the annual class size plan submitted to the state must include “the annual capital plan for school construction and leasing to show how many classrooms will be added in each year and in which schools and districts to achieve the class size targets”

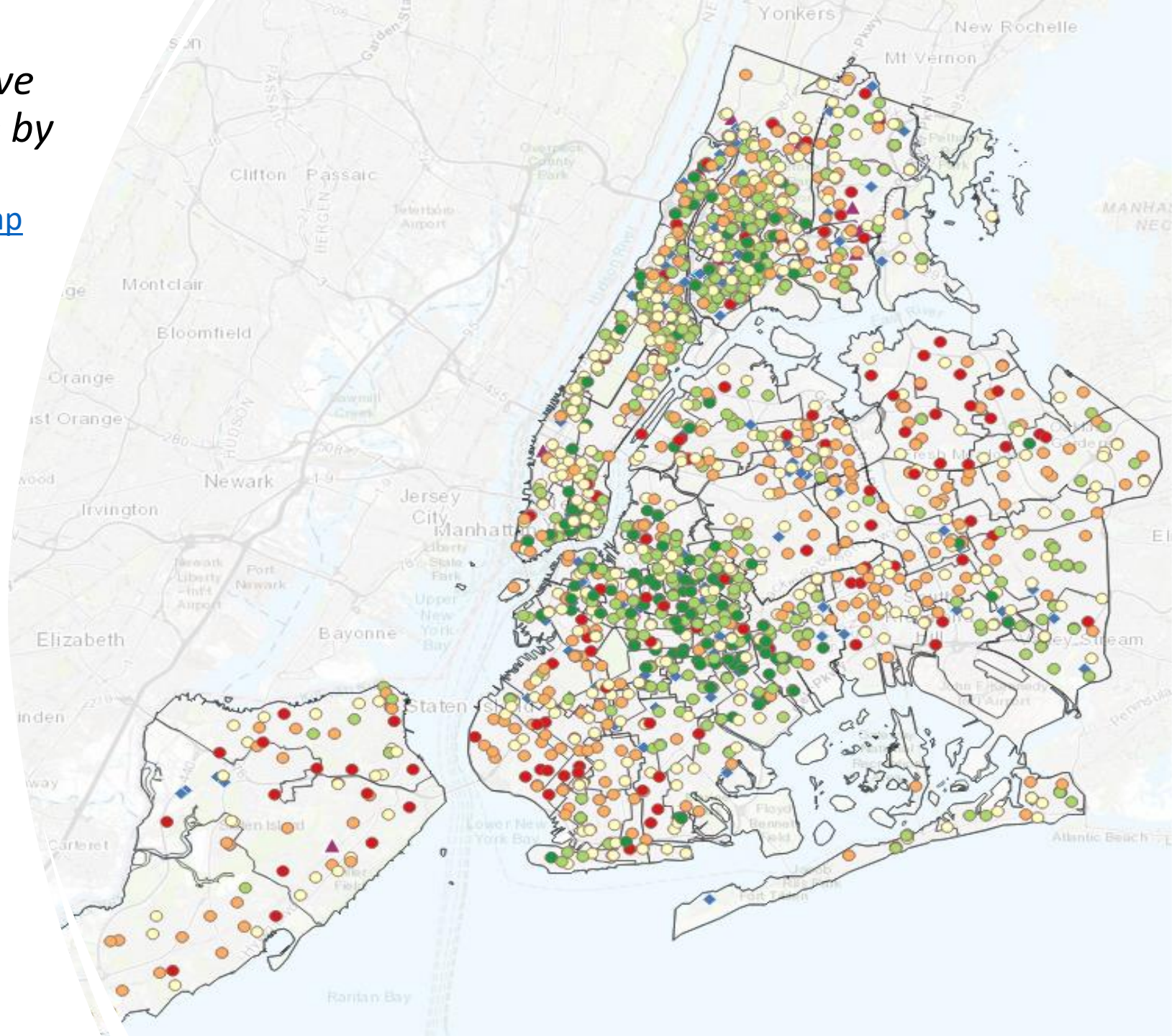
Nov. 10 CPAC meeting, Chancellor was asked about big cuts to capital plan & lack of transparency

- Chancellor Banks said cuts were due to “fiscal challenges” faced by city
- Deputy Chancellor Weisberg said that DOE did not set overall funding for capital plan, but it was determined by Mayor and OMB director
- Neither Weisberg nor Chancellor would say why there was no information as to where 77% of seats would be sited
- Weisberg repeated (inflated) estimate that it would cost \$30B-\$35B to build enough schools to meet the mandate in the law
- Video of their remarks are [posted here](#).

If enrollment adjusted at overcrowded schools, fewer new schools would have to be built

- Often overcrowded schools sit close by underutilized schools, yet so far DOE has refused to equalize enrollment to allow overcrowded schools to lower class size
- More evenly adjusting enrollment across nearby schools would also help ensure underutilized schools have more adequate budgets and the ability to provide more services and programs to their students.
- At a Oct. 12 Brooklyn town hall meeting, a fifth-grade student pointed out how unfair it was that some schools have many more students than others, and those who lacked students were forced to cut their budgets and lose teachers as a result.
- In response, Deputy Chancellor Weisberg said: “***This is the reality, students equal dollars. That's not the way we like to think of it, but that's just the economic reality. If the school gets too small, you can't afford our programs. You can't afford PSAL. You can't afford enrichment, debate clubs, et cetera. We've got too many schools that have gotten below critical mass.***”
- Yet more recently at CEC3 meeting, Weisberg said adjusting enrollment across schools would be “***anti-parent and anti-family.***”

You can check out our interactive school utilization map, sortable by district and grade level at [Tinyurl.com/NYCschoolovercrowdingmap](https://tinyurl.com/NYCschoolovercrowdingmap)



Huge school budget cuts already made & even larger ones planned

- Last two years, DOE has made cuts to schools' Fair Student Funding based on declining enrollment; the main source of funding to keep teachers on staff, causing class sizes to increase
- Recently, about 600 schools received another round of mid-year FSF cuts – called “adjustments” -- based on enrollment lower than projected
- Now, Mayor cutting another \$547 million from DOE budget **this fiscal year**, including elimination of 432 vacant non-classroom positions
- City plans an additional cut to DOE of \$602 million in FY 2025, another \$625 million in FY 2026 and yet another \$625M in FY 2027
- Will be impossible to lower class size with cuts these large – ***in fact, class sizes will increase even more sharply if these cuts enacted***
- Data source: <https://www.nyc.gov/assets/omb/downloads/pdf/peg11-23.pdf>

How Fair Student Funding incentivizes large class sizes

Number of students required in a class to pay for direct teaching costs
(at citywide average teacher salary for FY2023)

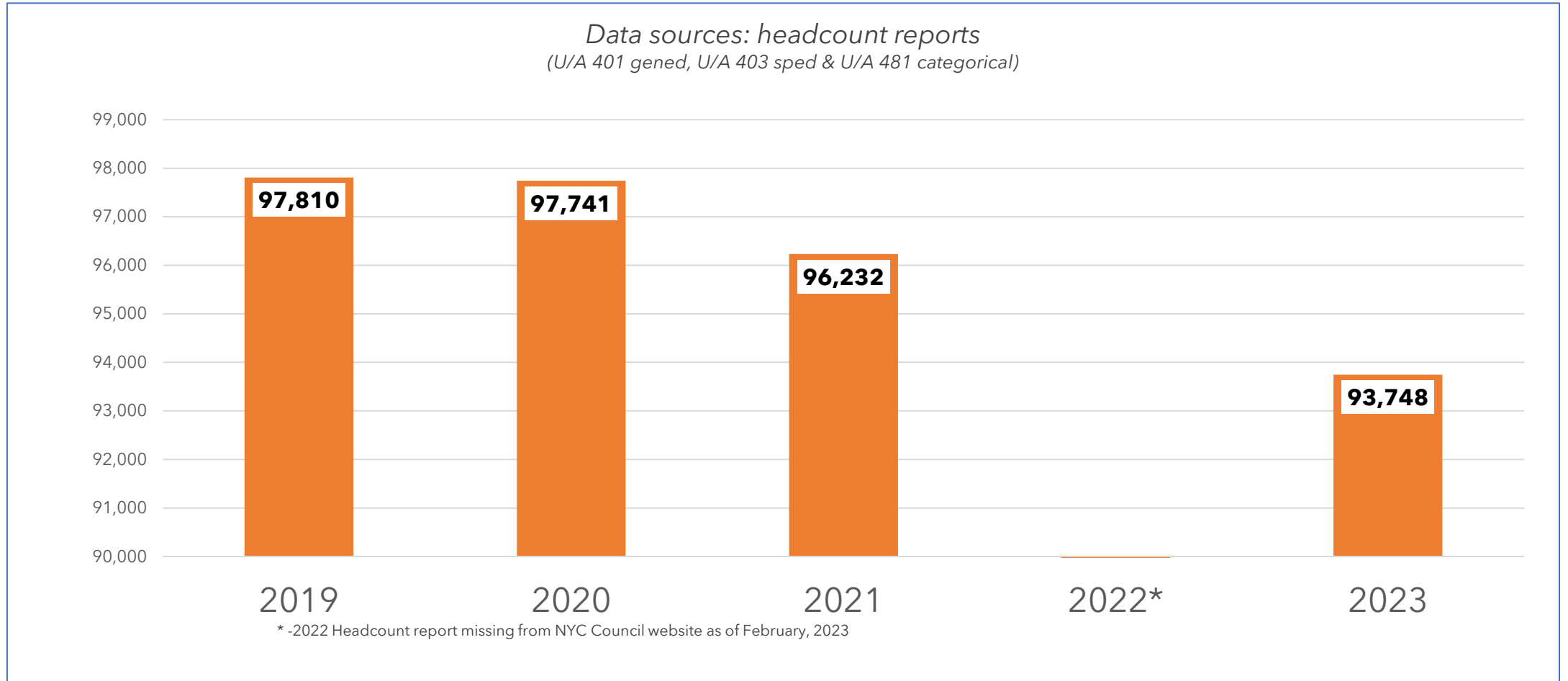
	Gen Ed teacher
K-5	~22 students
6-8	~24 students
9-12	~25 students

	ICT teacher
K	9 students with IEPs
1-12	10 students with IEPs for ICT

What this means:

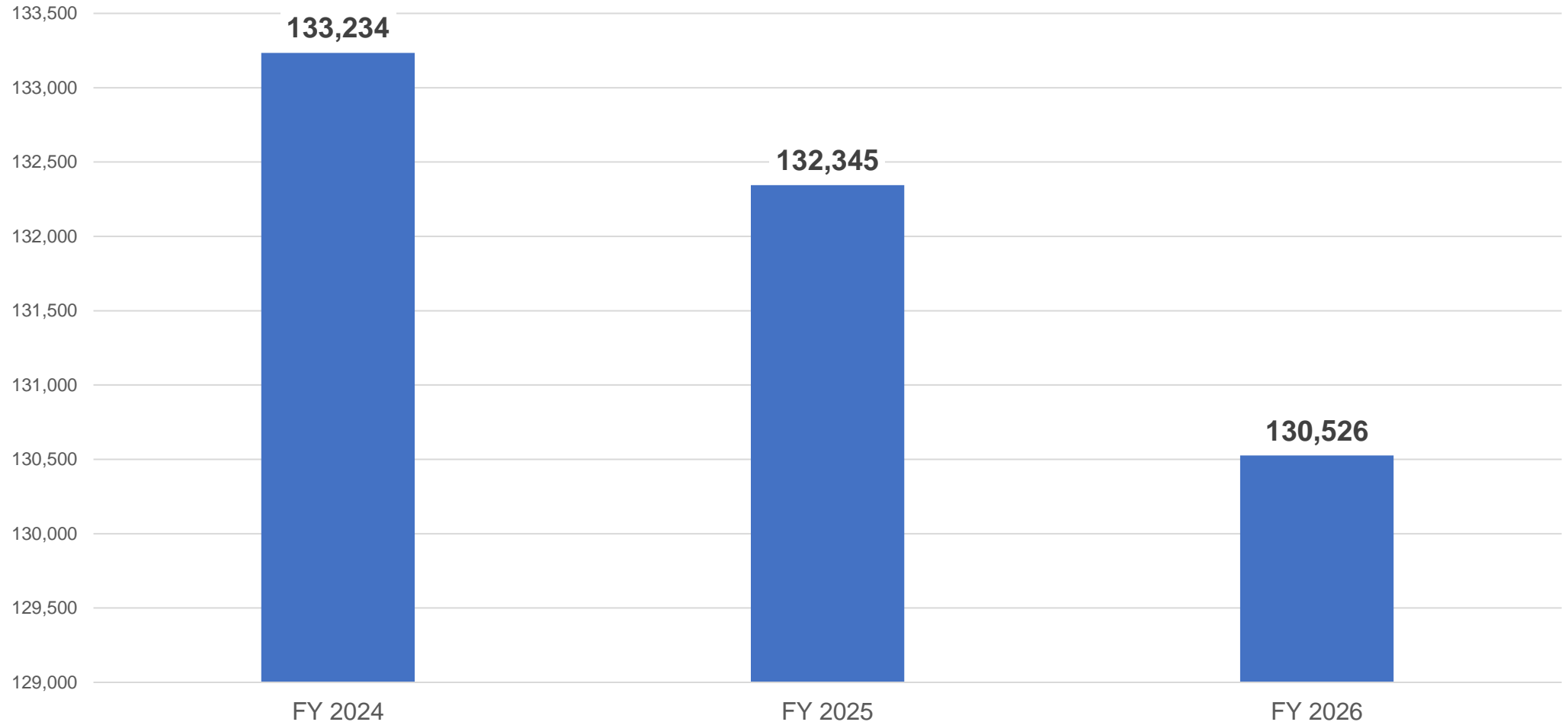
- *An elementary school must average at least 22 students per class BEFORE paying for its guidance counselor, recess support, arts enrichment, assistant principals, professional development, etc.*
- *If a 1st grade class has 20 students, then it must use other funds to pay for its teacher, or have a larger class size in another class.*
- *If an ICT class only has 6 students with IEPs for ICT, then other funds must pay for 1/3 of the special ed teacher's salary.*
- *Funds schools receive because of the needs of a student may be used to cover the "breakage" in a totally different class*

DOE already eliminated over 4,000 full-time K12 teachers between FY 2019-FY 2023



NYC financial plan reveals expected loss of over 3,000 more full-time teachers over next two years

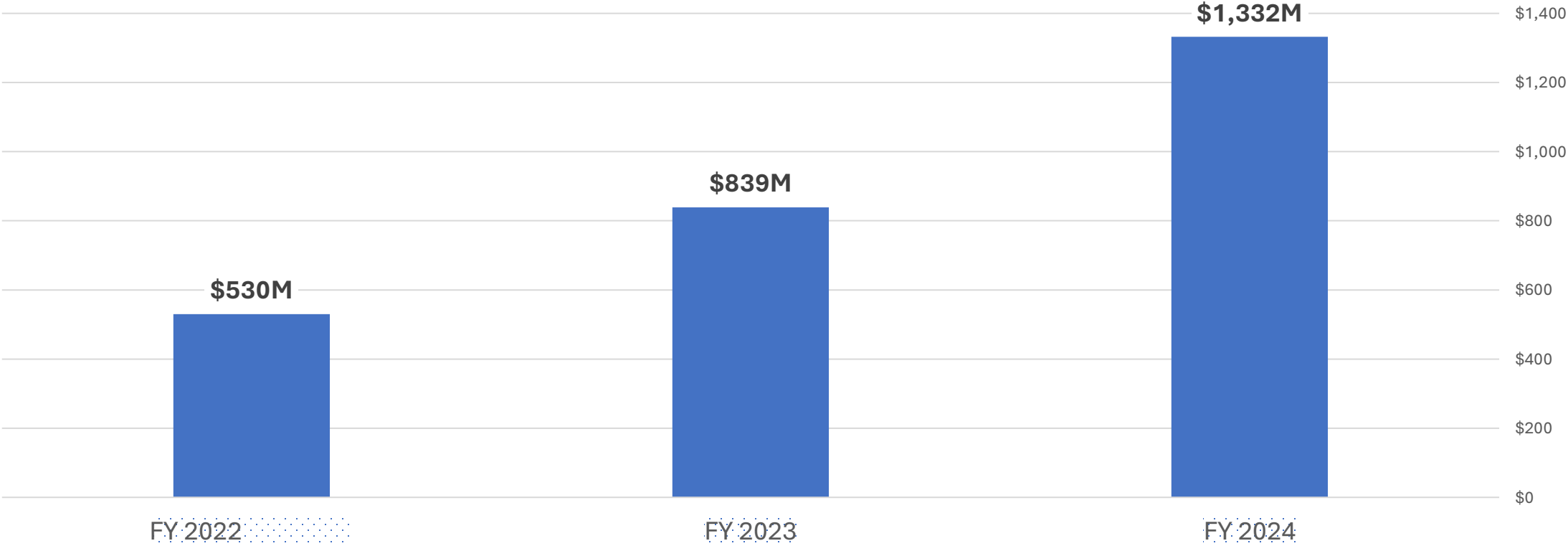
Full-time or full-time equivalent pedagogues



Data source: Nov. 2023 NYC Financial plan <https://www.nyc.gov/assets/omb/downloads/pdf/nov23-stafflevels.pdf>

Yet NYS has provided more than \$1.3B in additional annual support to NYC schools last 3 years as a result of CFE settlement

Additional NYS Foundation aid to NYC schools
(in millions)



NYC Budget Reserves in Fiscal Year 2024 Are at a Near Record Level of \$8.0 Billion

- **General Reserve:** \$1.2 billion
- **Rainy-Day Fund:** \$2.0 billion
- **Retiree Health Benefits Trust:** \$4.58 billion
- **Capital Stabilization Fund:** \$250 million
- **Actual FY 2023 revenues** \$7.85 billion more than projected in the FY 2023 Adopted Budget, according to NYC Comptroller

Education revenue & savings proposals

- Require state to cover the entire cost of NYC charter school rental subsidies; now they pay only 60%. Savings to NYC: **about \$75 million in FY 2023** and increasing rapidly each year. NYC is the ***only school district*** in the state and indeed the nation that is required to help pay for charter school rent.
- Require state to provide NYC with state charter transition aid: would provide an **estimated \$93 million**. Again, NYC is the ONLY school district in the state that doesn't receive this aid, designed to reimburse districts for part of the cost of charter school expansion.
- Raise the capital reimbursement for school construction to 50%, where it was previously. Now according to SCA/DOE, NYC currently receives only 25% reimbursement for new school construction, possibly because of a cost cap, while still receiving 50% for capital improvements. **Revenue: Could provide billions more in capital expenses.**

Other revenue proposals

- **Raise Personal Income Tax On High-Level Earners:** Increase taxable incomes above \$500,000 for singles, \$750,000 for head of household, and \$1 million for married couples filing jointly to 4.46% (0.584 percentage points above current top rate); for filers with taxable income above \$5 million, raise the tax to 5.0% (+1.124 percentage points above the current rate); and raise for filers with taxable income above \$25 million, to a marginal rate of 5.5%. **\$900M million annually**
- **Retail Storefront Vacancy Tax Surcharge;** **\$170M annually**
- **Pied-A-Terre Tax** on houses valued at \$5 million or more, and condos and coops valued at \$300,000 or more, with exemptions if the primary residence of owner. **\$277M annually**
- **City “Mansion Tax”** for properties sold for \$2 million or more; **\$270M annually**
- **Carbon Tax on oil, gas companies & electricity companies;** **\$264M annually;**
- **Reimpose the General Corporation Tax on Insurance Companies** (eliminated in 1974); **\$510M annually**

Important upcoming events

Wed. Nov. 29, 2023 (Sign-in starts 5:30 PM, meeting at 6 PM)

PEP meeting with vote on aggregated budget at: Long Island City High School, 14-30 Broadway, Queens

Week of Dec.1, 2023

Release of Class Size Working Group report – we need you to amplify as there will be a pushback by DOE & their supporters

Dec. – January 2024

- CEC & Citywide Council briefings by SCA on capital plan and by District planning;
- *We will have talking points & a resolution to offer*

Dec.5-Jan. 18

- Mayoral control hearings ; more info on [NYSED website here](#); talking points available, including Mayor's failure to abide by class size law

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We need your support!

- This administration is clearly not listening to most parents who want real substantive improvements in our schools, including smaller classes
- Instead, the Mayor intends to balance the budget on the backs of our children – and relying on a small, vocal subset of parents who are pushing for repeal of the class size law for fear that it will restrict enrollment in selective schools
- Will you volunteer to help us? Answer [our very brief survey here](#).

Want to stay updated?

- Sign onto CSM mailing list to receive latest class size news & action agenda at: <https://tinyurl.com/subscribeesm>
- Request a briefing with class size/overcrowding data for your district schools for your CEC or community group: email info@classsizematters.org
- Sign onto AQE list at <https://actionnetwork.org/forms/newsletter-signup-3> &/or ask for a briefing at smitha@aqeny.org
- **Questions anyone? Email us at info@classsizematters.org**