

Class Size Working Group Final Report

Submitted by the Class Size Working Group
to the Chancellor of NYC Public Schools
on
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Executive Summary:

The Class Size Working Group Report represents the culmination of months of work by dedicated members of the group. These members were appointed by Chancellor David Banks of the New York City Public Schools (NYCPS) to bring parents, educators and advocates together to consider approaches and make recommendations for implementing the law.

Since Spring 2023, members have come together in person and remotely, in a whole group and in subcommittees, to work together with officials from New York City Public Schools to understand the law, consider the implications, and develop recommendations for implementation. The group created dedicated subcommittees focused on key aspects of implementation of the law, including: Enrollment Planning, Space and Capital Planning, Special Education, Staffing and Hiring, Instructional Implications, Staffing and Hiring, and Budgeting and Finance.

Recommendations were developed within subcommittees and then brought to the broader group for consideration. Some proposals met with more disagreement within and outside of the Working Group, via our community engagement process, and some were revised. The proposals included in this report represent the views of the majority of the subcommittee members and of the majority of the Working Group as a whole about the most effective, affordable and equitable manner in which to implement the law.

The recommendations are comprehensive, and if enacted, would have significant impacts on many aspects of the current manner in which NYC Public Schools operate. Overall, the Working Group identified over 50 recommendations across different areas. Some recommendations are applicable to school-level decision-making, but most require NYC Public Schools central action; some would mean changes in how the School Construction Authority or the Department of City Planning operate. There are also recommendations that ask NYC Public Schools to advocate for specific changes in state law in order to receive more funding to support implementation. Some of the recommendations include:

- **Enrollment Planning:** NYCPS should gather more information about impediments to lowering class size at the school level via surveys, support those schools already compliant with the law, and create a plan with SCA that includes repurposing and maximizing existing school and classroom space. In consultation with school communities and in alignment with the law's requirement to prioritize high-need students and schools, NYCPS should adjust enrollment at overcrowded schools when there are underutilized schools nearby; and consider relocating 3K and PreK classes in overcrowded schools to nearby Community Based Organizations, where there are empty seats.
- **Space and Capital Planning:** NYCPS and SCA should develop a plan that includes repurposing and maximizing existing school space; Recognize that there is a need for more school space and capital construction; Improve strategies to identify sites for schools and expand classroom space; Increase public engagement and transparency; and work with the city to reform the city planning process.
- **Special Education:** NYCPS should provide incentives for and support to special education teachers in exchange for working as a special education teacher in NYC schools for a certain number of years and

staying for the full school year; Expand NYC Teaching Collaborative program or similar programs, with a focus on recruiting, training, mentoring, and providing additional support to special education teachers while ensuring we maintain the quality of the program and candidates (including compensation for mentor teachers); Ensure that students with disabilities are protected, and not harmed unintentionally, as NYCPS works implements the class size law; Ensure students with disabilities can attend school within their home district, and are not forced to travel to other districts, as NYCPS implements the class size law.

- **Staffing and Hiring:** NYCPS should focus on both increasing recruitment and training of new teachers and on lowering attrition of current teachers to meet its staffing needs. Proposals to lower attrition rates include: Provide teachers with high-quality, research-based lesson plans, doing exit interviews to understand why teachers are leaving, and creating and establishing multi-year mentoring and coaching programs for novice teachers and materials for each course to reduce teacher workload and help new teachers transition into the classroom. Recommendations for recruitment include; NYCPS should, beginning in the 2023-2024 school year prioritize hiring teachers with an earlier application window for higher-need schools that have class sizes above the mandated limits especially located in the harder-to-staff districts; Allocating additional resources to recruit teachers; Offer paying differentials for teachers to teach in and transfer into historically understaffed districts; Creating and establishing multi-year mentoring and coaching programs for novice teachers; Create a formalized process for Human Resources in the NYCPS to perform exit interviews; Reducing the probationary period to one year for teachers who hold NY State valid teacher certification in a shortage area; Collaborating with SUNY, CUNY, and regional universities to help connect NYCPS with undergraduates; Working with current NYCPS students and graduates to develop pathways to become teachers; and Building and strengthening pipelines for paraprofessionals and teacher aides to become teachers. The NYCPS should also create greater oversight of schools by Superintendents of compensatory positions, meaning ensure that teachers are assigned to teach the classroom to the maximum amount possible rather than assigned to staffing out-of-classroom positions.
- **Instructional Implications:** NYCPS and schools must prioritize special education and ICT programs first; When schools seek to expand instructional space in a building, they should not reduce students' access to arts, theater, dance, science labs, and libraries, or parents' access to PTA or community spaces; NYCPS should not eliminate access to programming like electives, G&T, dual language programming, bilingual classes, AP classes or honors classes when programming for new class size caps unless there has been engagement with the community and it should be done in a phased manner; Schools should consider multisession, where possible, to meet class size caps; this would include middle schools.
- **Budget/Finance:** NYCPS should model/consider funding direct teaching costs for class size reduction by SAM, as is done for 3-K and Pre-K, which would ensure that schools meet the legal cap, while allowing schools the flexibility to use Fair Student Funding needs weights/base allocation for the other costs in running their schools. It should also aggressively pursue new opportunities for potential funding; Issue guidance that C4E funds must first be used for class size reduction and audit the use of those funds; Support any school that has met the benchmarks of the class size law.

The report includes an overview of members who participated in the Working Group, as well as the methodology and approach to the overall process. It then shares the recommendations of the Working Group, which are organized by subcommittee/topic.

Finally, the report also includes a summary of the public engagement work that occurred as a critical part of the Working Group's process in late September and early October, when the draft recommendations were presented through a series of in-person and virtual public engagement sessions and received feedback during these sessions and via email. This section provides an outline of the public response, which, in many cases, was focused on feedback around specific recommendations and the law overall.

It is important to note that not every member of the Working Group agreed with each recommendation and, while we have listed a series of recommendations within the report, we do not have whole group consensus on these recommendations.

Report Introduction and Background:

Introduction:

In June 2022, the New York State Legislature passed a new class size law which would require that New York City Public Schools (NYCPS) cap class sizes in all K-12 schools in New York City at lower levels, to be phased in over five years. In September 2022, Governor Hochul signed the bill into law, with an agreement that the phase-in process would be delayed one year and begin in the 2023-2024 school year rather than 2022-2023 school year.

Building on the model of the Fair Student Funding Working Group, Chancellor Banks wanted to re-engage key stakeholders, in particular, families and community members in discussion on this topic. In April 2023, he appointed members of a Class Size Working Group (Working Group) comprised of individuals with diverse perspectives and experiences from across New York City, including parents or guardians of NYCPS students, educators, advocates, researchers and other stakeholders. The Working Group has spent nearly seven months deepening our understanding of the issue, engaging with data and NYCPS content teams and developing these proposals. This report reflects the Working Group's recommendations based on these months of engagement and discussion.

Background:

Chapter 556, the class size legislation, sets forth requirements that apply to New York City Public Schools, including:

- 1) new class size caps for all public K-12 community district schools;
- 2) a class size reduction plan, which must be approved by the Chancellor and the respective presidents of the United Federation of Teachers (UFT) and the Council of School Supervisors and Administrators (CSA) (the unions representing New York City school district teachers and principals, respectively), and submitted as part of the Contract for Excellence to the State Education Department for approval;
- 3) a prescribed timeline for the public process for the development, posting, and submission of this plan;
- 4) annual reports on the status of the implementation of the class size reduction plan, with corrective action plans certified by the State or City Comptroller required if the State decides that the City has not demonstrated sufficient decreases in class size to meet the caps in the law.
- 5) penalties can be imposed by the State Education Department in the form of reduced State funding, if adequate progress to reduce class sizes is not made.

The new class size caps are markedly smaller than previous class size caps, which had previously been set through a contract with the teachers' union. The new law requires that district schools reduce class sizes to 20 students in K-3, 23 in grade 4-8 and 25 in high school. This is lower than the long-standing union contractual caps by five students in K, twelve students in Grades 1-2, nine students in grades 4 and 5, ten students in non-Title I middle schools, seven in Title I middle schools, and nine in high school core academic classes. The law also requires that performing arts and physical education classes be capped at forty students rather than fifty students per class, which is the current union contractual limit.

The law requires NYCPS to phase in these caps, with full compliance required within five years. Chapter 556 requires the plan to begin September 2023 and be achieved by the end of the 2027-2028 school year. Each year

of the plan, an additional 20% of classrooms, excluding special education classes and exempted classes, must be in compliance with the targets, such that NYCPS is in full compliance by 2028. The law requires the plan to prioritize lowering class size in schools serving populations with higher poverty levels first.

Annually, on November 15, NYCPS must submit to the New York State Education Department an implementation report on the status of its class size reduction plan, including details on how much funding was expended to lower class size and the plans to create more classroom space to reach the targets in the law. If the State Commissioner decides that the city has made insufficient progress in lowering class size, a corrective action plan must immediately be submitted by the city that is certified by the state or city comptroller to show NYCPS’s capital and education funding plans provide sufficient space and staffing to achieve the required class size reductions, and if not, what measures and/or funding should be added. The corrective action plan must be developed in collaboration with the unions and signed off on by the Chancellor and the UFT and CSA presidents. If NYCPS does not adhere to the corrective action plan, the State Education Department can hold back funding.

Further, a financial impact statement is required on November 15, 2025, which may recommend a pause of the class size reduction plan, but in no event may it result in a roll back or increase in class sizes.

Chapter 556 notes five situations in which classes may not be subject to the class size caps, which are listed below; the first four of them are formally defined as exemptions under the law.

Per Chapter 556, self-contained special education classes are also not subject to these caps.

Figure 1: When Caps Do Not Apply

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

*This refers to areas where there are an insufficient number of teachers in a certain license area (e.g., bilingual math).

In the event that NYCPS and the unions are unable to reach agreement on an exemption, the law mandates arbitration.

Contracts for Excellence:

Each year, the NYC Department of Education receives some of its annual budget from the NY State Foundation Aid program. In response to a series of lawsuits by the Campaign for Fiscal Equity, Foundation Aid was created in 2007, and takes school district wealth and student need into account to create an equitable distribution of state funding to schools. Every year, the State allows some of the additional aid to be used for growth in general operating costs and investment in ongoing programs. However, some of the funding must be used according to the State's "Contracts for Excellence" (C4E) law, which requires them to be given to certain schools and be spent by those schools in specific program areas. By law, C4E funds must support specific program areas, including class size. Specifically, C4E dollars must be spent to support new programs and activities or to expand existing programs and activities in the following six program areas:

- Class-size reduction
- Time on task
- Teacher and principal quality initiatives
- Middle school and high school restructuring
- Full-day pre-Kindergarten and
- Model programs for English Language Learners (New in 2008-09).

Funds must go to students with the greatest need. C4E funds must be used to improve the performance of students with the greatest educational need, including:

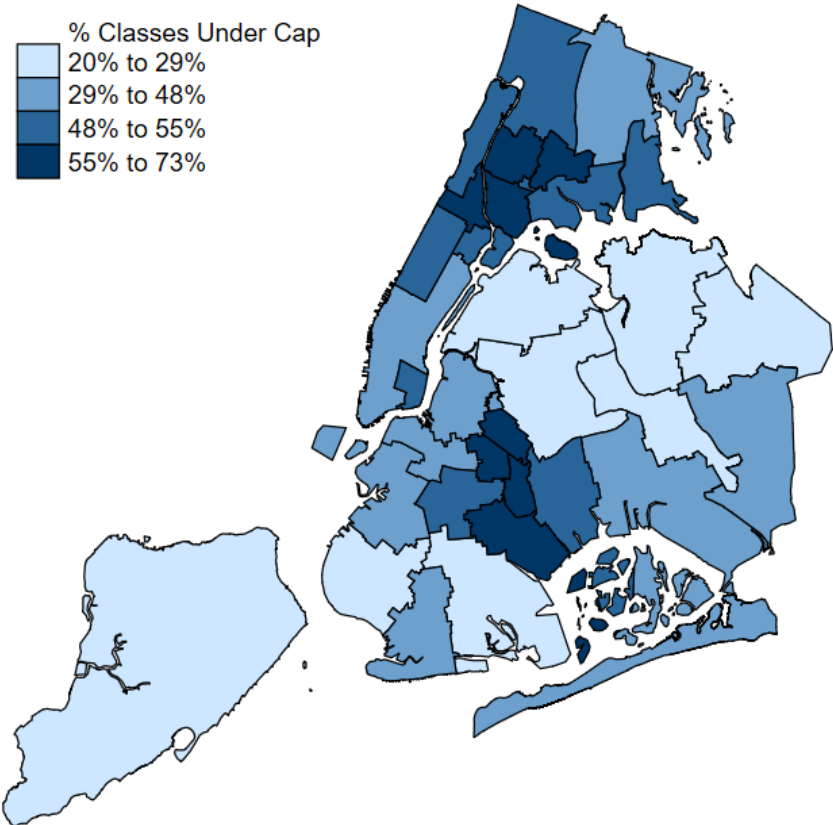
- English Language Learners (ELL's)
- Students with disabilities
- Students in poverty and
- Students performing below State learning standards or students who are at risk of not graduating.

New York City schools received Contracts for Excellence (C4E) funds for the first time in the 2007-2008 school year. However, New York State did not fully fund Foundation Aid for most of the subsequent years, leading to another series of Campaign for Fiscal Equity lawsuits beginning in 2014, which sought to require New York State to fully fund the Foundation Aid formula. A settlement of this lawsuit was signed by Governor Hochul in September 2022, and required New York State to phase-in full funding of Foundation Aid by the FY 2024 budget. In the FY 2022 Enacted State Budget approved in April 2022, the Executive and Legislature agreed to fully fund Foundation Aid by the FY 2024 budget and enshrined this commitment into law along with the following timeline for implementation:

- FY 2022: \$8.6 billion for New York City, which represented \$530 million over the previous year;
- FY 2023: Approximately, \$8.9 billion, which represented about \$309 million over the previous year;

- FY 2024: Approximately \$9.4 billion, which represented \$493 million over the previous year, for a total additional amount of more than \$1.3 billion over this three year period.
- The law also states that these additional funds must supplement, not supplant the expenditure of city funds for the same purposes, in order to provide additional educational resources.

Figure 2: Current Class Size Data: Percentage of Classes At or Below Caps by District as of 11/15/23



Data shows the districts with the greatest percentage of classes at or below the class size caps are in districts 23 (Ocean Hill, Brownsville), 7 (Mott Haven, Melrose), and 16 (Stuyvesant Heights, Crown Heights). Districts 26 (Bayside, Glen Oaks), 28 (Forest Hills, Jamaica Hills), and 31 (Staten Island) have the lowest percentage of classes at or below the class size caps

As reported by NYCPS in the November 15th, 2023 class size annual report, in school year (SY) 2023-24, NYCPS analysis is that as of October 31, 2023 estimates show that 40% of classes in New York City (excluding physical education and performing group classes) were at or below the class size caps imposed by Section 211-d of New

York State Education Law. The analyses shows that the average class size has increased over the last two years, and the percentage of classes that meet the cap has declined over this period from the 42% level of compliance estimated by the NYCPS for the 2022-23 school year in July 2023.¹ Overall, 20% of classes are required to be at or below such caps for this school year.

Class size data shows that:

- High schools have the highest percentage of classes at or below the cap, followed by grades 4-5. Grades K-3 and grades 6-8 have the fewest percentage of classes below the cap.
- Schools in Districts 23 (Brownsville, Ocean Hill), 7 (Mott Haven, Port Morris), and 16 (Bedford-Stuyvesant, Weeksville) have the highest percentage of classes at or below the class size caps. Schools in Districts 26 (Floral Park, Little Neck, Bayside, Fresh Meadows), 28 (Rego Park, Forest

¹https://drive.google.com/file/d/1XVxM5dnJYDEzPCLLM-AObnt7Xyc_iFzq/view?usp=sharing

Hills, Kew Gardens), and 31 (Staten Island) have the lowest percentage of classes at or below the class size caps.

- Analysis has shown that in 665 of the city’s Title I schools, which serve students with high economic need, 50% or more of the classes are above the class size caps (representing over 300,000 students).² When dividing all schools in the city by relative levels of economic need, schools with the highest proportion of students facing economic need continue to have a higher percentage of classes at or below the class size caps. 62% of classes in schools in the highest quartile of economic need are at or below the class size caps, compared to 25% of classes in schools in the lowest quartile of economic need.
- The overall pupil-teacher ratio is 12.7, a decrease from 12.9 the previous year.

Figure 3: Class Sizes At or Below the Caps by Grade Band

Grade Level	SY 2023-24 Percentage of All Classes at or below Caps
Grades K-3 (Cap of 20)	31%
Grades 4-5 (Cap of 23)	42%
Grades 6-8 (Cap of 23)	32%
Grades 9-12 (Cap of 25)	45%
Total	40%

Figure 4: FY 2023 Percentage of Classes at or below the class size caps required in the legislation by quartiles of school-level Economic Need Index (ENI)

Economic Need Index (ENI) of School	SY 2023-24 Percentage of All Classes at or below the Caps
4 - classes in the highest need quartile of schools based on ENI	62%
3 - classes in the second highest need quartile of schools	50%
2 - classes in the second lowest need quartile of schools	35%
1 - classes in the lowest need quartile of schools	25%
Total	40%

²<https://files.uft.org/title-i-schools-class-size-2023-2024.pdf>

Data shows that the percentage of classes at or below the class size caps varies across schools with different racial and ethnic demographics.

- Schools with the highest percentage of Asian students have 23% of classes at or below the caps.
- Schools with the highest percentage of Black students have 54% of classes at or below the caps.
- Schools with the highest percentage of Hispanic students have 51% of classes at or below the caps.
- Schools with the highest percentage of White students have 26% of classes at or below the caps.

Figure 5: 2023-24 Percentage of Classes at or below the class size caps required in the legislation by quartiles of 2022-23 school-level % of each race/ethnicity

2022-23 % Asian in School	% at or below Caps	2022-23 % Black in School	% at or below Caps	2022-23 % Hispanic in School	% at or below Caps	2022-23 % White in School	% at or below Caps
4 - highest quartile	23%	4 - highest quartile	54%	4 - highest quartile	51%	4 - highest quartile	26%
3	40%	3	50%	3	45%	3	38%
2	52%	2	37%	2	35%	2	48%
1 - lowest quartile	62%	1 - lowest quartile	24%	1 - lowest quartile	29%	1 - lowest quartile	52%
Total	40%	Total	40%	Total	40%	Total	40%

The Working Group:

In February 2023, the Chancellor announced that NYC Public Schools would be convening a Working Group to gather input on how the new class size law should be implemented. In late February 2023, NYCPS launched a survey for individuals to express interest in participating in the Working Group and in April 2023, 48 members were selected to participate. The Working Group selected by the Chancellor represented diverse perspectives and experiences from across New York City, taking into account individuals’ geographic representation, experience as a parent or guardian of a NYCPS public school student, educator, advocate, researcher or other stakeholder, while also including individuals representing different school levels and sizes as well as organizational affiliations.

Getting the implementation of this law right for all of our students is of the utmost importance to the Working Group. Since mid-April 2023, the Working Group met frequently to discuss and develop thoughtful recommendations that the group believes represent the interests of our young people and their school communities as a whole.



The Working Group recognizes that much work remains to be done, and that not every one of these recommendations was universally supported

by every Working Group member. However, we believe the recommendations included here represent a good faith effort by the Working Group members to ensure that through the implementation of this law, NYC public school students will have the opportunity to attend small classes which will allow them to be seen as individuals and have learning experiences which support their growth and success.

Working Group Members and Affiliations:

Elected Co-Chairs

Johanna Garcia, Chief of Staff to State Senator Robert Jackson, former CEC 6 President

Dr. David Marmor, Principal, Francis Lewis High School, Queens

Members and Affiliations

Parent Leaders

Bronx

Latoya Coleman, CEC 8 President, PA President

Andrea Daniels, Current CPAC member, President Of D75 President's Council

Lisa Rivera, CEC 7 Vice President

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Manhattan

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Naveed Hasan, Panel for Education Policy Member

Ayishah Irvin, Frederick Douglass Academy PTA President, President's Council President, District 5, CEC 5 Treasurer

Dr. Kaliris Salas-Ramirez, Panel for Education Policy Member

Queens

Deborah Alexander*, CEC 30 Member

Ron Britt, Parent Advocate

Alysa O' Shea*, Citywide Council on High School (Treasurer) and Townsend Harris HS PTA (Alumni Liaison)

Vijah Ramjattan, CEC 28 President

Al Suhu*, CEC 26 President

Effi Zakry*, Panel for Education Policy Member

Staten Island

Lucia Curatolo-Boylan, President of CEC31

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Government Leaders and Partners

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NYC Councilmember Rita Joseph, Chair of Education Committee, NYC City Council

Elizabeth Kennedy, NYC Public Advocate's Office

Lara Lai, NYC Comptroller's Office

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**Note that members with an asterisk by their name want it to be clearly understood that they do not endorse the recommendations in this report.*

Methodology:

Purpose:

The purpose of this section is to (a) explain the process the Working Group used to collaborate and ultimately make its recommendations, including the formation of subcommittees, consideration of public engagement, and analysis of data; and (b) highlight the diversity of perspectives within the Working Group.

Formation of the Working Group:

In February 2023, the Chancellor announced that he would convene a Working Group to gather input and provide feedback for NYCPS officials as NYCPS works to implement the new class size law. Parents/guardians, teachers, principals, and other community stakeholders were asked to apply, via survey, to be selected by NYCPS to form part of the group. In April 2023, the Working Group began meeting and engaged in a series of virtual and hybrid meetings to analyze data, brainstorm ideas, and, ultimately, recommend ways for NYCPS to implement the phase-in of class size reduction as mandated by the law.

There were 48 individuals selected to participate. Elected officials and/or their representatives who participated were not allowed to cast their votes in full Working Group processes, but were otherwise encouraged to participate as full members, including voting in subcommittees to determine the proposed recommendations, however none were recorded as having voted.

Group Charge:

As charged by NYCPS, the scope of the working group was to:

- build a common understanding of Chapter 556 of the Laws of 2022 (“the class size law”) and what it requires of NYCPS;
- understand the current state of class sizes in NYCPS;
- discuss potential paths to implementation of the law, including enrollment policies, instructional implications, budgetary impact, and capital planning;
- develop recommendations to advise NYCPS on implementation of the law;
- share the learnings of the Working Group, its conversations, and recommendations publicly to foster transparency.

Meetings:

The group began by developing group norms to be followed during all meetings of the group and its committees. The group was tasked with nominating and voting for co-chairs. This process was facilitated by NYCPS and employed the use of Google Forms to collect nominations and votes. Johanna Garcia and Dr. David Marmor were elected as co-chairs.

The full Working Group met nine times, at least once each month, from late April through November of 2023. The majority of these meetings were hybrid, with members present at Tweed Courthouse as well as over Zoom. Attendance ranged from a high of 44 (out of 49) members at the first meeting to a low of 28. Minutes were taken in each meeting and meeting minutes and all materials presented within the meeting were posted on the NYC Public Schools website at (<https://infohub.nyced.org/reports/financial/contracts-for-excellence>).

Initial meetings included a review of data presented by NYCPS and other representatives. The Working Group utilized JamBoards to collect members’ initial impressions and concerns as well as follow-up feedback surveys to determine what additional data members would like to see.

The co-chairs believed that, because of the large group size and there were many issues to tackle, the work would be more productive if members divided into subcommittees: Capital Planning (construction, space planning, and consolidation), Staffing and Hiring, Budgeting and Finance, Special Education/ICT (including related services), Instructional Implications and Programming Options, and Enrollment Planning. The co-chairs surveyed the members as to their topic preferences and assigned them to two sub-committees of approximately fifteen members each. Two members were assigned to co-chair each sub-committee. A Google Classroom was created as a central point of communication and warehousing of information and resources.

Special Education/ICT (including related services)	Enrollment Planning: all grades, programs, and school models	Budgeting and Finance
Andrea Daniels (Co-Chair)	Ayishah G Irvin (Co-Chair)	Naveed Hasan (Co-Chair)
Rosa Diaz (Co-Chair)	Marina Marcou-O'Malley (Co-Chair)	Johanna Bjorken (Co-Chair)
Kesha Rashed	Ron Britt	Andrew Rein
Randi Levine	James Vasquez	Marina Marcou-O'Malley
Effi Zakry	Leonie Haimson	Matt Chingos
Rachel Paguaga	Dia Bryant	Keisha Sydney
Ayishah G Irvin	Johanna Bjorken	Lara Lai
Brad Alter	Elizabeth Hoffman	Elizabeth Hoffman
Lori Podvesker	Deborah Alexander	Steve Stowe
Myrna Torres	Venus Sze-Tsang	Randi Levine
Chris Ogno	Al Suhu	Christina Collins
Brenda Gonzalez	Saida Rodriguez-Tabone	Al Suhu
Philip Composto	Chair Rita Joseph	Philip Composto
Chair Rita Joseph	Latoya Coleman	Vijah Ramjattan
Elisa Brown	Dale Kelly	Keisha Sydney

Instructional Implications and Programming Options	Capital Planning: Construction, Space Planning, and Consolidation	Staffing and Hiring
Kaliris Ramirez-Salas (Co-Chair)	Leonie Haimson (Co-Chair)	Tom Sheppard (Co-Chair)
Effi Zakry (Co-Chair)	Brad Alter (Co-Chair)	Patrick Sprinkle (Co-Chair)
Elizabeth Kennedy	Christina Collins	Matt Chingos
Khiera Pena	Andrea Daniels	Elizabeth Kennedy
Alysa O'Shea	Dia Bryant	Khiera Pena
Venus Sze-Tsang	Lucia Curatolo-Boylan	Naveed Hasan
Rosa Diaz	Andrew Rein	Alysa O'Shea
Kesha Rashed	Ron Britt	Kaliris Salas-Ramirez
Rachel Paguaga	Lara Lai	Saida Rodriguez-Tabone
James Vasquez	Naveed Hasan	Celeste Douglas
Tom Sheppard	Steve Stowe	Brenda Gonzalez
Lucia Curatolo-Boylan	Celeste Douglas	Vijah Ramjattan
Myrna Torres	Chris Ogno	Randi Garay
Latoya Coleman	Randi Garay	Elisa Brown
Dale Kelly	Lisa Rivera	Lisa Rivera

Guidelines developed by the Co-Chairs for participating in subcommittees included:

- All Working Group members must join at least one subcommittee but can officially join up to two. All Working Group members are free to attend and/or participate in discussion at any subcommittee meeting.
- Eligibility to vote in the subcommittee required attending a minimum of 75% of the subcommittee meetings.
- Working Group Co-Chairs will determine group subcommittee membership and chairperson(s).
- Working Group members will be voting members of no more than two subcommittees.
- A Working Group Co-Chair shall be a member of each subcommittee with full voting privileges (only 1 vote).
- Working Group Co-Chairs reserve the right to modify group composition and chairperson.

The subcommittee requirements and purpose, as developed by the Co-Chairs:

- Explore and dive deeper into aspects of the corresponding topic as it relates to reducing class size in accordance with the law.
- Develop agenda and facilitate discussions and report back to the Working Group.
- Schedule and hold a minimum of one subcommittee meeting between scheduled Working Group meetings.
- Upload a written summary of each discussion and findings in the proper folder on Google classroom.
- Develop guidance based on evidence, data, and credible research.
- Consult Working Group Co-Chairs regularly on progress and challenges.

Subcommittees met at least once, monthly, via Zoom. Attendance varied from as few as five members to as many as 25, as Working Group members not formally in a subcommittee were permitted to attend and comment

(but not vote). Discussions ensued regarding goals, challenges, and potential recommendations. Subcommittees requested additional data from NYCPS to aid in group discussions. Some subcommittees developed recommendations via consensus, others via voting (based on the whole number of subcommittee members present at that meeting).

To finalize preliminary proposals, subcommittees each worked on a document to submit to the full Working Group for discussion and deliberation. The groups were encouraged to narrow down their proposals to five recommendations. Once the full Working Group received the draft proposals from the subcommittees, a PowerPoint presentation was created with the top five recommendations from each group.

Public Engagement:

The Working Group wanted to ensure it received feedback from a broader cross-section of the public beyond Working Group members, and so it presented its preliminary proposals to the public for feedback in three sessions: two were virtual, on September 26 and 27, 2023, and one was in person, on October 2, 2023, at the MLK Campus in Manhattan. In addition to 101 speakers at these sessions, the Working Group received e-mailed comments from 1,867 people, including parents/guardians, teachers, community members, and students. Most people that participated in the engagement sessions supported the law, especially those in the teaching workforce but also parents from marginalized communities, and parents of children with IEPs.

After the October 4th deadline for public comment passed, all written comments were shared with the Group. At the October 5th full Working Group meeting, members discussed major themes that emerged from the public's comments and if/how that feedback should affect the preliminary recommendations.

Final Recommendations:

The Working Group Co-Chairs sent a survey to all Group members to provide an opportunity to register opposition to any of the recommendations proposed by the different subcommittee groups. The recommendations presented to the Chancellor are the ones that received a majority vote from Working Group members; not including elected officials or their representatives who were ineligible to vote.

Diversity of Perspectives:

The members of the Working Group had very diverse (sometimes opposing) perspectives. The Working Group was composed of a diverse array of stakeholders with varying viewpoints (sometimes opposite) and roles. This included advocates who supported the passage of the law, an individual who urged the Governor to veto the bill and opposed its implementation in New York City, and a range of key participants such as parents/guardians, teachers, principals, elected officials, and community and educational advocates. The group also featured representatives from prominent community-based organizations and policy think tanks, reflecting a wide spectrum of perspectives and expertise. The group exhibited a balanced representation of genders, as well as a diverse array of ethnic and racial backgrounds. Its members included individuals who were either directly involved with New York City Public Schools as former students, parents/guardians, educators, or as advocates for marginalized communities.

Subcommittee Recommendations:

Enrollment Planning Subcommittee Recommendations

Summary: NYCPS should gather more information about impediments to lowering class size at the school level via surveys, support those schools already compliant with the law, and, in consultation with school communities, create a plan that coordinates changes and reforms in budgeting, space and district planning, enrollment, and the capital plan.

Recommendation 1: Support schools that have already met the class size benchmarks (E1)

Any NYC public school that has already met the benchmarks of the class size reduction law, either partially or completely, should be supported with the necessary resources (financial and otherwise) to maintain those benchmarks, so that there is not a revolving door of schools in compliance. In the 2023-2024 school year, only 46 schools fully made the class size benchmarks in the law out of more than 1,500, according to an analysis of the class size data reported annually by NYCPS.³

Among all NYC public schools, 40% of classes made the benchmarks for academic subject classes according to the NYCPS, not counting performing arts classes and gym classes that will be capped at 40 students per class rather than 50. The goal must be to systematically support schools that have classes in compliance, while expanding the number so that at the end of the five years 100% of schools are in full compliance. Some of the public commentators said they would prefer if schools not in compliance would be provided more support to lower class size.

Recommendation 2: Relevant NYCPS divisions should work together with SCA on a unified class size plan (E3)

In order to ensure an effective and cohesive plan, the Working Group strongly urges that the NYCPS Division of Finance, and Offices of Enrollment Planning, District Planning, and Space Management collaborate with the School Construction Authority, to coordinate their efforts to create one unified plan to meet the class size benchmarks in the law. In order to ensure full communication, data-sharing, and coordination between these offices and agencies, so that a successful citywide class size reduction plan can be devised and implemented, these offices and agencies must work closely with each other rather than in separate silos. We also recommend that these offices and agencies provide a unified briefing to CEC's and Citywide Councils when the new five-year capital plan is released, to explain how the schools in each of those districts and HS citywide will meet the annual benchmarks in the law.

Recommendation 3: Plan should include repurposing and maximizing existing school space (C4)

Please refer to the description of this recommendation in the *Space Planning and Capital Planning* section, Recommendation 2.

³ Updated NYCPSDOE Class Size Report for 2023-2024 at <https://infohub.nyced.org/reports/government-reports/class-size-reports>

Recommendation 4: In consultation with school communities, adjust enrollment at overcrowded schools when there are underutilized schools nearby (E4)

According to NYCPS, there are 386 schools at 100% or higher utilization with at least one class over the new class size limits. Of these, 251 schools are zoned and 135 are non-zoned.

Yet many of these schools are geographically near schools that are underutilized and have additional space to accommodate students while complying with the law.⁴ All members of the Working Group subcommittee who participated in the meeting voted to recommend that enrollment be adjusted in the overcrowded schools and buildings **in consultation with the community if there are nearby underutilized schools with the same grade configurations.**

As NYCPS officials made clear to the Working Group, they are able to cap enrollment at lower levels and redirect zoned students to other schools before any formal rezoning process takes place in order to achieve a policy objective or legal mandate – in this case, to provide the space to lower class size. But the Working Group recommends that this should be done only when there is a nearby school with sufficient space and then a formal rezoning process takes place in the case of zoned elementary and middle schools, including community consultation and a vote of the relevant district Community Education Council (CEC).

According to a NYCPS briefing provided to the Working Group, more than 5,000 out-of-zone Kindergarten students attended zoned elementary schools with inadequate space to lower class size, or 23% of the total Kindergarten enrollment in those schools, as of the latest available data. More than 5,000 out-of-zone 6th graders attended zoned middle schools with inadequate space to lower class size or 38% of the 6th grade students enrolled in these zoned schools. Finally, nearly 7,000 out-of-zone high school students attended zoned high schools with inadequate space to lower class size, or 49% of the 9th grade students who are enrolled in these schools.⁵ Many overcrowded schools enroll students from outside their zone.

The Working Group Co-Chairs asked members to express preference on the following options to provide further guidance, should it become necessary for zoned schools to cap enrollment after exhausting other measures to reduce class size:

- Option 1: Prioritize In-Zone students for all seats in all programs, with any additional seats allocated based on the school's existing enrollment program criteria and procedure.
- Option 2: Allocate seats in the same proportion to In-Zone and Non-Zone students as in the 2023-24 entering class, resulting in seat reductions for both In-Zone and Non-Zoned students equally.
- Option 3: Maintain current seat levels for Non-Zoned students, with reductions coming from In-Zoned students through a deflection or rezoning process.

The Working Group's responses to the proposed enrollment amendment options reveal a complex landscape of opinions. While there is a slight preference for Option 1, which prioritizes in-zone students, members expressed significant concerns about its potential impacts on equity, diversity, and vulnerable student groups, including

⁴ See for example the interactive school utilization maps that visualize the latest available data from the 2021-22 Blue Book at <https://classsizematters.org/map-of-utilization-rates-in-nyc-schools/> and <https://classsizematters.github.io/Capital-Plan-Projects-July-19th-2023/#10.4/40.7225/-74.0140> Maps created by the Citizens Budget Commission reflecting utilization figures from 2017-18 are available here: <https://cbcny.org/research/cut-costs-not-ribbons> **NOTE: The Executive Directors of both organizations are members of the Working Group**

⁵ Enrollment planning presentation to the Working Group, Nov. 3, 2023. Appendix C

those in specialized programs. The segregation effects of zoning and district lines were noted, as well as the implications for English Language Learners (ELLs) and students with Individualized Education Programs (IEP's).

In addition, multiple Working Group members raised concerns about transit time for students, and so the Working Group also recommends that there be specific guardrails established so that no student is forced to attend a school far from home, such as redirecting elementary school students to another school only if it were less than a half hour away from their home by walking; middle school students if it were less than a half hour away via public transit, and high school students if it were less than one hour away by public transportation.⁶

The group advises against simplistic, one-size-fits-all solutions, calling for strategies tailored to each school's unique context and community needs and input. **Therefore, the recommendations presented here advocate for a thoughtful implementation of Option 1 (prioritizing in-zone students for all seats in all programs), ensuring it is in harmony with the principles of equity and community cohesion.** This approach should be complemented by acknowledging the potential limitations and unintended consequences of a generalized policy.

By more evenly allocating enrollment across all schools, this could save billions of dollars in school construction funds. In addition, it would benefit schools in other important ways. It would allow overcrowded schools to not only lower class-size more easily. This could also lead to more diversity across elementary and middle schools, data indicates as those with the highest percent of Black and Hispanic students tend to be underutilized while those with more white and Asian students are more likely to be overutilized.⁷

Finally, underutilized schools have to manage very limited budgets, as their funding is reliant on enrollment, which too often means they are unable to offer a full complement of programs and services. At a recent town hall meeting in Brooklyn, 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:

“This is the reality. Again, 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.”⁸

The topic of capping enrollment in schools, particularly popular or selective ones, frequently became a central point of debate. Notably, these schools represent a minority in the overall school system. Our proposal to adjust enrollment to lower levels at overcrowded schools, directing students to nearby schools with more capacity, sparked considerable controversy. Some members of the Working Group and the public expressed concerns that

⁶ According to the NYCPS presentation to the Working Group on Nov. 3, unmatched Kindergarten and 6th grade students are admitted to another school in the district, while unmatched 9th grade students are admitted to a high school within one mile of their homes. Another possible guardrail would be to redirect elementary school students to another school only if it were less than a half hour away from their home by walking; middle school students if it were less than a half hour away via public transportation, and high school students if it were less than an hour away by public transportation.

⁷ See the analysis of school utilization rates by race/ethnicity on Slides 42-44 at <https://classsizematters.org/class-size-school-overcrowding-presentation-to-public-advocate-office/> According to the analysis of Center for New York City Affairs, one of the effects of students attending schools outside their zone has been a slight loss of diversity : “ If all children in public elementary schools went to their zoned schools, our analysis found, the city’s schools would be marginally less segregated than they are now.” <http://www.centernyc.org/the-paradox-of-choice>

⁸ Transcript of Oct. 12, 2023 Town Hall meeting: <https://www.publicnow.com/view/DAD781EC6929E538C8D87AC7B27531FD6601B34F?1697222878>

such measures could prevent children from attending their current zoned school or a high demand school elsewhere.

In response, a Working Group member proposed an alternative to the Enrollment Subcommittee. This proposal suggested exempting certain schools from the new lower class size limits, allowing them to maintain higher enrollment numbers. The exemption would apply to schools meeting specific criteria, such as maintaining good standing with New York State accountability for at least three consecutive years and having School Leadership Team consensus. However, schools granted this exemption would lose eligibility for additional financial support aimed at reducing class sizes. Instead, these funds would be redirected to schools in need of smaller classes. While some argued that prematurely planning for exemptions ran counter to planning for compliance with the law, others felt the proposal lacked overall alignment with broader educational goals. After considerable debate, the Enrollment Subcommittee voted on this proposal, ultimately deciding not to include it in the final recommendations.

Recommendation 6: Relocate 3K and PreK classes in overcrowded schools to nearby CBOs

Another proposal made by the Enrollment Committee was that the DOE should consider moving some PreK and 3K programs currently in overcrowded elementary schools to nearby Community Based Organizations with available seats. According to the DOE, there were 30,000 empty PreK and 3K seats last year.⁹ As of last June, DOE said there were projected to be 13,721 3K empty seats in NYC Early Education Centers (CBOs), which could accommodate all the 6,765 3K students offered seats in District Schools for next year, freeing up potentially as many as 451 classrooms in District schools.¹⁰

- 3K offers for the 2023-2024 school year

Offers by Setting

	Seats	Offers	% of Seats Filled	Seats Available
District Schools	8,277	6,765	82%	1,512
Family Childcare Centers*	10,607	2,812	27%	7,795
LYFE	30	23	77%	7
NYC Early Education Centers	42,691	28,970	68%	13,721
Pre-K Centers	3,543	3,084	87%	459
Total	65,148	41,654	64%	23,494

**Family Childcare Centers primarily fill seats themselves via waitlists.*

The same report stated that there would be 2,928 empty PreK seats in DOE-run PreK centers and 16,696 empty seats in NYC Early Education Centers this school year, for a total of nearly 20,000 empty seats, which could accommodate nearly all the 22,276 seats offered to PreK students in District schools, potentially freeing up more than 1000 elementary school classrooms.¹¹

⁹ <https://gothamist.com/news/new-data-shows-unused-pre-k-seats-low-diversity-at-elite-nyc-high-schools>

¹⁰ DOE Fall 2023 New York City Public Schools Admissions Outcomes, at <https://auth-infohub.nyced.org/docs/default-source/default-document-library/fall-2023-new-york-city-public-schools-admissions-outcomes.pdf>

¹¹ This is assuming 15 students per class in 3K classes and 18 students per class in PreK classes, which are the state-mandated limits.

- PreK offers for the 2023-2024 school year

Offers by Setting

	Seats	Offers	% of Seats Filled	Seats Available
District Schools	30,941	22,276	72%	8,665
Pre-K Centers	7,420	4,492	61%	2,928
NYC Early Education Centers	50,715	34,019	67%	16,696
Total	89,076	60,787	68%	28,289

As a note, NYCPS Division of Early Childhood shared that the actual capacity of 2023-2024 seats for 3k and PreK are as follows:

Setting Type	3K Capacity
CBO	35,263
Family Child Care	5,551
Public School	8,307
Pre-K Center	3,615
LYFE	30

Setting Type	Pre-K Capacity
CBO	40,771
Family Child Care	-
Public School	27,134
Pre-K Center	5,326
LYFE	-

Notably, the NYC PreK programs run by CBOs are rated equally in terms of quality as the PreK programs in District schools, according to one of the rating systems used by DOE, and they are rated of higher quality, according to the other rating system.¹² In addition, some of the 3Ks and PreK programs operated by CBOs are able to offer extended day and extended programs to eligible families, depending on their income, unlike those located in

¹² The two rating systems used to evaluate PreK programs are the ECERS, for Early Childhood Environment Rating Scale, and CLASS, for Classroom Assessment Scoring System. According to a 2020 study, the mean ECERS score for CBO-based PreK sites was 4.3, compared with 4.1 for programs located in public elementary schools and 4.0 in dedicated pre-k centers run by DOE, while their mean CLASS ratings were substantially equal across all types of sites. The higher ECERS scores related to better space and furnishing for young children, personal care routines, social interaction, and classroom activities. See https://gse.berkeley.edu/sites/default/files/nyc_pre-k_study_-_july_2020_update.pdf

public schools, which can be a very valuable option for working parents.¹³

Finally, filling empty seats and classrooms in CBOs would provide more sustainable budgets to these organizations, which often find it difficult to cover expenses for staff and rent, and are highly dependent on their reimbursement from DOE which is based on enrollment. In 2019, many CBO directors protested that the expansion of PreK in district schools had put their centers on the brink of financial collapse, by siphoning off too many students in a system in which enrollment is controlled by NYCPS.¹⁴ More recently, some centers have closed, and others have warned they may have to close because of delayed reimbursement.¹⁵

Some Working Group members and members of the public expressed concerns that moving 3K and PreK classes out of overcrowded district public schools into nearby CBOs might inconvenience parents, especially those who had older children in the public schools. One parent commented in an email that while she was in favor of relocating 3K and PreK programs, the start and end times of the CBOs should be flexible to allow for both multi-sibling pick up/drop off as well as longer days for those that need full day coverage.

These recommendations emphasize the need for decision-making processes in school enrollment policies that are created in consultation with school communities to be both individualized and inclusive, ensuring that all students, irrespective of their zoning status, have equitable access to quality education. This nuanced strategy is essential for effectively addressing the diverse needs and perspectives of school communities, aligning with the broader objectives of the New York City Public Schools.

¹³ See NYC DOE, Enrollment for Pre-K Extended Day and Year Seats and Head Start Seats at <https://www.schools.nyc.gov/enrollment/enroll-grade-by-grade/pre-k>

¹⁴

<https://www.nydailynews.com/2019/03/24/little-learners-big-strains-community-based-pre-k-providers-are-feeling-the-pin-ch-from-the-city/> and <https://nycpublicschoolparents.blogspot.com/2019/03/community-based-prek-directors-urge.html>

See also Citizens Committee on this issue: *“While contracted ECE providers are reimbursed for expenses based on enrollment, they have neither control over the enrollment process, nor a publicly funded budget for materials and human resources needed for outreach to NYC communities in ways that ensure families are aware of service options. Invariably, providers raised concerns about whether contracted family child care and center-based care programs had equal visibility in the online enrollment system as school-based programs.... Centralized enrollment prioritizes school-based seats and limits community-based provider visibility and involvement, which in turn is impacting enrollment among contracted providers.... Another related concern raised by providers, which we have been hearing about for several years now, is that increased presence of DOE sites in certain neighborhoods, directly speaks to some of the strategic decisions made during expansion of universal programs in school sites, without considering other programs available to families and effect of creating unhealthy ‘competition’ among sites.”*

<https://s3.amazonaws.com/media.cccnewyork.org/2023/04/CCC-2023-The-Youngest-New-Yorkers-Full-Publication.pdf>

¹⁵

<https://ny.chalkbeat.org/2022/10/25/23423601/new-york-city-pre-kindergarten-preschool-official-exits-payment-delay-crisis>

Space Planning and Capital Planning Recommendations

Summary: NYCPS should develop a plan that includes repurposing and maximizing existing school space; Recognize that there is a need for more school space and capital construction; Improve strategies to identify sites for schools and expand classroom space; Increase public engagement and transparency; and work with the city to reform the city planning process.

Recommendation 1: Develop and implement an information-gathering survey (C1, E2)

To strengthen efforts to achieve the annual and five-year goals in the law, the Working Group proposes that a survey be administered as soon as possible to all principals, staff, parents/guardians, and other stakeholder groups to ask what changes their schools require to meet the goals in the law through repurposing existing space, adjusting enrollment and programming, and budgeting.

The survey should include, but not be limited to these questions:

- Do their schools have the space to lower class size right now without having to cap enrollment at lower levels?
- If not, what enrollment cap or/and additional classroom space would be needed for schools to achieve the goals in the law, without sacrificing any cluster rooms, specialty spaces, libraries or rooms used by the school-based support team for the mandated intervention, related services, or counseling purposes?
- If they did not receive more space or less enrollment, what spaces would have to be sacrificed to achieve the smaller classes? (C2)
- Principals and other school staff should be asked whether the Blue Book utilization data for their schools is accurate, and in particular, if the change in the efficiency ratio made in 2020 that assumes every classroom and specialty space in middle and high schools can be scheduled 100% of every period is realistic for their schools. (C3)

Recommendation 2: NYCPS should develop a plan that includes repurposing and maximizing existing school space (C1)

The Working Group agreed that it was important that existing space in schools be maximized for class size reduction and other educational and enrichment purposes. If there is unutilized or underutilized space in overcrowded public schools without the space to lower class size, the SCA should catalog this space in collaboration with principals and explain in what way it could be made available for smaller classes. Administrative space used for District offices, and rooms rarely used by school administrators such as conference rooms, should be repurposed as classroom space if the school has insufficient space to lower class size (C4).

No actions should be taken that could subtract classroom space, including additional co-locations, school closings, or relocations, without a rigorous analysis in the Educational Impact Statement (EIS) that proves there will be sufficient space in the building for the existing schools in the building to lower class size currently, and into the future. These EIS must consider overall enrollment trends and show there is space for these additional schools without capping enrollment at the existing schools and without sacrificing cluster rooms, specialty spaces, or spaces used by the school-based support team (C5).

Co-locations are space intensive and subtract classroom space because of the need to replicate administrative and specialty rooms. In general, the NYCPS, in coordination with district planning, should be focusing its efforts on maximizing classroom space, rather than taking it away.

In existing co-located schools, there should be a regular review of the Building Utilization Plan and the space allotment provided to the co-located schools to ensure that makes sense, given the new class size law and

changes over time in enrollment, especially given the need to maximize classroom space for class size reduction and as enrollment patterns shift over time (C6).

Mergers of existing co-located schools should be considered, especially those that have similar or complementary designs, programs, and student populations, to create more efficiencies in administrative overhead, replicated staffing and space utilization (C7).

With the exception of D75 schools, the creation of new schools should be considered only after careful analysis of available space to lower class size unless there is an additional newly acquired or constructed building to put them in (C8). The Department opened 408 new public schools between 2003 and 2009 (469 new schools opened between 2003 and 2010), and the process has continued to this day. Hundreds of new, small schools have been created over the past twenty years, diminishing classroom space, with the need to replicate administrative and specialty space. They also add to administrative overhead better invested in classroom teachers and other staff who provide direct services to students.¹⁶ Instead, if there is a perceived need or idea for a valuable new program or service, existing underutilized schools should be given the resources and support to provide these new programs or services.

In overcrowded high schools, and perhaps middle schools, principals (in consultation with their school communities and district superintendents) may choose to adopt double or triple sessions rather than limit enrollment to lower levels to ensure additional space for smaller classes (C9). For some schools, this may be a temporary measure until sufficient additional space is built or leased nearby. For some high schools this may be a permanent solution, as long as students are not forced to have schedule changes that would otherwise impede the provision of a sound, basic education. More information about an approach to multi-session planning is listed in the Instructional Implications section in Recommendation 4. Please refer to that section for more information.

Recommendation 3: Recognize the need for more school space and capital construction

For those overcrowded schools and communities where changes in space planning and/or enrollment planning are insufficient to create enough new classroom space to lower class size, new school buildings will have to be expanded, leased, purchased, or built (C10).

Two revisions of the current Capital Plan were proposed and implemented since the class size law was passed and signed by the Governor, and yet there was no mention of the new law in either version. Instead, \$2.0 billion and 3,700 seats were cut out of the plan compared to the version of the five-year plan, with another 11,000 seats in eleven districts shifted into the category of “funded for design only.”¹⁷

For elementary schools, many more seats are likely to be required at minimum in districts where school enrollment averages over one hundred percent, or where enrollment trends show this is likely to occur soon, including Districts 20, 21, 22, 25, and 27. According to NYCPS, these five districts as well as Districts 28 and 31 do not have the space in their elementary schools to cap Kindergarten classes at twenty students.¹⁸ However, there are many districts where school overcrowding remains above 100% at the sub-district or neighborhood level, or current trends indicate that they will be unable to provide the space to achieve the class size caps in the law or maintain them, even with other policy reforms.

¹⁶ <https://a860-gpp.nyc.gov/downloads/m326m257h?locale=es>

¹⁷ <https://classsizematters.org/our-budget-testimony-today-on-shrinking-teaching-force-unacceptable-cuts-to-capital-plan/>

¹⁸ See NYCPS Office of Student Enrollment, Modeling Enrollment Reductions through Admissions: Kindergarten Match Simulations, June 2023.

Unfortunately, the School Construction Authority (SCA) is very slow in identifying available sites for schools, and districts can wait a decade or more in some cases for a new school to be built in an overcrowded area before the SCA actually finalizes an appropriate location.¹⁹ The proposed five-year capital plan for FY 2025-2029 that was recently released will likely determine whether the class size benchmarks can be met; and it cuts back funding for new seats by another \$2B and in departure from previous plans, fails to identify 77% of the seats to be built by borough, district, or grade level. According to the latest available version of the five-year capital plan, now in its final year, more than 18,000 out of 46,000 seats were not yet sited by February 2023 – which is nearly 40%.²⁰

Recommendation 4: Improve strategies to identify sites for schools and expand classroom space

In all areas where there is a need for more seats, the Working Group agreed that existing schools should be analyzed to see if space can be expanded most quickly and affordably through the construction of new annexes or extra floors (C11).²¹

Parochial, private, and charter schools that are in the process of closing or already closed, and vacant commercial space that could be repurposed into public schools, should be analyzed and considered to provide more space (C12, partial).²²

The SCA should hire more real estate companies and they should be paid only through commission if they identify sites that are acquired and become sites for schools (C13). The companies should actively search for sites by prospecting and canvassing property owners in these areas to generate leads if necessary. The SCA should also create a request for proposals (RFP) process for finding sites where additional space is needed.²³

Currently, SCA has only four real estate firms to identify sites for schools who are paid on retainer even though they rarely find available sites.²⁴ Many more such firms should be enlisted to find sites and/or buildings that could be renovated into public schools, and they should be paid only according to how many sites identified and actually used to site schools. Too often, it is left up to members of the community, including parents/guardians and local elected officials to locate appropriate sites and press the SCA to acquire them.

SCA should create a site tracker to be posted on their website (C14) and updated monthly. The tracker should include information detailing and mapping the need for school sites in particular areas, with the geographic boundaries clearly delineated, and include a form to submit site recommendations. This should include sites that

¹⁹ See for example, the need for more schools in Sunset Park, that were funded but not sited until CM Menchaca and parents got involved in identifying sites.

<https://citylimits.org/2014/01/15/frustration-at-lack-of-sites-to-ease-school-crowding-in-sunset-park/>

²⁰ See SCA, FY 2020 – 2024 FIVE-YEAR CAPITAL PLAN, PROPOSED AMENDMENT February 2023

https://dnnhh5cc1.blob.core.windows.net/portals/0/Capital_Plan/Capital_plans/02282023_20_24_Capital%20Plan.pdf?sv=2017-04-17&sr=b&si=DNNFileManagerPolicy&sig=lqz5lV%2FGEBQT618mNoQfUtUHIIXiTMY5d3Ay%2B4xx7Cs%3D

²¹ The SCA claimed that building new floors on existing schools is not safe, but this happens regularly with private schools.

²² There are several parochial, private and charter school buildings that could be acquired by the SCA and likely more in the near future, yet currently these buildings appear to be reserved and/or provided to charter schools by the NYCPS instead.

²³ One of the recommendations of the City Council 2018 report, Planning to Learn, was that the SCA should establish an RFP process to publicize the need more widely for appropriate sites to build schools in particular locations.

<https://council.nyc.gov/land-use/wp-content/uploads/sites/53/2018/03/Planning-to-Learn-3.16.2018-high-resolution.pdf>

Instead, the SCA posted a web page entitled “Areas Where Schools Are Needed by District (Updated Annually)” which appears to be five years old, linked to an excerpt from the Dec. 2018 version of the 2020-2024 capital plan. Moreover, the page is difficult to interpret in that it only offers the names of sub-districts, which encompass many neighborhoods, along with how many seats are funded in each one and how many seats are completed in process within each one, which implies that the rest are not sited, but then gives no more information about the geographical boundaries under consideration.

<http://nycsca.org/Real-Estate/Overview#Areas-of-Need-337>

²⁴ <http://nycsca.org/Real-Estate/Overview#Our-Brokers-338>

are in the initial stages of consideration, including those that have been submitted online. The tracker should include explanations for why the site is recommended and why it is deemed ineligible for use, if that is the case. Too often, parents and others report they have suggested specific sites that have been rejected without explanation.

To accelerate the identification of available sites, all city-owned empty lots as well as those privately-owned should be evaluated for their suitability to site a school, as well as city-owned buildings, as required by Local Law 168, passed in 2018. This law created a School Siting Task Force that would analyze all empty lots, both privately owned and publicly owned, as well as city-owned buildings, and assess whether they might be appropriate to site schools, to facilitate and accelerate the process of alleviating overcrowding. (C15)²⁵

Yet the School Siting Task Force met only twice and did not elicit any feedback from its City Council or public members. Instead, they transmitted to the Council a two-page report and a spreadsheet that excluded hundreds of publicly owned lots for unclear reasons, and never analyzed more than 22,000 privately owned sites or city-owned buildings.²⁶

This process of data collection and analysis should now be redone, given the new class size law, with full transparency, more rigor and public input to analyze all empty lots both publicly and privately owned, and all available city-owned buildings. If a site or building is rejected, the Task Force should provide a clear factual explanation of why. The Task Force should also compile a list of all state-and federally owned buildings that are currently available or likely to become so soon, for suitability for conversion into a school.²⁷

The Educational Construction Fund (ECF) was established in 1967 as a public benefit corporation to build new public schools as part of mixed-use developments, with housing or commercial/office space.²⁸ Yet only 15 schools have been built via ECF since that time, the last one over a decade ago, in 2012.²⁹ The ECF should be tasked with finding more new projects in which schools could be included. Indeed, every affordable housing proposal should be regularly reassessed to see if a new school can be incorporated in their proposals.

SCA should also lease space in large-scale affordable housing projects. According to the “Planning to Learn” report, SCA is a “credit tenant,” meaning a tenant rated as an investment grade by one of the major credit rating agencies, which is very useful in helping a developer to secure financing.³⁰

In all cases when an entirely new school building is sited, the building should be designed to be fully accessible in order to ensure fairness and equity.

The Working Group is opposed to adding any trailers, and they should be considered only as a temporary measure when additional permanent space needed is already identified, fully funded, and expected to be completed within five years (C12, partial).

The SCA should compile a list and analyze all city, state and federally owned buildings that may be available or likely to become available for schools suitability (C16).

²⁵ Local Law 168, at

<https://legistar.council.nyc.gov/View.ashx?M=F&ID=6715118&GUID=2EE4A502-7E3B-44BF-9A06-EB8BC691F61B>

²⁶ See <https://class.sizematters.org/local-law-167-168-information-and-memo-to-city-council/>

²⁷ Due to pressure from the community and elected officials, a middle school was created from a state-owned building that was going to be divested and a federal post office was converted into an elementary school, both in District 2.

²⁸ <https://infohub.nyced.org/reports/financial/educational-construction-fund>

²⁹ <https://infohub.nyced.org/reports/financial/educational-construction-fund/completed-projects>

³⁰ <https://council.nyc.gov/land-use/wp-content/uploads/sites/53/2018/03/Planning-to-Learn-3.16.2018-high-resolution.pdf>

Recommendation 4: Increase public engagement and transparency

Following the recommendation that the NYCPS Divisions of Finance, Enrollment Planning, District Planning, and Space Management should work together with the SCA to create one, unified class size reduction plan, the Working Group also proposes that all these Divisions, Offices and Agencies should schedule public hearings and briefings to each Citywide Council and district CEC in conjunction with the release of the new five-year capital plan to explain how this unified plan would create sufficient space for class size reduction in their respective schools, and to hear their feedback and answer questions about the plan (C17).³¹

Not only is there often inadequate coordinated engagement by these offices and the SCA, but there is also a troubling lack of transparency that has long frustrated parents, advocates, and community members about the development and funding of the school capital plan. Local Law 167 was passed in 2018 to require a transparent process that requires the SCA to clearly explain their needs projections by grade level and the methodology they use, along with the data they rely upon for those projections.³² Yet instead, it appears the SCA became less transparent. Earlier capital plans had three different columns: “identified seats need,” “funded need” and “unfunded need.”³³ Yet from then on, the two separate columns entitled “identified seats need” and “unfunded need” were combined into one column, entitled “funded need.” According to the SCA, the elimination of “unfunded need” is because all seat need is funded in the FY 2020-2024 plan.

The SCA’s estimate for new seats needed should be restored to the Capital Plan, as well as disaggregated by elementary vs. middle vs high school seats, instead of the elementary lumped in with middle school seats, as it is currently. The capital plan should also include a section on how many seats are lost each year, through lapsed leases, the sale of school buildings, the removal of trailers, and lost annexes.³⁴

Recommendation 5: NYC Department of City Planning should reform the city planning process in evaluating the need for new schools

Without significant reforms to City Planning, the NYCPS will not likely be able maintain these class size caps over time.

Mayor Adams plans to add 100,000 more affordable housing units and there are many major rezonings already taking place. Yet the current City Planning process does not accurately project the need for new schools along with new housing, nor does it ensure that these schools are built within a reasonable timeline.

The City Environmental Quality Review (CEQR) process and the Uniform Land Use Review Procedure (ULURP) should be aligned to the smaller class caps, so that every new housing, development, and rezoning proposal triggers an analysis of whether additional school space should be created along with new housing, based on the new class size mandate (C18). Currently, the CEQR Technical Manual assumes class sizes of 28 in 4th-8th grades instead of 23, and class sizes of 30 in high schools rather than 25.³⁵

³¹ On Nov 1, 2023 the School Construction posted a proposed Five-Year Capital Plan for FY 2025-2029 that included only 23,035 new seats, far fewer than previous plan and far less transparent. Only 5,329 seats are identified as to district or grade level, many of them carried over from the previous plan. That leaves 17,706 seats with no proposed locations or grade levels.

³² <http://www.nycsca.org/community/capital-plan-reports-data#Local-Law-167-Reports-352>

³³ See <https://www.classsizematters.org/wp-content/uploads/2020/05/February-2018-Capital-Plan.pdf>

³⁴ More problems with the lack of compliance with Local Law 167 are enumerated at <https://classsizematters.org/local-law-167-168-information-and-memo-to-city-council/>

³⁵ https://www.nyc.gov/assets/oec/technical-manual/06_Community_Facilities_2021.pdf , p. 126.

The analysis should be done at the school zone level for elementary schools, the sub-district level for middle schools, and for high schools the district level rather than boroughwide, as currently is done.³⁶ It should incorporate the availability and additional need for 3K and PreK seats, which is not included in the current 2021 CEQR Technical Manual (C19).³⁷ All new housing planned for the area should be included in the analysis, rather than only the housing generated by the particular development or rezoning proposal under consideration.

In addition, the CEQR Technical Manual states that “If charter schools are co-located in NYCPS buildings, exclude the charter school enrollment and capacity from the impact analysis.” If a charter school is taking up space in an existing school building, that should be taken into account in the estimation of the need for more seats, unless that charter school is due to be closed or moved out of the public-school building (C21).

The enrollment analysis should use the latest Census and/or American Community Survey data to estimate how many students are likely to be generated by a project or a rezoning, rather than currently, when a formula is used based upon 2000 Census data (C20). If the development is likely to push the school zone, subdistrict, or district above the current class size caps, for elementary, middle, and high schools respectively, the increase must be fully mitigated.³⁸

The need for new schools and/or new school capacity should be recognized and built prior to or concurrently with the new housing, rather than years after, as too often occurs. Large scale developments like the one planned for Gowanus, which includes 3,000 new housing units, should be immediately reassessed to see if sufficient school space is included in the plans, especially since this is in a district (D15) where many of the schools are already overcrowded.

As the Planning to Learn report recommended, the city should establish zoning incentives to encourage school construction in districts with the need for more schools, including floor area or height benefits if a developer is willing to include the space for a school within their project (C22). As the report also recommended, a new notification requirement should be required, so that property owners within these areas would have to notify the SCA and the local community board before applying for a building permit to see if they would like to include a school in the property (C23).³⁹

In addition, the city should consider whether impact fees should be imposed on new development or rezoning that will generate the need for new school capacity, along with other infrastructure improvements (C24). Nearly every large state in the country, including California, Texas, and Florida, allow for impact fees.⁴⁰

Because of the uncertainties of future trends, the SCA should build with a significant margin of extra space in case there is a sudden change in enrollment. Especially given the recent increase of students, who are new

³⁶ https://www.nyc.gov/assets/oec/technical-manual/06_Community_Facilities_2021.pdf

³⁷ The current 2021 manual says instead, “At this time, universal 3-K and Pre-K are not analyzed quantitatively in CEQR; a predictive mechanism for demand generated from new developments is not yet available. Such mechanism may be developed as part of a 3-K and Pre-K analysis that will be included in a future release of the CEQR Technical Manual.” Instead, the Manual only triggers an analysis for new seats for children under age six whose families at 200% of Federal Poverty Level or below.

³⁸ Currently, according to the CEQR manual, to require mitigation the proposed project must both push the community’s high schools over 100% utilization rates and create a 5% increase in existing utilization rates. For elementary schools, the project must be in result in a utilization rate equal or more than 100% and generate at least 100 or more new students above the 100% rate. See https://www.nyc.gov/assets/oec/technical-manual/06_Community_Facilities_2021.pdf p. 14.

³⁹ <https://council.nyc.gov/land-use/wp-content/uploads/sites/53/2018/03/Planning-to-Learn-3.16.2018-high-resolution.pdf>, p. 45

⁴⁰ This may require a change in state law. Currently 36 states allow for impact fees, with the most frequent use in California, Florida, Oregon, Texas, Pennsylvania, Colorado, Illinois, and Washington.

<https://www.huduser.gov/periodicals/cityscpe/vol8num1/ch4.pdf>

immigrants, as well as the evidence from the Census Bureau that the city may be returning to another era of high immigration, there needs to be a transparent and accurate method to gauge the need for more schools in the future.⁴¹

Finally, even as Community Boards are currently consulted on an advisory basis, Citywide Councils and Community Education Councils must be included as a mandatory partner in the public process (C25) to ensure that sufficient school space is created to lower class size and keep class sizes at the caps as an integral part of every such plan.

⁴¹ On the recent Census figures, see <https://comptroller.nyc.gov/newsroom/newsletter/new-york-by-the-numbers-monthly-economic-and-fiscal-outlook-no-77-may-9th-2023/>

Special Education Subcommittee Recommendations:

Ensuring class size reductions serve and protect the needs of our students with disabilities was a high priority for Working Group members. While several recommendations made by other subcommittees also addressed the needs of these students and their families, this subcommittee's recommendations were specifically tailored to the concerns raised by members of the Working Group in this area.

Summary: Provide incentives for and support to special education teachers in exchange for working as a special education teacher in NYC schools for a certain number of years and staying for the full school year; Expand NYC Teaching Collaborative program or similar programs, with a focus on recruiting, training, mentoring, and providing additional support to special education teachers while ensuring we maintain the quality of the program and candidates (including compensation for mentor teachers); Ensure that students with disabilities are protected, and not harmed unintentionally, as the NYCPS works to implement the new class size law; Ensure students with disabilities can attend school within their home district, and are not forced to travel to other districts, as NYCPS implements the new class size law.

Recommendation 1: Provide incentives for and support to special education teachers in exchange for working as a special education teacher in NYCPS public schools for a certain number of years and staying for the full school year (SE1).

Incentives could include increased salaries or loan repayment, and support could include mentorship by special education teachers who receive stipends. Since there is a shortage of special education teachers, we suggest that incentives are needed to fulfill IEP mandates as schools reduce class size. This proposal overlaps with the Staffing Committee's recommendation that NYCPS develop financial incentives to teachers in other specialties assigned to high-need districts, including loan repayment and helping to subsidize certification through alternate pathways in exchange for a promise to stay working in their original assignment.

Recommendation 2: Expand NYC Teaching Collaborative program or similar programs, with a focus on recruiting, training, mentoring, and providing additional support to special education teachers while ensuring we maintain the quality of the program and candidates (including compensation for mentor teachers) (SE2).

Ensuring that we effectively recruit, train, and support additional special education teachers as part of the class size rollout is essential. This proposal overlaps with the Staffing Committee's recommendation for the increased recruitment and retention of teachers in general.

Recommendation 3: Ensure that students with disabilities are protected, and not harmed unintentionally, as the NYCPS works to implement the class size law (SE3).

Specifically, we recommend that NYCPS:

- Ensure that there's adequate space for serving students with disabilities in each building, including for D75 co-located schools, special education self-contained classes, ICT classes, related services (including private space for services), evaluations, and IEP meetings. It is crucial that students with disabilities are not displaced from school buildings or school spaces and that they have private spaces for services, evaluations, and IEP meetings.
- These programs also need to be provided with the required number of teachers (including for ICT/SCIS, special classes, and D75 Program).
- Programs must be provided with adequate funding.
- Policies must continue to allow for students to move from one class to another (for example, 12:1 to ICT) mid-year within the same school when appropriate.
- NYCPS should provide modeling for schools to program students with disabilities first.

Recommendation 4: Ensure students with disabilities can attend school within their home district, and are not forced to travel to other districts, as NYCPS implements the class size law (SE5).

We must ensure that the rollout of the class size law does not result in unintended consequences for our students with disabilities. This section of recommendations was strongly supported in the public meetings, with multiple commenters noting that the current frequent lack of dedicated space for related services for special education in their schools was unacceptable. Many expressed concern of the systemic tendency to sacrifice the needs of the most vulnerable students such as students with disabilities in the implementation of new education policies including the class size law. The Special Education Subcommittee was asked to consider changes to the ratio in ICT settings as a potential recommendation and unanimously decided not to suggest any changes to that ratio because of the potential negative impacts on students. These proposals overlap with the Capital Committee's recommendations that special education services be prioritized in the analysis of space utilization in school buildings and that student travel time be considered in decision-making around class size implementation.

NYCPS should provide modeling for schools to program students with disabilities first.

Hiring and Staffing Recommendations

The subcommittee on hiring and staffing sought to explore how Chapter 556 of the Laws of 2022, which mandates smaller class sizes in the New York City school district, would be implemented with regards to ensuring New York City Public Schools maintains an adequate number of teachers to implement the class size law.

Summary: Create greater oversight of schools by NYCPS Superintendents of compensatory positions; Provide teachers with high-quality, research-based, lesson plans, and materials for each course to reduce teacher workload and help new teachers transition into the classroom; Beginning in the 2023-2024 school year, the Working Group recommends prioritizing hiring teachers with an earlier application window for higher-need schools that have class sizes above the mandated limits located in the harder-to-staff districts; Allocate additional resources to recruit teachers; Offer pay differentials for teachers to teach and transfer into historically understaffed districts; Create and establish multi-year mentoring and coaching programs for novice teacher; Create a formalized process for Human Resources in the NYCPS to perform exit interviews; Reduce the probationary period to one year for teachers who hold NY State valid teacher certification in a shortage area; Collaborate with SUNY, CUNY, and regional universities to help connect NYCPS with undergraduates; Work with current NYCPS students and graduates to develop pathways to become teachers; Build and strengthen pipelines for paraprofessional and teacher aides to become teachers

Teachers expressed optimism about the new class size law. During public engagement sessions one teacher shared that smaller class sizes may create the conditions to stay in the profession, mitigating the need to hire as many new teachers. In addition, another New York City teacher shared how smaller class sizes will allow her to provide more individualized feedback. These conditions will help retain teachers and align to the ongoing research.⁴²

As New York City Public Schools central office and individual schools make decisions to align with the class size law, the following ought to be considered the highest priority actions. The Independent Budget Office (IBO) has estimated that New York City Public Schools (NYCPS) will need to potentially hire at least 17,700 new teachers in the next several years. New York City Public Schools estimated they will need to hire at least 10,000 - 12,000 new teachers to ensure compliance. Further analysis is recommended to determine just how many teachers will be required. Two-thirds of those teachers would be for middle and high school positions due to the diversity of course offerings and the fact that students attend multiple classes during the day. This includes subjects that have difficult-to-fill openings in Special Education, Bilingual Education, STEM, and CTE.

Another fear expressed by some on the Working Group is how the hiring of thousands of new teachers may impact teacher quality.⁴³ The Working Group recognizes the need to hire more teachers, but also wants NYCPS to create the conditions to recruit teachers from outside NYCPS.

To address this need for more teachers, the Working Group made the following recommendations:

⁴²<https://surface.syr.edu/cgi/viewcontent.cgi?article=1369&context=cpr#:~:text=were%20unaffected%20teachers-,Dr.,district%20by%204.2%20percentage%20points>.

⁴³<https://www.ppic.org/publication/class-size-reduction-teacher-quality-and-academic-achievement-in-california-public-elementary-schools/>

Recommendation 1: Create greater oversight of schools by NYCPS Superintendents of compensatory positions (S2)

This oversight should include the implementation of caps on compensatory positions, when necessary. Analysis should be conducted to the extent to which teachers currently in out-of-classroom positions can be reassigned to classroom teaching. Given the size and scale of the numbers of teachers needed, the Working Group wants to encourage the NYCPS to possibly reduce the number of teachers given compensatory positions, which are non-teaching assignments like lunchroom supervisor, dean, programmer or grade adviser, by evaluating just how many classes taught are lost by comp time positions and deploying those lost periods back into classrooms. This change to the compensatory system would be a historical shift away from greater principal autonomy and defer control to a more centralized system. Only one member of the Working Group objected to the inclusion of this recommendation.

Recommendation 2: Provide teachers with high-quality, research-based, lesson plans, and materials for each course to reduce teacher workload and help new teachers transition into the classroom (S3).

This need is paramount for all courses, but especially Math, Sciences, World Languages, Bilingual Education, ESL, and Special Education. This will allow teachers to focus less on curriculum development and help new teachers stay in the classroom by making the job more sustainable thereby reducing the need to hire more teachers. Only one member of the Working Group objected to the inclusion of this recommendation.

Recommendation 3: Beginning in the 2023-2024 school year, the Working Group recommends prioritizing hiring teachers with an earlier application window for higher-need schools that have class sizes above the mandated limits located in the harder-to-staff districts (S4).

Priorities and pipelines should also be established as soon as possible for schools that have the highest need for more teachers which would be in accordance with the class size law that calls for the highest need schools to be prioritized first for class size reduction. This was formerly part of the Bronx Plan, an area of study for the Hiring and Staffing Subcommittee, and was recommended by the Working Group with one dissenting opinion.

Recommendation 4: Allocate additional resources to recruit teachers into programs such as NYC Teaching Fellows, labor unions, armed services, and NYC Men Teach while also providing financial support for paraprofessionals to complete teaching programs to enter the classroom (S1).

The need is immense and the Working Group believes that we must double down on alternative certification program recruitment, such as NYC Teaching Fellows, but also expand to developing pipelines for those leaving the military and skilled-union jobs, especially in the area of CTE.

The need for more teachers in easier-to-staff districts and vacancies in harder-to-staff districts such as in the Bronx, Central Brooklyn, and Far Rockaway and for subjects such as Special Education, Bilingual Education, STEM, and CTE (especially in Math, Sciences, World Languages, Bilingual Education, ESL, and Special Education).

To address the potentially disparate impact the class size law will have on different parts of New York City in terms of additional teachers being needed in better off communities, as shared with the Working Group in Meeting #4's presentation, the Working Group made the following recommendations:

Recommendation 5: Offer pay differentials for teachers to teach and transfer into historically understaffed districts, and expand differentials to include difficult-to-hire subjects (such as Special Education, Bilingual Education, STEM, and CTE)(S5)

Examine other types of support for teachers in schools that experience higher turnover due to other issues, such as transportation and/or parking. The subcommittee saw the positive impact of the Bronx Plan on teacher retention in some schools. In addition, financial compensation is generally cited as one of the major reasons for leaving the teaching profession. Aside from the previously identified financial concerns, one member of the Working Group noted that it is “unclear if salary differentials work to lower teacher attrition rates.” Finally, one Working Group member noted a lack of clarity around how NYCPS would “choose which teachers would get differentials for a large field like Math or Special Education.”

Recommendation 6: Create and establish multi-year mentoring and coaching programs for novice teachers, including additional support for teachers of alternative certificate programs (S6).

If possible, the program ought to be expanded on a voluntary basis to all New York City Public School teachers. Mentoring and coaching programs can have massive impacts on encouraging teachers to stay in the profession. During public engagement sessions and comments, the idea of mentoring was supported nearly universally by those who submitted comments. One fear that was expressed was that this new mentor role will fall to current teachers and create further time in which teachers are out of the classroom.

Recommendation 7: Create a formalized process for Human Resources in the NYCPS to perform exit interviews to better understand why teachers leave NYCPS, but also to interview teachers who transfer schools (S7).

Currently, there is no exit interview for teachers who either transfer schools or leave the New York City Public Schools. The working group hopes that this could be a moment to better understand and make sense of why teachers leave their schools and respond accordingly.

Teachers lose tenure, pay, and seniority rights when they change subjects or transfer into NYCPS. This may serve as a disincentive to change licenses to difficult-to-staff subjects, such as Special Education, Bilingual Education, STEM, and CTE, or for experienced teachers to transfer into New York City (NYC).

To address the following bureaucratic hurdles, the Working Group made the following recommendations:

Recommendation 8: Make permanent the special Memorandum of Agreement (MOA) between the NYCPS and the UFT, in which teachers who hold or obtain a valid NYC teacher license and who hold NY State valid teacher certification in a shortage area (including Special Education, Bilingual Education, STEM, and CTE), can have the probationary period reduced to one year (S8).

Furthermore, a teacher will maintain their seniority and be treated as having completed probation for all purposes including excessing.

This recommendation was by far one of the most controversial proposals out of the Hiring and Staffing subcommittee. During public engagement sessions many spoke of concerns about the quality of teachers and the importance of an extended window to earn tenure. As one Working Group member noted, “reducing it (tenure) to a year is dangerous because it does not give enough time to see if they have the capacity to grow.”

Furthermore, multiple principals on the Working Group expressed a concern about how a teacher deemed proficient in one subject may not be proficient in another.

It should be noted that during the creation of these recommendations NYCPS announced a similar policy for reducing the probationary period to 0 years in bilingual education for teachers who are tenured in other subjects.⁴⁴

Recommendation 9: For out-of-state and out-of-district teachers and higher education faculty, NYCPS will provide principals budget flexibility to compensate all years teaching with regards to salary and benefits on the UFT Salary Schedule (S9). The Working Group believes this recommendation helps make NYCPS a more desirable location for educators. Furthermore, it allows principals the flexibility to make competitive offers to recruit experienced educators from out of district and state. The Working Group also noted that this practice would be out of step with most compensation packages for teachers transferring between districts nationally, and may be inappropriate in a time of fiscal duress.

There is dwindling enrollment in teacher preparation programs throughout the United States. Simultaneously, there is an immediate need to strengthen and build teacher pipelines with higher education institutions, non-profit organizations, NYC Teaching Fellows, and high schools to ensure that all students receive high-quality educators.

The Working Group recommends the following steps to address the need to encourage more people to enter the teaching profession:

Recommendation 10: Collaborate with SUNY, CUNY, and regional universities to help connect NYCPS with undergraduates with a special focus on first and second-year students, including STEM majors, and work with current teachers to establish a quicker pathway to dual certification and extensions (S10).

This should include financial support, like California Student Aid Commission (CSAC), to incentivize undergraduates to finish their credentials and work in NYCPS. The subcommittee debated whether those who receive financial benefits should commit to a particular school for a set amount of time, akin to a medical residency. Ultimately, the subcommittee on staffing and hiring did not reach a consensus on this question.

Recommendation 11: Work with current NYCPS students and graduates to develop pathways to become teachers and have teaching experiences through current CTE programs (S11).

The Working Group believes this will lay the foundation for a long-term sustainable plan for ensuring an adequate and healthy pool of teachers for the children of New York City

Recommendation 12: Build and strengthen pipelines for paraprofessional and teacher aides to become teachers (S12).

Simultaneously, incentivize programs to recruit new hires to ensure full staffing in those roles. This recommendation may create tension within New York City Public Schools as the number of paraprofessionals may dwindle as more become licensed teachers. Adding more teachers from the paraprofessional profession will

⁴⁴<https://www.washingtonexaminer.com/policy/education/new-york-city-bilingual-teachers-tenure-migrant-crisis>

have the added benefit of diversifying the teaching profession which will most positively impact students of color. In addition, adding paraprofessionals to the teaching profession will tap an untapped resource pool of individuals with classroom management skills, and can understand and relate to the student communities.

Instructional Implications and Programming Recommendations

Summary: Schools must prioritize Special Education and ICT programs first; When schools seek to expand instructional space in a building, they should not reduce students' access to arts, theater, dance, science labs, and libraries, or parents' access to PTA or community spaces; NYCPS should not eliminate access to programming like electives, G&T, dual language programming, bilingual classes, AP classes or honors classes when programming for new class size caps, unless there has been engagement with the community and it should be done in a phased manner; Schools should consider multisession, where possible, to meet class size caps; this would include middle schools.

The subcommittee on instructional implications and programming options sought to explore how Chapter 556 of the Laws of 2022, which mandates smaller class sizes in the New York City school district, would impact the day-to-day programming of schools, course offerings and space needed to offer such things.

One of the key goals of the subcommittee was to provide NYCPS with clear guardrails for how to best allocate space and resources to schools in order to comply with the class size law. These guidelines received outsized support from not only the Working Group, but also the public.

Recommendation 1: Schools must prioritize Special Education and ICT programs first (I5).

As schools begin to design instructional programs to align with the class size law, the following ought to be considered the highest priority actions. The first recommendation sought to explore special education programming.

The advantage of smaller class size is to help serve better vulnerable communities and especially including students with IEPs with access to special education teachers and mandated services. The Working Group discussed concerns that students requiring services would not receive them due to lack of seats in ICT classrooms or needing additional space for mandated services. Support for this recommendation was nearly unanimous, and the Working Group believes it should be the first school level action a school leader should take to comply with the law. The Working Group wants to also stress that space for mandated services should also be prioritized. Students should not be meeting with providers in hallways or closets.

The second and third recommendations recognize the need to protect the vast array of programs and course offerings offered in NYCPS. To protect the opportunities for students as well as community spaces within schools, the Working Group recommends the following:

Recommendation 2: When schools seek to expand instructional space in a building, they should not reduce students' access to arts, theater, dance, science labs, and libraries, or parents' access to PTA or community spaces (I1).

Often, leaders and district planning will recommend using these facilities for enrichment and problem-based learning instruction for classroom space, if needed. The Working Group strongly believes these spaces should not be sacrificed. As a note, the Working Group provides recommendations related to maximizing existing space within Recommendation 2 of the Space and Capital Planning section and this instructional recommendation should be attended to when addressing the space recommendation.

Recommendation 3: NYCPS should not eliminate access to programming like electives, G&T, dual language programming, bilingual classes, AP classes or honors classes when programming for new class size caps unless there has been engagement with the community and it should be done in a phased manner (I2).

Some on the Working Group fear it will be inevitable that many electives and advanced classes will be eliminated to have enough classroom space and teachers just to cover the core subjects. The Working Group urges NYCPS to support phased-in plans for these instructional models and done in collaboration with the school community and governance structures.

It should be noted that the Working Group recognized the tenuous position these recommendations create. Further analysis is warranted to determine whether the class size law will impact electives, Advanced Placement, gifted and talented and other course offerings.

Throughout the discussion of the subcommittee, it was noted that school communities “should have time to create a phased-in plan for class size reduction in these instructional models.” The Working Group recommends continued access to these classes and opportunities for our students until that plan is developed by individual school communities while also centering and prioritizing special education students and services.

Recommendation 4: Schools should consider multisession, where possible, to meet class size caps; this would include middle schools (I4).

This recommendation evaluated the use of the multi-session school day model. Multi-sessions were considered as both temporary and/or permanent solutions to address overcrowding and ensure compliance with the law as the construction of additional space occurs.

This would allow for students and teachers to have different starting and end times so that the school is not overcrowded the whole day. The availability of space increases to support smaller class size and access to different instructional/enrichment experiences.

A multi-session school utilizes a staggered start and staggered end time. The sessions are overlapping and add additional instructional periods. In a multi-session school, all start and end times should still be within normal school day ranges. This approach differs from a school utilizing a night school or “end to end” programming model, which would have one session end before the next begins, with no overlap. The later sessions in this model usually will go until very late in the evening. The “end to end” model is not a recommended model.

Throughout the discussion of the subcommittee, it was observed that “some teachers may take on multiple sessions in this model and that could impact quality of instruction. If space and staff are not feasible, a potential bridge could be to offer multiple sessions until the time that additional space and staff are possible.” The subcommittee also noted that more sessions would require the hiring of more staff to carry out this recommendation. The subcommittee was divided on this issue as some on the Working Group oppose multi-session school days in all scenarios, and some, particularly at large high schools, see multi-session school days as one of the core solutions. Generally, via public comment and Working Group discussions there was more opposition to the use of multiple sessions at the middle school level compared to the high school level.

Finally, while some on the Working Group feared that “multiple sessions would not be temporary and would remain permanent,” it should be noted that it is already a part of permanent programming in some NYCPS high

schools. The Working Group urges the New York City Public Schools to make all necessary changes to ensure schools receive the technical support to implement and program for multiple sessions while also providing schools the autonomy to make the decision of whether to implement multiple sessions.

Some parents in the public feedback sessions expressed opposition to the idea of double or triple sessions, especially in middle schools, for fear that students might have to travel to school too early or return home too late. Others were worried that this might make it difficult for students to participate in sports and afterschool clubs.

Recommendation 5: NYCPS should provide models to school communities about the possibilities of programming enhancement and support as a first option to reach new class size caps (13).

The final recommendation was for NYCPS to provide on-going support for school leaders and communities when making programming decisions.

The proposal is to create a space where principals can share how they have been able to provide models on how they have different models to support instruction, with the appropriate environment and compliance with the law. Finally, principals would share these options with their school communities and SLTs to create the phased-in plan.

This technical recommendation received a great deal of support from the Working Group. As one committee member noted, “I think NYCPS should provide uniform training for principals (or their designees) and programmers that includes different models for programming, so that all schools have access to these ideas.” The ethos of this recommendation is to ensure that all school leaders and collaborative teams have the resources at their disposal to make the best decisions for their communities as the class size law is phased in.

Budget and Finance Committee Recommendations

The Budget and Finance subcommittee was tasked with exploring revenue and budgetary changes that would support compliance with the Class Size Reduction Law. With limited modeling and revenue streams and budgetary processes under the governance of the federal, state, and city, many of the recommendations land in the realm of policy advocacy.

Summary: NYCPS should engage in modeling that does not just consider overall expense, but the ability for a wide range of types of schools to meet costs. It should also aggressively pursue new opportunities for potential funding; Issue guidance that C4E funds must first be used for class size reduction and audit the use of those funds; Support any school that has met the benchmarks of the class size

Recommendation 1: NYCPS should engage in modeling that does not just consider overall expense, but the ability for a wide range of types of schools to meet costs.

As NYCPS prepares financial models for implementing the law, underlying assumptions need to be transparent and subject to feedback. Models must consider not just the overall expense, but the ability for a wide range of types of schools to meet costs, including factors such as breakage (as detailed below), the impact of deviance from projection and volatility at the mid year. Decisions on which approach to implement must preserve equity mandates and ensure that when schools receive funding because of the needs of their students, they do not need to use those supplementary funds for the basic, direct teaching costs mandated by the law. The working group was interested in models to achieve implementation of the law which would increase the base Fair Student Funding foundation/base weight that goes to all schools, fund breakage via a separate SAM, and fund direct teaching costs by section as is done for preK (B1).

Because the new law mandates class sizes lower than the number of students required to meet teaching costs through FSF, there will be “breakage,” a technical term within Fair Student Funding for when the number of students in a classroom does not pay for the teachers’ salaries. Breakage was a concern of the Fair Student Funding working group, especially in Special Education classes and in small schools. Right now, when there is “breakage” in a class, schools must either combine classes, increasing class size, or rely on other funds to cover costs, which sometimes means that the funds schools receive from FSF need weights are not spent on the students with those needs. The Working Group, and many in the public, converged around this principle: When schools receive extra funds because of the needs of their students, they should be able to use those funds to benefit those students.

The Class Size Working Group is committed to ensuring that we preserve the “fair” in Fair Student Funding, and discussed different paths to resolve the breakage that likely will be caused in most classrooms because of the law. Ultimately we agreed that we cannot propose recommendations for DOE to adopt one path on funding school for class size law implementation without seeing financial models, which should include how different approaches to funding class size reduction will impact funding equity.

The work of last year’s FSF Working Group (FSFWG) frequently came up in our discussions, as well as the fact that the FSF formula has only been fully funded since 2021-22, and this is the first year that the Foundation Aid that supports it was fully phased in. We note that not all of the FSF WG’s recommendations were implemented and other concerns should be addressed – not just regarding breakage but particularly with regard to the viability of smaller schools.⁴⁵

⁴⁵ Not all of the five recommendations were implemented. Additionally, In its final report, the FSF paid particular concern about the viability of small schools, (p. 24 and p. 20)

Some members of the group were very reluctant to open the Fair Student Funding process to reform, favoring for example, increasing the dollar amount of the base weight to resolve breakage. Criticism of this approach included that this model would increase the volatility of budgets at schools with fluctuating enrollment, particularly at the mid-year adjustment but also year over year. It also could provide an incentive for the schools that currently maximize class size to avoid compliance with the law.

Others favored a SAM just to subsidize breakage, as has been done for Gifted and Talented classrooms. If implemented, schools should receive this SAM funding at initial allocation, so that schools have the funds they need to complete programming and hire teachers before the school year begins. Long term, as compliance becomes universal, funding breakage through SAM may result in a substantial part of school budgeting parallel to the FSF. The proposal to examine funding by section as is done in 3-K / Pre-K district schools was attractive to many because it could ensure that schools are fully funded to meet the class size mandate regardless of how many students are in a class, and will help ensure that money that a school receives because of its students' needs are not used to comply with the new class size mandates. It also eliminates the incentive to maximize class size, and could instead create an incentive for compliance. This approach would require a process to determine the number of class sections (as is done for 3K/pre-k), and which has a less obvious methodology in high school settings.

While some members of the working group raised questions of whether such a model departs from FSF's equity mandate. Others thought it could protect smaller schools from budget instability and some of those schools enroll students who are among many of the city's most at-risk students. Because all three of these approaches have financial and equity implications, the working group wanted to see models over recommending any single approach. While some preliminary modeling results were shared by the DOE as this report was being finalized, the Working Group recommends a more thoughtful engagement process with stakeholders around this modeling to determine which funding process should be pursued.

The group also wants to ensure that principals maintain some flexibility to organize their school programming with and in response to their individual school communities. One perspective expressed is that schools that have larger classes because of decisions made by principals should have to redeploy existing resources to reduce class size. Funding schools with the highest need for additional funding due to structural reasons such as small school size and breakage will reduce the additional costs of implementing the law and mitigate potential required cuts to FSF, thereby maintaining as much flexibility for principals as possible.

A concern expressed by dozens of stakeholders, as well as Working Group members, is the importance of ensuring that the FSF formula continues to distribute funding to schools in a way that is equitable, accounting for the needs of individual students and student populations. For that reason, the working group is recommending that the NYCPS *model and consider* the change proposed to FSF, including the impact on the equitable distribution of resources to schools.

<https://infohub.nyced.org/docs/default-source/default-document-library/fair-student-funding-working-group---final-report.pdf>. While breakage does not appear as a term in the Final report, but addressing breakage in Special education classrooms was discussed as reflected in the meeting minutes and modelling notes, and the chancellor ended up introducing a process for helping to addressing special education classSpEd breakage in certain cases as an outcome separate from the FSF working group. recommendations.

https://www.nycenet.edu/offices/finance_schools/budget/DSBPO/allocationmemo/fy23_24/fy24_docs/FY2024_FSF_CEC_Deck_Preliminary_English.pdf

Recommendation 2: Aggressively pursue new opportunities for potential funding from NY State and Federal sources, including NYCPS increasing their advocacy for these funds (B2).

In particular:

- The state should return to reimbursing new school construction at 50%.
- Advocate for NY State to increase funding for charter school expenses; specifically, that the state eliminate the requirement that NYCPS fund charter leases, and that NYS Charter School Transitional Aid be provided to NYC, as it is to every other municipality in the state.
- State formulas should be updated to current costs (Foundation Aid, as well as capital costs), to make sure that reimbursements are in alignment with current costs and that the class size mandate is considered.
- Given that 93% percent of NYC public schools meet the 40% Federal threshold for Title I, look at how Title I can contribute to class size reduction.
- Advocate for increases in Federal Title I funding and consider whether distribution of those funds among schools, districts and boroughs should be changed.
- Pursue Federal and State funds available for apprenticeship and residency programs to build the pipeline for new teachers.
- Ensure education funding generated by casinos is returned to NYC schools.

Many within the Working Group, as well as the public, are very concerned about the additional costs that may arise with implementing the class size law. We heard many passionate appeals about how NYCPS could save money, and how there may be funds available which need to be pursued.

This recommendation overlaps with the work of the Capital subcommittee and the Staffing subcommittee. In regard to capital expenses, NYCPS/SCA has said that the state reimbursement rate for new school construction has only been funded at only 25% in recent years, which if accurate, represents a potential loss of billions in dollars and needs to be addressed by the city and/or the state legislature.

Municipalities outside of NYC receive Charter School Transitional Aid from New York State to offset the growth of charter schools. Despite being oversaturated with charter schools, and the largest school district in the state, NYCPS continues to be the only district excluded from receiving aid. As a result, our city and school systems have lost close to \$2.8 billion since 2011. (Ed Law Center report, Oct 2023).

In addition, many education advocates have pointed to the fact that the formula by which the state calculates how much funding to distribute to the city, Foundation Aid, is outdated and needs to be updated to current costs. Other revenue streams suggested by committee members included adjustments to city tax rates to increase city revenues - for example, changing property tax structures for pied-a-terres or vacant properties or making adjustments to agreements with Madison Square Garden.

A crucial element of these recommendations is that the city and state must consider all these new revenue streams under a “supplement not supplant” model - in other words, the city and state must maintain their own current levels of education funding if and when these new sources of revenue become available, not use them as an opportunity to cut an equivalent amount from current school funding levels. One example is revenue from the state lottery, which, when currently spent on education, tends to have no maintenance of effort requirement, meaning that the state is able to cut back on its own contribution by the same amount. For example, an effort could be made to write legislative or regulatory language to ensure that any revenues from city casinos actually add to the amount spent on education, and more specifically to reduce class size.

Title I funds are federal funds passed through the state, primarily for supplemental educational services targeting for academically at-risk students. NYCPS distributes funding to schools in a variety of educational initiatives, including to support Title I Schoolwide Programs (SWP). To receive Title I SWP funds, the percentage of students

at poverty in a school must meet a cutoff determined annually by borough. In 2023-24, these were 55% of students in Staten Island, and 60% in the four other boroughs. Many schools which receive Title I SWP funds use it to reduce class size. The committee reviewed data which showed that of 1,523 schools in the Working Group class size compliance document emailed to us on 7/12 (“2022-23 Class size Cap analysis data”), 1,285 of 1523 (84.3%) of NYCPS schools qualified at the 60% NYC threshold of students in poverty for school-wide Title I funding⁴⁶. Of the remainder, 132 had between 40-60% of students at poverty, and only 106 schools in the city had fewer than 40% of students under the poverty line for the 2022-23 school year⁴⁷.

Some in the Working Group did not believe that recommending funding streams was within the purview of the Working Group. We decided to include recommendations given how often the topic surfaced.

Recommendation 3: Issue guidance that Contracts for Excellence (C4E) funds should first be used for class size reduction; examine and audit the use of those funds at the school level for compliance with this requirement, and in particular in schools where they could be used for class size reduction but are instead being used for other purposes (B3).

This recommendation overlaps with the work of the Instructional Implications Committee.

A portion of the Foundation Aid the Department of Education receives from New York State is designated to requirements as part of the Contract for Excellence (C4E), implemented first in 2007-8 as part of a lawsuit whose purpose largely concerned class size. Regulations dictate that 75% of the C4E funds must support the 50% of neediest schools. In the 2023-24 budget year \$429 million was distributed to schools to use at their discretion within six allowable program areas. \$215 million of these funds were new in 2023-24. The six allowable program areas are: Class Size Reduction, Student Time on Task, Teacher and Principal Quality Initiatives, Middle School and High School Restructuring, Full-Day Pre-Kindergarten; and Model Programs for Multilingual Language Learners.⁴⁸ While Class Size reduction is one program area, schools were not required to use it for that purpose. Answering our questions, NYCPS reported that approximately half of the C4E discretionary allocation to schools is spent on purposes tagged as “class size reduction.” However overall, approximately 90% of C4E discretionary dollars, regardless of program area, are spent on teachers and pedagogical staff.⁴⁹

As the class size law is part of New York City’s Contract for Excellence (C4E) with New York State, there are questions on how its implementation should be funded. The audits of school spending have historically been missing or incomplete, and accurate data is needed to ensure effective implementation and decision-making. Concerns were expressed that C4E funds have sometimes been used for other deserving needs at the school level that often do not have dedicated funds, in particular funding for multilingual learners and/or afterschool programs. In particular, some group members expressed significant concern about asking schools to use their C4E funding for class size reduction over the programs for Multilingual Learners they are currently funding through these dollars at a time when the City has had an increase in newly arrived immigrant students. After discussion, the group still decided to include this recommendation, but recommends that other funding streams be made available to schools to ensure continuation of programs that are currently using C4E funds. NYCPS expressed concern that the C4E funds were insufficient to fully fund the mandate, and that the rules on distributing the funds might conflict with the schools currently experiencing the largest classes.

⁴⁶ [22/23 Class Size Cap Analysis](#)

⁴⁷ Poverty data from 2022-23 demographic snapshot:

<https://infohub.nyced.org/reports/students-and-schools/school-quality/information-and-data-overview>

⁴⁸ [School Allocation Memorandum 5, Contract for Excellence \(C4E Discretionary Allocations to Schools\)](#),

⁴⁹ NYCPS emailed response to the Budget and Finance sub Committee, 8/14/2023, Appendix B

Recommendation 4: Any school that has classes that met the benchmarks of the class size reduction law must be supported with any resources (financial and otherwise) necessary to maintain those benchmarks, in order to not create a revolving door of schools in compliance. The goal must be to keep adding schools and classes to those meeting the benchmarks, not adding some each year but putting some back on the non-compliance list for not meeting the benchmarks (B4).

This recommendation overlaps with the work of the Staffing Committee. Reducing Fair Student Funding for a school that sees an enrollment decline in FY24 or FY25 and needs to excess a teacher, as a result, but then would need funding restored to rehire a teacher in FY26 or beyond to avoid exceeding the cap, is penny wise and pound foolish and would result in disruptive churn of teachers in and out of schools. The structure used to accomplish this could be through hold-harmless funds or a specific breakage SAM (as has been done to maintain Gifted and Talented programs in schools in prior years). Since the law discusses classes in compliance (versus schools or grades) and some class sizes are currently further under the new caps than others, further analysis will be necessary to operationalize this recommendation on a reasonable and equitable basis. Furthermore, schools already in compliance are more likely to be in the “top 50%” of needy schools which must receive 75% of C4E funds.

Many in the public felt strongly that no additional funding to maintain class size should be given to schools already meeting the class size mandate. This is certainly one of the models that the working group expects the NYCPS to pursue (funding breakage only in schools that cannot otherwise meet costs). The NYCPS should be vigilant to equity implications in that model as compared to others, as the analysis demonstrates this is less equitable than funding through FSF; as well as whether as implementation develops, it makes school funding even more complex than it already is. We also hope the more developed implication of breakage thresholds in this report helps everyone understand why something will have to be changed in FSF in order to implement the law.

In presenting the report on the recommendations for implementing the law, it is crucial to present two distinct categories of perspectives from the subcommittee for Budget and Finance.

Perspective on Funding Availability:

The formulation of budget and finance recommendations was enriched by conversations that delved into the nuances of funding availability and the complexities of budgetary challenges.

Members underscored the importance of fully utilizing State Foundation Aid. This approach was seen as a critical step in securing adequate funding for the law's implementation, with the belief that fully tapping into this formula would grant substantial financial resources. The subcommittee discussed improving fiscal management within New York City Public Schools (NYCPS). This involved enhancing the prioritization and management of current resources, including streamlining vendor contract decisions and optimizing budget allocations. Such fiscal improvements were deemed essential for more effectively channeling existing funds toward the law's implementation. Additionally, a proactive approach in securing state funding and fiscal policies that support NYC public schools.

Some members contended that the group should not be tasked with finding funding solutions, arguing this was beyond their scope. In contrast, others proposed a 'Budget-First Approach', emphasizing the practicality of

starting with a set budget and planning backward. The projected high costs of implementing the law spurred debate on its feasibility, with some suggesting the need for substantial modifications or even a repeal.

Concerns about the reliability and transparency of NYC Public Schools (NYCPS) budget figures were raised, especially amid proposed city budget cuts, with worries that unreliable data could lead to ineffective recommendations. Operational concerns focused on ensuring timely funding for schools to plan programming and staff hires, and managing budget adjustments due to enrollment fluctuations without significantly impacting budgets mid-year.

Equity considerations were also central, with discussions on directing enhanced funding to the neediest students, looking beyond per-pupil spending to the types of programming available, particularly in small or special needs schools. Additionally, the incentive created by the 'money follows the student' funding model, potentially leading to overcrowded classrooms, was identified as a concern, emphasizing the need for funding decisions that prioritize educational outcomes over student numbers.

Public Engagement Feedback:

The CSWG presented its preliminary proposals to the public for feedback in three sessions: two were virtual, on September 26 and 27 and one was in person, on October 2, 2023 at the MLK Campus in Manhattan. A number of individuals spoke at multiple meetings a number of times.

The public was encouraged to email the CSWG in response to the presentations shared at the public engagement events. As a result, more than 1800 individuals commented on the recommendations and/or the Working Group's work via emails either through separate submissions or as part of sign on letters. One comment was provided through a video submission. Those who commented included students, parents/guardians, teachers and other school staff, individuals who had served on prior working groups on related areas of concern, and other community members.

In our review of feedback, we noted several instances where a significant number of emails shared striking similarities, suggesting they were part of coordinated efforts. These efforts often involved emails that resembled template-based messages or included repeated phrases across numerous submissions. While many contributors did not mention their child's specific school, there were instances where certain schools seemed to have participated in organized feedback activities.

For example, the working group received 103 very similar emails opposing the exemption of certain schools from the law, predominantly from parents associated with the Institute of Collaborative Education. In a similar vein, we received 65 letters from parents affiliated with Brooklyn New School/Brooklyn Collaborative, which indicated a collective effort in their response.

Alongside these larger-scale feedback initiatives, there were also more focused efforts. For instance, we received 102 nearly identical emails succinctly stating, "I strongly oppose item 4" (related to limiting enrollment at overcrowded schools). A significant portion of these came from PS 173 in Fresh Meadows, Queens, and

Townsend Harris High School. Additionally, 26 nearly identical emails were received, offering a detailed list of responses to the CSWG draft proposals. Notably, many of these responses were provided in both English and Chinese.

The feedback was nuanced and is challenging to categorize without inference. Many were concerned about elements of the law's implementation, whether because of reduced access to popular programs, or other perceived tradeoffs. Signatories of an open letter submitted by an organization supported the maintenance of accelerated programs and enrichment, but strongly opposed the proposal to cap enrollment at high demand schools. Other parents submitted that limiting and balancing enrollment is not only the most cost effective way to implement the law, but would address various segregation and equity issues prevalent in the public school system. Many commenters expressed displeasure that implementation of the law might be compromised by exemptions, or that the law might be amended. Often, feedback shared personal perspectives about what lower class sizes meant to the student or how teachers exercise their craft – the amount of time teachers have to individualize instruction and respond to student's individual needs was a common theme in many emails from parents and teachers.

The voices from the public very often mirrored the robust discussions and disagreements we had within the working group. Appendix E includes a selection of comments from written feedback that mirrored internal discussions within the CSWG.

Final Reflections from the Co-Chairs:

This report stands as a testament to the unwavering dedication and countless hours invested by the members of the Working Group. Our collective efforts have been concentrated on creating an environment that affords our students the quality learning conditions that they rightfully deserve. We earnestly implore that our recommendations receive the earnest consideration of the Chancellor and his esteemed leadership team.

In our roles as Co-Chairs, we embraced our differing perspectives and opinions, leveraging them to enhance the process and exemplify a collaborative approach toward achieving compliance with the law.

While we recognize that the execution of many recommendations will entail multiple steps, including community consultation, we want to emphasize the critical importance of promptly involving our principals, teachers, parents/guardians, and students in this transformative journey.

We believe that implementation of our proposals will assist NYCPS in reaching compliance by September of 2028. The time for realizing the pledge of smaller class sizes is upon us.

Finally, we extend our heartfelt gratitude to Erin Gehant and Deputy Chancellor Emma Vadehra for their invaluable support in facilitating the Working Group. We wish to underscore that every suggestion, adjustment, and eventual recommendation stemmed from our dedication to what is in the best interest of the students of New York City. We express our deepest appreciation to the Working Group members for their passion, time, and unwavering commitment.

Appendices:

Appendix A: Decision-Making Guide for Class Size Recommendation Implementation

This guide is intended to clarify the situation and order in which our recommendations were intended to be considered as schools work toward compliance with the new class size caps.

First, a survey should be conducted as described in Recommendation #1 in the Enrollment Planning Subcommittee Recommendations. The results of this survey will assist in choosing the correct implementation pathway below.

Pathway 1: Schools in this category have determined through the survey that compliance can be met through changes in programming only.

While reprogramming refer to the following recommendations:

- All Instructional Implications recommendations (school-level decision with support in developing guidance by central NYCPS)
- Space & Capital Planning Recommendation #1 Plan should include repurposes and maximizing existing school space (schools in conjunction with central NYCPS)
- Special Education Recommendation #3: Ensure that students with disabilities are protected and not harmed unintentionally (school-level decision with support in developing guidance by central NYCPS)

Whenever compliance is met, refer to Budget Rec #4: Any school that has met the benchmarks of the law must be support with any resources and Enrollment Rec #2: Support schools that have already met the benchmarks (both NYCPS Central)

Pathway 2: Schools in this category have determined that they can meet compliance only needing additional staff members, refer to the following:

- Staffing and Hiring Rec #2: Offer pay differentials (Central), establish mentoring programs (schools or central), create a formalized exit interview process (central),

Additionally, refer to the rest of the Staffing & Hiring recommendations for additional support operational at the central NYCPS level.

When Compliance is met refer to Budget Rec #4 Any school that has met the benchmarks of the law must be support with any resources) and Enrollment Rec #2 Support schools that have already met the benchmarks (both NYCPS Central)

Pathway 3: Schools in this category have determined that they can meet compliance needing only additional staff and require additional funding. Please refer to the following:

- Staffing & Hiring Rec #2: Offer pay differentials (Central), establish mentoring programs (schools or central), create a formalized exit interview process (central).
- Budget & finance Rec #3: Issue guidance that C4E funds should first be used for class size reduction (Central)

Additionally, refer to the rest of the Staffing & Hiring and Budget & Finance recommendations for additional support operational at the central NYCPS level.

Whenever compliance is met, refer to Budget Rec #4 Any school that has met the benchmarks of the law must be support with any resources) and Enrollment Rec #2: Support schools that have already met the benchmarks (both NYCPS Central)

Pathway 4: Schools in this category have determined that they cannot meet compliance without additional space.

4A: This pathway is for *independently located* schools, refer to the following:

- Space & Capital Planning Recommendation #1 #?: Plan should include repurposes and maximizing existing school space (schools in conjunction with central NYCPS)
- Instructional Implications Rec #3: NYCPS should not eliminate access to programming like electives, G&T, dual language programming, bilingual classes, AP classes or honors classes when programming for new class size caps unless there has been engagement with the community and it should be done in a phased manner.
- Instructional Implications Rec #4: Schools should consider multisession, where possible, to meet class size caps; this would include middle schools. (schools)
- Space & Capital Planning Recommendation #3: Improve strategies to identify sites for schools and expand classroom space, particularly multi-session (schools)

During implementation of the above, use the following recommendations as guidelines.

- Instructional Implications Rec #1 through 5 (schools, with support from guidance from central NYCPS)
- Space and Capital Planning Rec #1: Repurposing and maximize existing school space ((schools in conjunction with central NYCPS)
- Special Education Rec #3: Ensure that students with disabilities are protected, and not harmed unintentionally, as the NYCPS works to implement the class size law. (school-level decision with support in developing guidance by central NYCPS)

If any combination of the above solves the space problems, however compliance still cannot be reached due to the need for additional staff and/or funding, refer to the following: (otherwise skip to the next *)

- Staffing and Hiring Rec #2: Offer pay differentials (Central), establish mentoring programs (schools or central), create a formalized exit interview process (central).
- Budget and Finance Rec #3: Issue guidance that C4E funds should first be used for class size reduction (Central)

Additionally, refer to the rest of the Staffing & Hiring and Budget & Finance recommendations for additional supports operational at the central NYCPS level.

*If no combination of the above will solve the space problem, and compliance cannot be met, refer to the following:

- Enrollment Rec #4: Plan should include repurposing and maximizing existing school space (Schools/Central)

If Enrollment changes cannot be accomplished within recommended guidelines, refer to the following:

- Space and Capital Planning Recommendation #2: The need for more school space and capital construction (SCA)

Space and Capital Planning Recommendation #3: Improve strategies to identify sites for schools and expand classroom space (SCA)

Whenever compliance is met, refer to Budget Rec #4 Any school that has met the benchmarks of the law must be support with any resources) and Enrollment Rec #21: Support schools that have already met the benchmarks (both NYCPS Central)

4B: This pathway is for *Co-located* schools, refer to the following:

- Space & Capital Planning Recommendation #1: Plan should include repurposing and maximizing existing school space (schools)
- Instructional Implications Recommendation #3: NYCPS should not eliminate access to programming like electives, G&T, dual language programming, bilingual classes, AP classes or honors classes when programming for new class size caps unless there has been engagement with the community and it should be done in a phased manner. (schools)
- Instructional Implications Recommendation #4: Schools should consider multisession, where possible, to meet class size caps; this would include middle schools. (schools)
- Space & Capital Planning Recommendation #3: Improve strategies to identify sites for schools and expand classroom space#9? (Multi session), particularly multi-session (schools)

During implementation of the above, use the following recommendations as guidelines.

- Instructional Implications Rec #1 through 5
- Space and Capital Planning Recommendation #1: Plan should include repurposing and maximizing existing school space Schools, in partnership with Central)
- Special Education Recommendation 3: Ensure that students with disabilities are protected, and not harmed unintentionally, as the NYCPS works to implement the class size law. (schools)

If any combination of the above solves the space problems, however compliance still cannot be reached due to the need for additional staff and/or funding, refer to the following: (otherwise skip to the next *)

- Staffing and Hiring Rec #2: Offer pay differentials (Central), establish mentoring programs (schools or central), create a formalized exit interview process (central).
- Budget and Finance Rec #3: Issue guidance that C4E funds should first be used for class size reduction (Central)

Additionally, refer to the rest of the Staffing & Hiring and Budget & Finance recommendations for additional supports operational at the central NYCPS level.

*If no combination of the above will solve the space problem, and compliance cannot be met, refer to the following:

- Space & Capital Planning Rec #1 with a particular focus on analyzing co located spaces
- Space & Capital Planning Rec # 7 Mergers

If no combination of the above will solve the space problem, and compliance can still not be met, refer to the following:

- Enrollment Rec #4: Plan should include repurposing and maximizing existing school space (Schools/Central)

If Enrollment changes cannot be accomplished within recommended guidelines, refer to the following:

- Space and Capital Planning Recommendation #2: The need for more school space and capital construction (SCA)
- Space and Capital Planning Recommendation #3: Improve strategies to identify sites for schools and expand classroom space (SCA)

Additionally, refer to the Space & Capital recommendations for additional supports that are operational at the central NYCPS level.

Whenever compliance is met, refer to Budget Rec #4 any school that has met the benchmarks of the law must be support with any resources and Enrollment Rec #21: Support schools that have already met the benchmarks (both NYCPS Central)

Appendix B: NYCPS Responses to Budget Subcommittee Questions

Accessible at this link:

https://drive.google.com/file/d/1_jjqYu1deet7k5Zx1R9AzRsew-8D_NmB/view?usp=sharing

Appendix C: Enrollment Planning Presentation to CSWG

Accessible at this link: [CSWG - Meeting #9 11.2.23 Public.pdf](#)

Appendix D: Links to Working Group Presentations

- [CSGW Meeting 1 04.19.23 Public.pdf](#) - Overview of Class Size Compliance Data
- [CSGW Meeting 2 05.03.23 Public 1.pdf](#) - Overview of Space, Staff and Enrollment Data
- [CSWG - Meeting #3 06.13.23 Public \(1\).pdf](#) - Deeper Dive into Enrollment Data
- [CSWG - Data Requests from Members in Meeting #2 \(2\).pdf](#) - Data Requests from the Working Group
- [CSWG - Meeting #4 07.12.23 for public posting.pdf](#) - Overview of the Hiring and Staffing Landscape in NYCPS
- [CSWG - Meeting #5 08.09.23 PUBLIC.pdf](#) - Review of Estimated Capital Costs and Distribution of Capital Spending

Appendix E: Selection of Comments from the Public Comments

Accessible at this link:

https://docs.google.com/document/d/1XD_AgldUgTOIcRyPw3uEyGPRtvxzqdw3ooTCXpHOJ7Q/edit?usp=sharing