



Community Education Council District 21

Officers: **Jay Brown** President **Randi Garay** 1st Vice President **Lakeisha Bowers** 2nd Vice President **Esfira Shakhmurova** Treasurer **Elizabeth Rodriguez-Perez** Recording Secretary

Borough President Appointee

Members: **Amy Chen** IEP **Nadiia Kushylina** ELL **Dawn Qiu** D75 **Petra Remy** Borough President Appointee **Priscilla Santos** **Maxim Torbin** **Mei Ping Tran**

RESOLUTION URGING DOE TO IMPLEMENT CLASS SIZE WORKING GROUP PROPOSALS AND INVOLVE CITYWIDE/COMMUNITY EDUCATION COUNCILS IN COMPLIANCE WITH NEW CLASS SIZE LAW

WHEREAS, in 2003, the New York Court of Appeals in the Campaign for Fiscal Equity (CFE) case determined that NYC public school class sizes were too large to provide students with their constitutional right to a sound basic education; and

WHEREAS, following that decision, class sizes in NYC schools increased, and to this day, remain far larger than they are in the rest of the state; and

WHEREAS, smaller classes have been shown through research to improve school culture with teachers better able to address the needs of their students both academically and holistically; and

WHEREAS, many studies show that class size reduction leads to better student outcomes in every way that can be measured, including better grades and test scores, fewer behavior problems, greater likelihood to graduate from high school on time and enroll in college; and

WHEREAS, in June 2022, the NY Legislature overwhelmingly passed [Education Law 211-D](#) by a vote of 59-4 in the State Senate and 147-2 in the Assembly, requiring that NYC implement a five-year phase-in of smaller classes beginning in the fall of 2022 to fulfill the promise of CFE; and

WHEREAS, on Sept. 8, 2022, Gov. Kathy Hochul signed the bill into law, based upon an amendment that the five-year phase-in of smaller classes would begin instead in September 2023; and

WHEREAS, the law calls for class sizes to be limited to no more than 20 students per class in grades K-3, no more than 23 students per class in grades 4-8, and no more than 25 students per class in high school, with physical education and performing art classes capped at forty students per class; and

WHEREAS, instead of taking any substantive steps to lower class size since the law was passed, average class sizes increased citywide this fall, the second year in a row for elementary and middle school grades; and

WHEREAS, In District 21 schools:

- in grades K-3, average class sizes increased from 24.4 to 24.8, the second highest of any district in these grade levels; and
- in grades 4-8, average class sizes in District 21 schools increased slightly from 27.2 to 27.3, the fourth highest of any district; and
- in District 21 HS, average class sizes increased from 25 to 26.2 – the 11th highest of any district; and

WHEREAS, the percentage of classes that complied with these caps citywide also fell at all grade levels; and

WHEREAS, the percentage of classes that complied with the class size caps in District 21:

- is at 13.7% in grades K-3, the second lowest of any school district; and
- 27% in grades 4-8, the 6th lowest of any school district, and
- 37.6% in District 21 HS, the 11th lowest of any school district; and

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WHEREAS, since taking office, Mayor Adams has cut school budgets multiple times, and has announced plans to cut them further next year; and

WHEREAS, these budget cuts have occurred despite more than \$1.3 billion in additional annual state aid provided to NYC schools over the last three years, as a result of the CFE settlement; and

WHEREAS, if enacted, the proposed budget cuts will likely lead to even sharper increases in class size next year; and

WHEREAS, principals at overcrowded schools were informed that they cannot ask for their schools' enrollments to be capped at lower levels next year to enable them to lower class size; and

WHEREAS, District 21 schools have become more overcrowded over time, and last year our elementary schools averaged 103% according to the Blue Book; and

WHEREAS, according to the DOE, District 21 does not currently have the space in elementary schools to cap Kindergarten classes at twenty students; and

WHEREAS, DOE has nevertheless proposed more than \$2 billion to be cut from school construction and expansion in the proposed five-year capital plan for FY 2025-2029, which would likely make it impossible for the most overcrowded districts to have enough space to lower class; and

WHEREAS, the new proposed capital plan cuts twenty thousand school seats compared to the current five-year plan, and specifies new seats in only four school districts, and none in District 21; and

WHEREAS, the plan also fails to identify the locations for 77% of the seats funded, as well as their grade levels, and instead declares that this information will only be provided after school sites have been acquired and the design process has begun; and

WHEREAS, this unprecedented lack of transparency would leave parents, Community Education Councils, Community Boards, and local officials uninformed, and unable to provide any input about where schools are needed and should be built; and

WHEREAS, this change also appears to violate the class size law as well as [Education Law 2590-o](#), which requires the 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”*; and

WHEREAS, given current trends, it is highly unlikely that the DOE will make the legal mandate next year that 40% of classes meet these class size caps citywide, and even less likely that they will achieve the mandates in years three to five citywide or in District 21; and

WHEREAS, the Class Size Working Group has proposed a variety of actionable and effective policies that would enable the DOE to lower class sizes to the mandated levels starting next year and beyond, including changes in enrollment, budgeting, and the capital plan; and

WHEREAS, the Working Group has also proposed that Community Education Councils be involved in the advisory process, as Community Boards are currently, when the city is considering approving large scale development projects, to try to ensure that schools are built along with housing; and

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WHEREAS, the Working Group has also proposed that no changes in school utilization be proposed by the DOE without an analysis that there will be sufficient space in existing schools to lower class size to mandated levels; and

WHEREAS, despite this, the DOE has continued to propose changes in school utilization that assume current class sizes in the schools affected by these proposals will remain indefinitely, even when schools have many classes above the mandated levels; and

THEREFORE, BE IT RESOLVED THAT, Community Education Council District 21 urges the DOE not to propose any changes in school utilization without an analysis in the Educational Impact Statement that the change will not prevent the existing schools from lowering class size to the levels required by the law; and

THEREFORE, BE IT RESOLVED THAT, Community Education Council District 21 recommends that the City Planning process should include Community Education Councils as well as Citywide Councils in the advisory process when large scale developments or rezonings are proposed; to ensure that sufficient school space is built along with new housing and that local schools do not become even more overcrowded and unable to lower class size; and

THEREFORE, BE IT RESOLVED THAT, Community Education Council District 21 calls on the Mayor and the Chancellor to refrain from cutting school budgets or the capital plan, but instead to increase funding in both purposes to ensure that schools can be able to lower class sizes to the levels required by the law; and

THEREFORE, BE IT RESOLVED THAT, Community Education Council District 21 demands that DOE and the School Construction Authority should specify in the proposed capital plan where new schools are needed and where they will be built, and how that will provide enough space in every district to lower class size to mandated levels; and

THEREFORE, BE IT RESOLVED THAT, Community Education Council District 21 urges the Mayor and the Chancellor to immediately adopt the Class Size Working Group’s proposals, so that NYC students are able to benefit from the personalized feedback necessary for them to have a better chance to learn.

This Resolution was approved at a CEC21 Calendar Meeting held on December 20, 2023 by a vote of members present including: Jay Brown, Randi Garay, Lakeisha Bowers, Esfira Shakhmurova, Elizabeth Rodriguez-Perez, Amy Chen, Nadiia Kushylina, Dawn Qiu, Petra Remy, Maxim Torbin and Mei Ping Tran

Of the 11 members present, 9 voted YES, 2 voted no

VOTED AND APPROVED ON: December 20, 2023

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