

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

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Presentation for Caucus Weekend
Feb. 17, 2024
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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 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 support.
- While all students benefit, ***gains especially large for disadvantaged & minority students***, – who make up majority of NYC students, yet for decades, NYC schools had the largest class sizes in state.
- In Campaign for Fiscal Equity case, NY highest court said NYC students denied their constitutional right to adequate education as a result of excessive class sizes.
- In a 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.

A 30 Year Fight for Lower Class Sizes

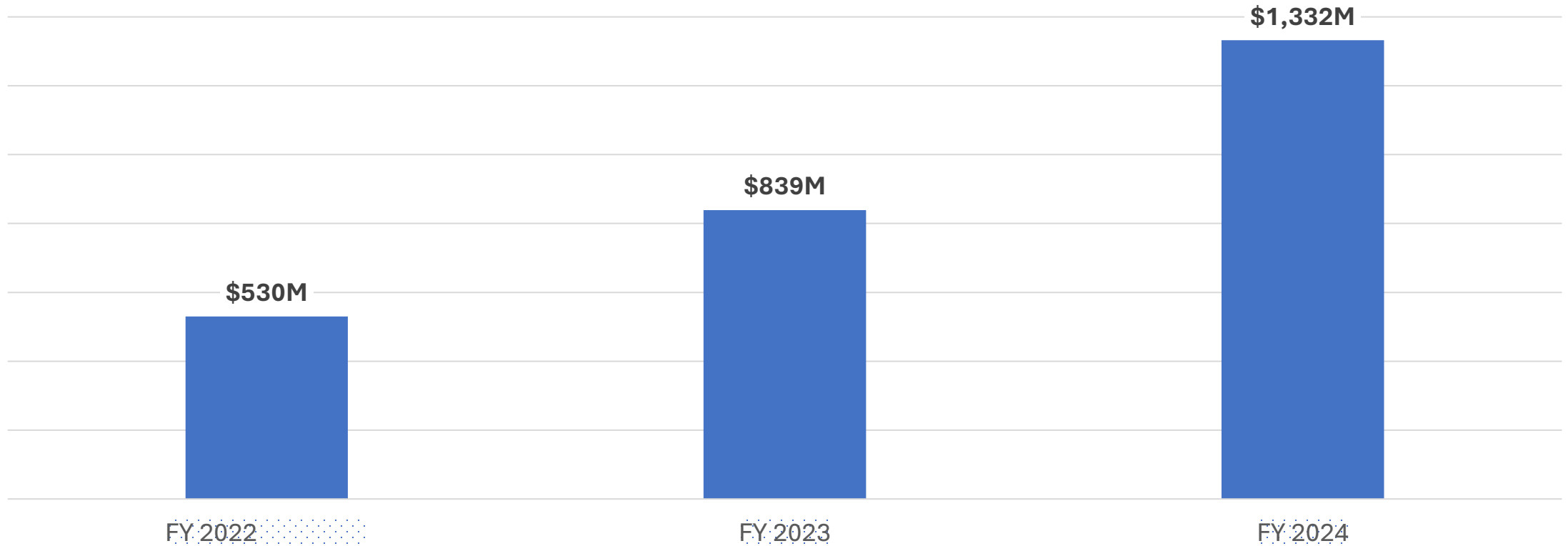
- In **1993**, the **Campaign for Fiscal Equity (CFE)** began fighting for adequate funding to bring class sizes in New York City and other high need districts down to levels comparable to other districts.
- The Education Budget and Reform Act of 2007 mandated a foundation aid formula which provides funding for New York City and other districts to lower class sizes and carry out other policies to provide equitable education opportunities.
- Beginning in the 2022-23 school year, NYC began receiving the full funding promised by CFE under the Foundation formula.

New Class Size Law passed Legislature in June 2022

- **When Foundation Aid was fully funded, the Legislature also passed a bill requiring NYC to phase in smaller classes over 5 years.**
- Class sizes to be capped at 20 students per class in grades K-3, 23 students in grades 4th-8th, and 25 students in HS classes. Phys education and performing art group classes to be capped at 40 students per class instead of 50 as currently.
- **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.
- Gov Hochul signed this bill in Sept. 2022, giving DOE an extra year to comply; phase-in began in Sept. 2023 with full compliance by the end of the 2027-28 school year.
- **So far, NYC has made the 1st year caps without making any policy changes. Year 2 compliance uncertain and 3-5th year unlikely,** without fundamental changes in DOE policies & planning.

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

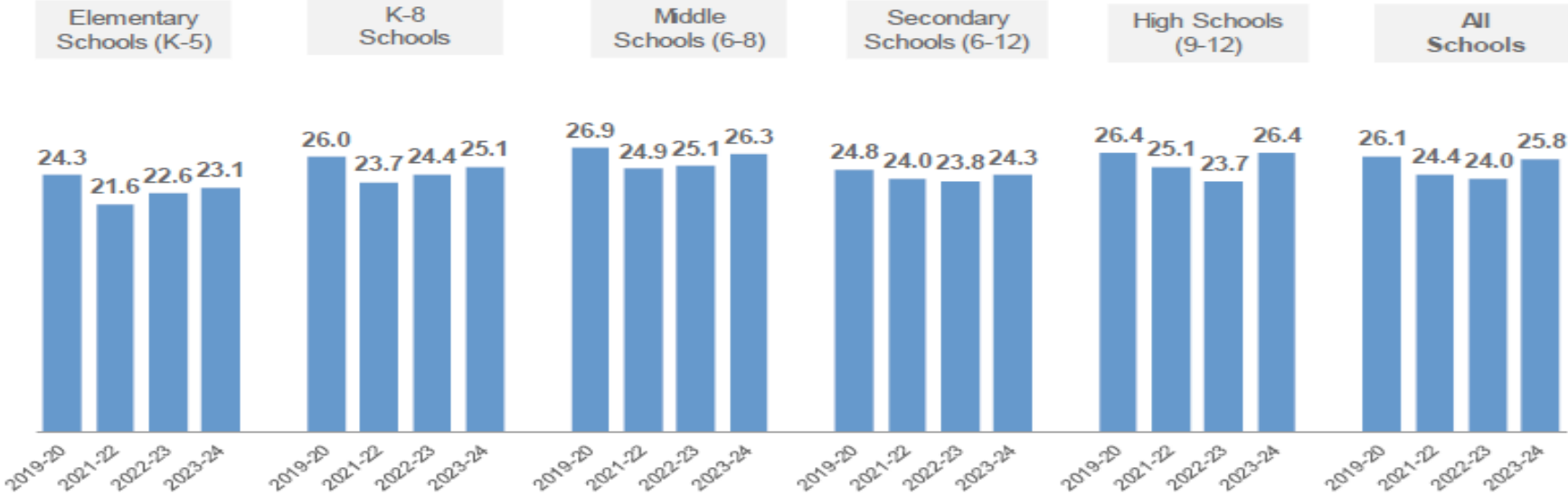
Additional NYS Foundation aid to NYC schools
(in millions)



Yet class size averages for core academic classes increased this year citywide

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

Citywide Class Size Averages by School Type *Preliminary*



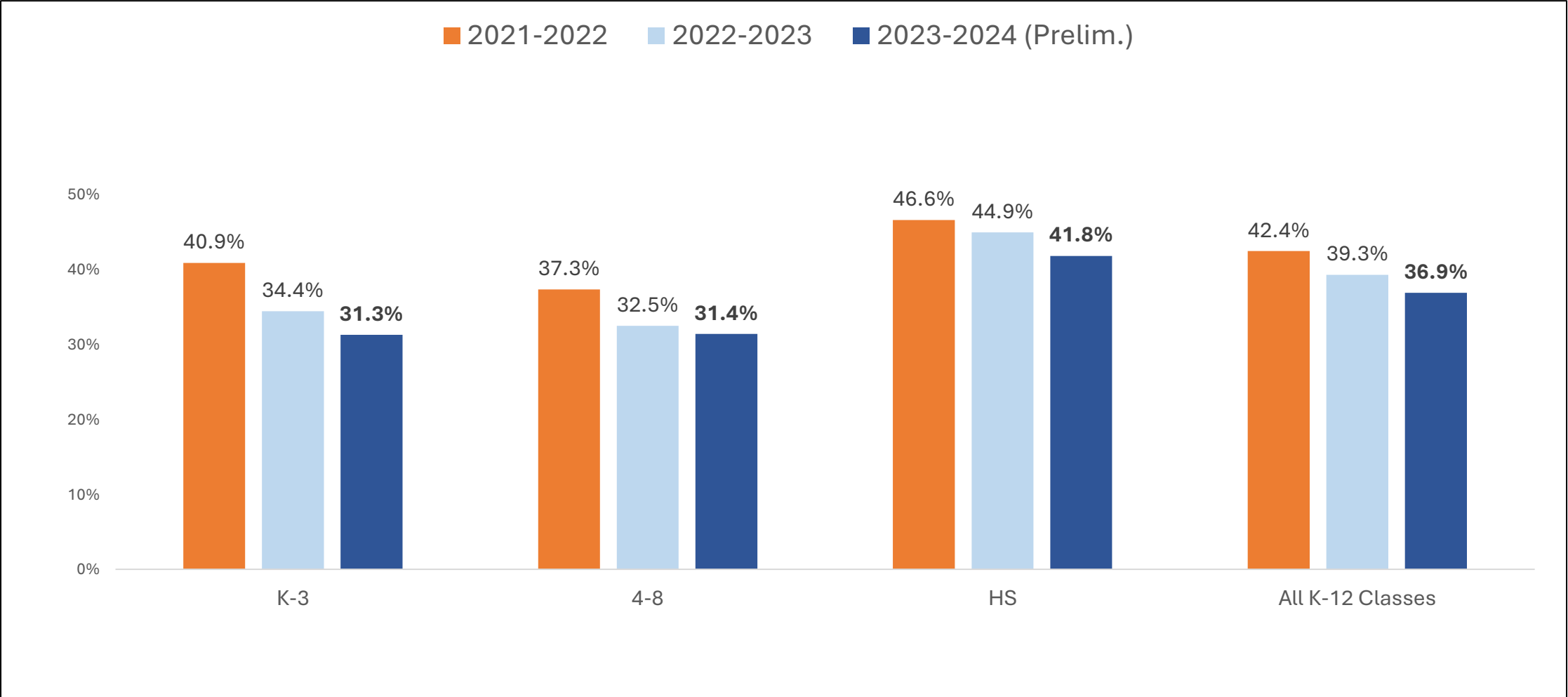
To align with the class size methodology used for the new class size law, the 2023-24 class size calculations for the City Council Report include bridge classes, non-core courses, including arts and physical education, D75 inclusion students, and shared instruction classes. Now, grades 7-8 are only represented in the STARS scheduling data; grade 6 is included in both depending on the school's scheduling method.



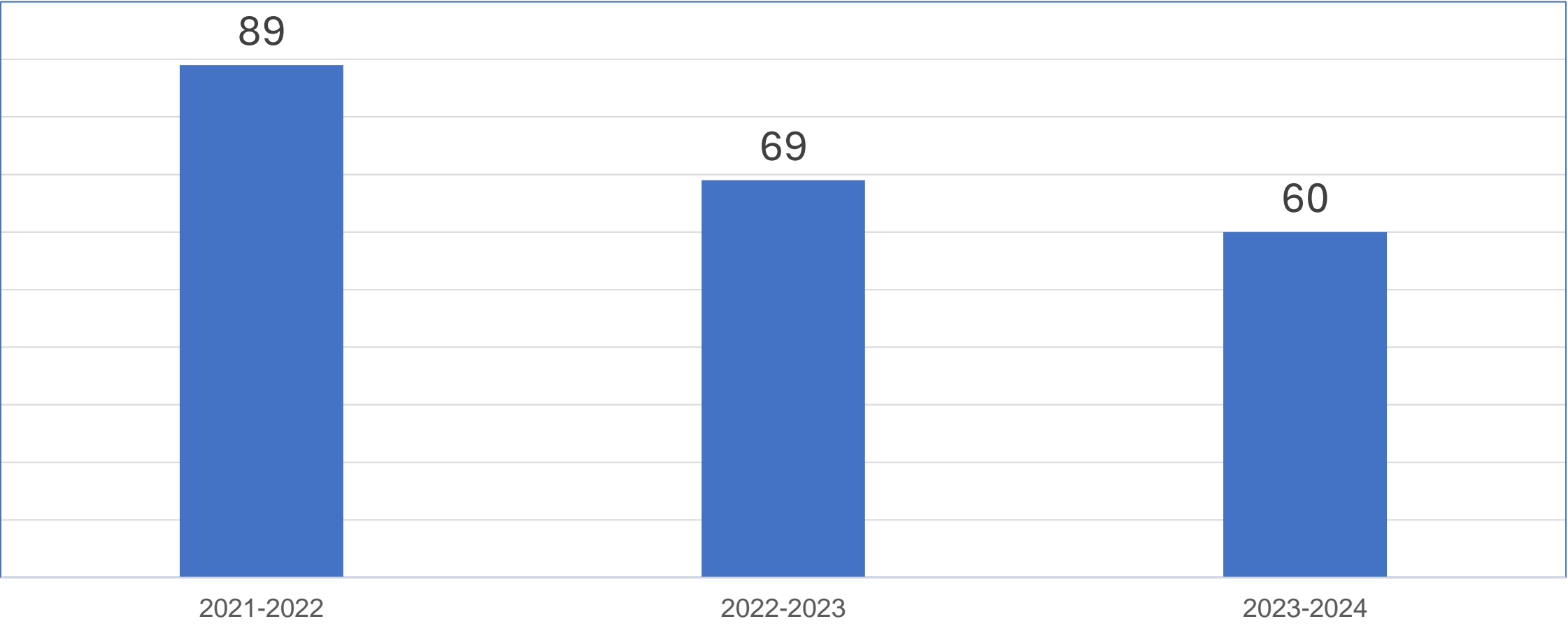
Overall class size averages include general education, integrated Co-teaching (ICT), G&I and Accelerated classes. The secondary school category includes both K-12 schools. Note that class size comparisons below are made to 2019-20, rather than 2020-21 because during remote and blended learning, new guidance was given to schools to assign students to different official classes depending on their blended/remote cohorts. How schools implemented and documented this change varied, therefore 2020-21 class size data may not reflect true class size.

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 out of 1500+ fully complied with the
class size caps this year**
33% decline over the last two years



While DOE claims that highest need quartile of schools already has smaller classes, there are actually far more high needs students in the other three quartiles – because the top quartile of schools enrolls far fewer students overall.

There are more Black students & ELLs in Quartiles 2&3; more Hispanic students in Quartile 2 & more students in poverty in all four levels than in Quartile 4

What this analysis shows is that without a comprehensive citywide program of class size reduction, the benefits of smaller classes will never reach all the students who need them.

Quartile of schools (by Economic Need Index)	Number of Schools	Enrollm ent	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

The DOE has significant reserves and surplus to support implementation of the law

- IBO expects next year's City budget will have a \$3.3 billion surplus
- NYC also has a Rainy-Day Fund of \$2.0 billion
- There are many other revenue and savings options for the city and the DOE

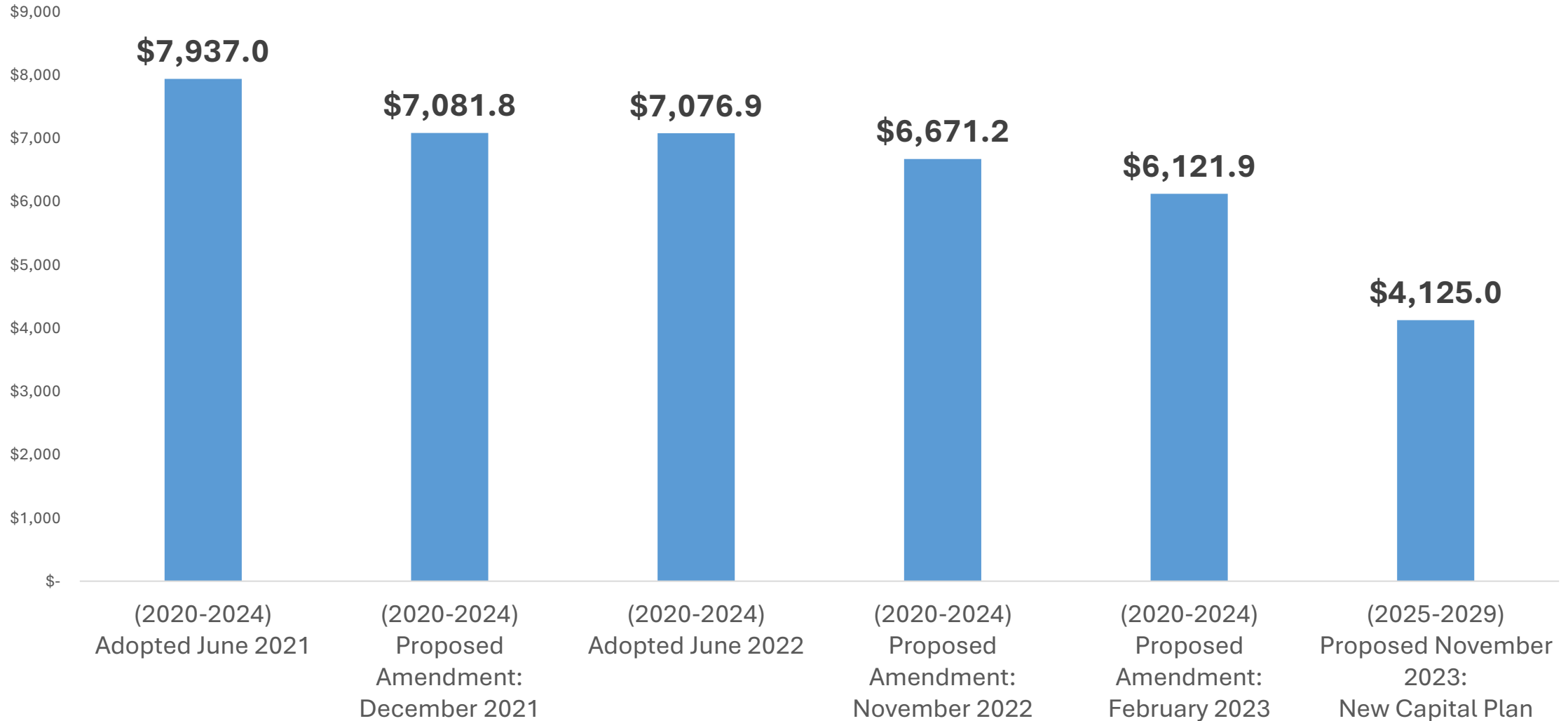
Yet school budget cuts already made & even larger ones planned

- Last two years, DOE has made cuts to most school budgets, causing class sizes to increase
- Recently, about 600 schools received another round of mid-year cuts – called “adjustments” -- based on enrollment lower than projected
- Mayor cut \$547 million from DOE budget **this fiscal year**, and plans additional cuts of more than \$500 million in each of the next four years: FY 2025 to FY 2028
- Will **be impossible** to lower class size with cuts these large – ***in fact, schools will need more funding not less to decrease class size.***
- ONLY schools receiving extra funding to lower class size this year : \$2.7 M for schools to fund gifted classes with fewer than 18 students per class.
- *Data source: January 2024 PEG. <https://www.nyc.gov/assets/omb/downloads/pdf/peg1-24.pdf>*

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

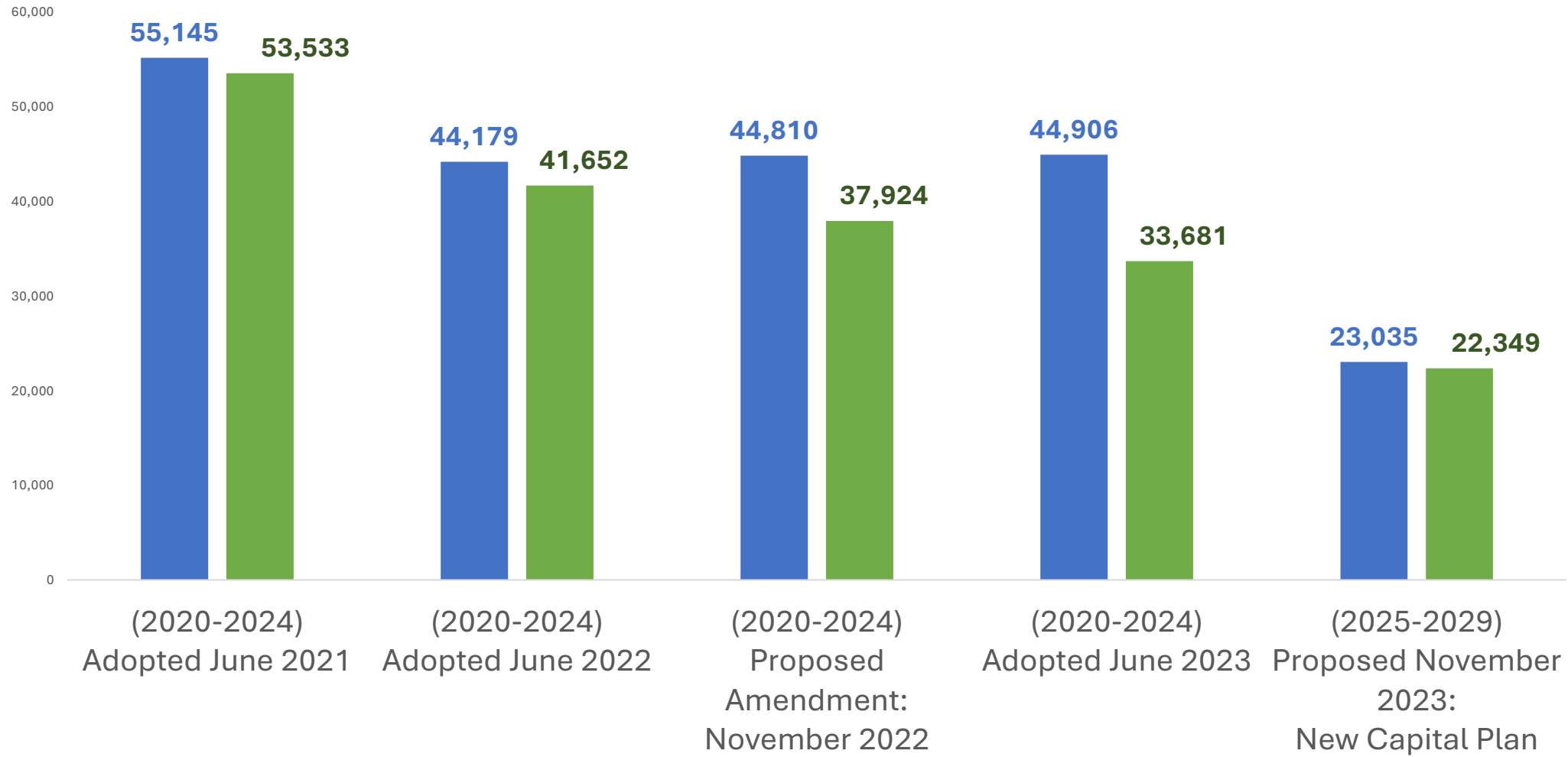
- Rather than expanding and accelerating school construction when law was passed, funding for new seats cut by over \$2 billion in new 5-year plan compared to current plan & # new seats cut in half.
- All identified projects are carried over from the current five-year plan, *with an undisclosed number of previously funded seats cut.*
- More than 70% of seats in new proposed five-year plan are unidentified as to borough, district or grade level

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



Lack of transparency even worse than previous cap plans

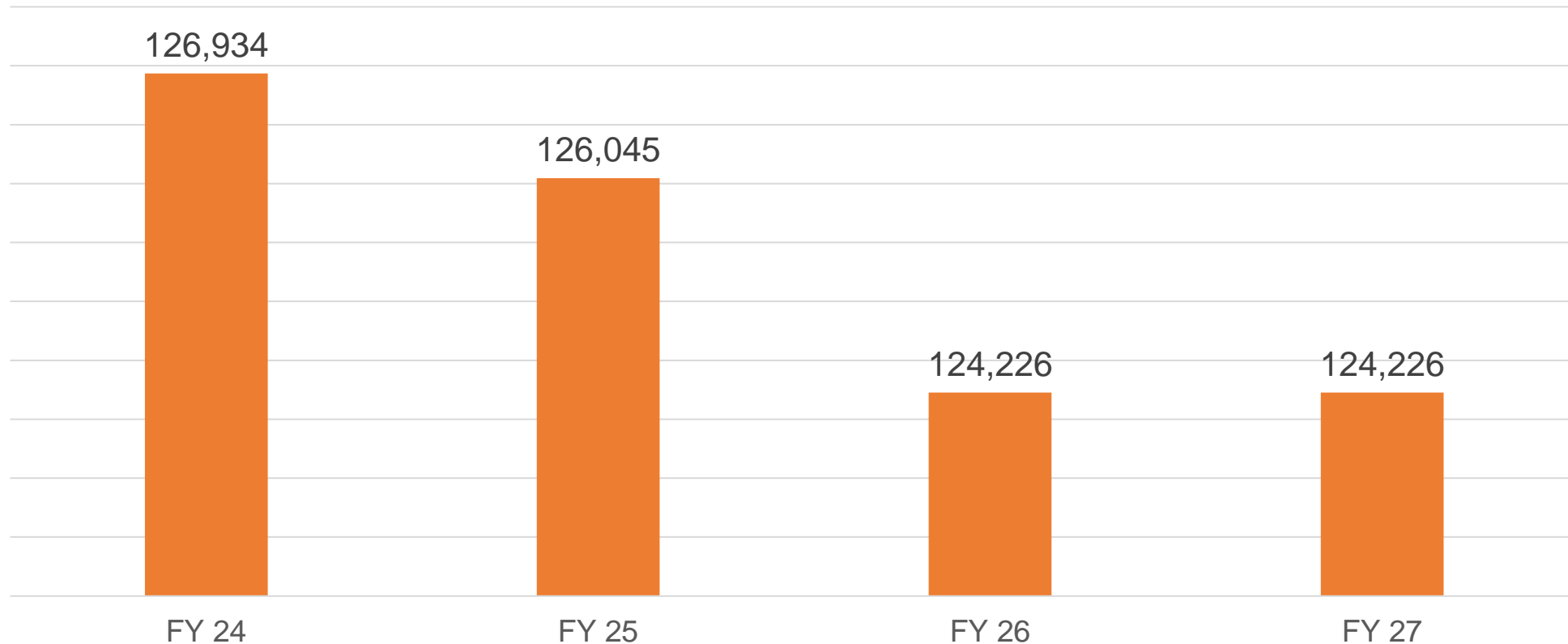
- 77% of new seats in the plan lack any identification as to borough, district or grade level
- SCA states that from now on: “**projects will be officially listed in the Plan following the identification of a suitable site and the commencement of the school facility’s design process.**” This leaves the public, including parents, CECs and elected officials 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 EDN § 2590-o, requiring 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: DOE must submit an “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”

More teachers will be needed to lower class size

- Estimates range from 10,000-12,000 (DOE) to 17,000 (Independent Budget Office).
- The [latest cost estimate](#) from IBO is \$214 million in 2026, \$427 million in 2027 and \$427 million in 2028, respectively, to cover salaries for additional teachers.
- Yet DOE has already shrunk the K12 teaching force by 4,000 from FY 2019-FY 2023, making it even more challenging to hire sufficient teachers needed over the next four years.
- ***Moreover, [Jan. 2024 Financial plan](#) projects another loss of nearly 3,000 full time teachers over next two years.***
- It will be impossible to lower class size losing this many teachers.

NYC financial plan projects loss of 2,708 more full-time teachers over next two years

Full-time or full-time equivalent pedagogues



Data source: Jan. 2024 Financial plan at <https://www.nyc.gov/assets/omb/downloads/pdf/tech1-24.pdf>

Class Size Working Group appointed by Chancellor released a report in December 2023

- Report has actionable, effective & affordable proposals on how the DOE can reduce class size
- Accelerate and build more schools in overcrowded communities, with the School Construction Authority working more efficiently and effectively to do so
- Strengthen teacher pipeline & provide incentives to teachers to work in highest need schools
- Seek additional funding for implementation and consider adding a separate budget line for class size reduction & keep Fair Student Funding for other critical school & classroom programs
- Stop co-locating schools & creating new schools if that will prevent ability of existing schools to lower class size
- With community input and engagement, adjust enrollment at nearby schools to give all schools space for smaller classes
- The working group explicitly **recommended against tradeoffs** such as eliminating afterschool programs, arts and music rooms, and other opportunities for students

Exemptions Currently Allowed Under Class Size Law

Type of Class/ Exemption	Requirements
Space Exemption	Approval by Chancellor and UFT and CSA presidents NYCPS must demonstrate capital budget is aligned to resolve exemption
Over-Enrolled Students Exemption	Approval by Chancellor and UFT and CSA presidents
License Area Shortage* Exemption	Approval by Chancellor and UFT and CSA presidents
Severe Economic Distress Exemption	Approval by Chancellor and UFT and CSA presidents
Elective & Specialty Classes	UFT may negotiate higher class sizes than targets if majority of school staff approve increase

Revenue & savings proposals

- Charter schools cost DOE nearly \$3B per year and according to [Mayor's presentation](#), are projected to increase by another \$33M in FY25, \$213M in FY26, \$443M in FY27, and \$729M in FY28.
- YET NYC ONLY NY district that doesn't receive charter transitional aid, designed to reimburse districts for part of the cost of charter school expansion.
- According to Ed Law Center, DOE has lost out on \$2.6B in transitional aid from 2011 to 2022 and will lose another estimated \$93 million this year. ***The law should be changed to allow this reimbursement.***
- NYC also ***only school district*** in the state and nation required to help pay for charter school rent. State should exempt DOE from having to do so. Savings **more than \$100 million this year** and increasing rapidly each year.
- State should increase capital reimbursement for school construction to 50%. Now according to SCA, NYC currently receives only 25% reimbursement for new school construction. **Could provide billions more in capital expenses**

How can you help?

- Work to ensure that New York City continues to receive its full allocation of Foundation Aid, and other sources of funding such as Charter Transition Aid, releasing of NYC from its unfair requirement of paying charter school rent, and increasing state contributions to capital projects.
- Urge DOE to comply with the law and to adopt the proposals of the Class Size Working Group; we have a reso for CEC and Community Boards at tinyurl.com/resoclassize
- Do not extend the five-year timeline for the law or make other amendments to the legislation - the current law's exemption process allows for reasonable adjustments to the timeline as long as the district is moving towards compliance
- Sign up for the Class Size Matters newsletter to keep up to date on what's happening with class size & the education budget at tinyurl.com/subscribeesm