



CB11M

EAST HARLEM

Xavier A. Santiago
Chair

Angel D. Mescaín
District Manager

February 27, 2024

David C. Banks
Chancellor
Department of Education
52 Chambers Street
New York, NY 10007

RE: Resolution Urging the Department of Education to Implement the Proposals of the Class Size Working Group and Comply with the New Class Size Law

Dear Chancellor Banks,

Whereas in 2006, the New York State Court of Appeals in the Campaign for Fiscal Equity (CFE) case determined that New York City public school class sizes were too large to provide students with their constitutional right to a sound basic education¹;

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

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

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

Whereas research shows that the students who gain the most from smaller classes are those who need the most help: students of color, students from low-income families, English-language learners, and students with special needs - who make up the majority of public school students citywide, especially in Community District 11;

Whereas in June 2022, the NYS Legislature overwhelmingly passed Education Law 211-D² by a vote of 59-4 in the State Senate, and 147-2 in the Assembly, requiring that NYC implement a five-year phase-in of smaller classes beginning in the fall of 2022 to fulfill the promise of CFE;

¹ <https://casetext.com/case/campaign-v-state-of-ny/case-details>

² <https://www.nysenate.gov/legislation/laws/EDN/211-D>

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

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

Whereas instead of taking any positive steps to lower class size since the law was passed, the NYC Department of Education's (DOE) actions have resulted in average class sizes increasing citywide this fall, including in School Districts 4, and 5; for elementary and middle school grades, this was the second year in a row of increases;

Whereas the percentage of classes that complied with these caps in NYC School Districts 4 and 5 fell sharply this year at all grade levels: in School District 4, the percentage of classes in compliance with these caps fell sharply from 76.3% to 48.1% for grades K-3, and 61.4% to 55.8% for grades 4-8; in School District 5, the percentage of classes in grades K-3 and 4th-8th grades in compliance with the caps fell from 78.0% to 74.0% for grades K-3, and 60.6% to 56.8% for grades 4-8;

Whereas since taking office, Mayor Adams has repeatedly cut school budgets and plans to cut them even more next year;

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

Whereas if enacted, the proposed budget cuts will likely lead to even sharper increases in class sizes next year;

Whereas principals at overcrowded schools were also told that this fall they cannot ask for their schools' enrollments to be capped at lower levels to enable them to lower class size;

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

Whereas the new proposed capital plan also cuts twenty thousand school seats compared to the current five-year plan, and specifies new seats in only four school districts;

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

Whereas this unprecedented lack of transparency would leave parents, Community Education Councils (CECs), Community Boards, and local officials in the dark, and unable to provide any input about where schools are needed and should be built;

Whereas this change also appears to violate the class size law as well as Education Law 2590-O, which requires the Chancellor to annually prepare an "educational facilities master plan...including a list of

prioritized projects to the extent ascertainable and [to] list each proposed new educational facility and set forth a justification, including demographic data, documenting the long-term need therefore”,³

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

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

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

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

Whereas the Working Group has also proposed that CECs be involved in the advisory process along with Community Boards during consideration of approving large-scale development projects, to try to ensure that schools are built along with housing; now, therefore be it

Resolved, that CB11:

1. urges the DOE not to propose any changes in school utilization without an analysis in the Educational Impact Statement that the change will not prevent the existing schools from lowering class size to the levels required by the law;
2. calls on the Mayor and the Chancellor to refrain from cutting school budgets or the capital plan, but instead to increase funding for both purposes to ensure that schools can be able to lower class sizes to the levels required by the law;
3. demands that the DOE and the School Construction Authority (SCA) specify in the proposed capital plan where new schools are needed, where they will be built, and how that will provide enough space in every district to lower class size to mandated levels;
4. recommends that the Department of City Planning (DCP) should include CECs as well as Citywide Councils in the advisory process when large-scale developments or rezonings are proposed; to ensure that sufficient school space is built along with new housing and that local schools do not become even more overcrowded and unable to lower class size;
5. urges the Mayor and the Chancellor to immediately adopt the Class Size Working Group’s proposals, so that NYC students are able to benefit from the personalized feedback necessary for them to have a better chance to learn; and,
6. urges the NYS Education Department (should the Mayor and the Chancellor fail to take these necessary steps) to require them to devise and implement an effective class size reduction plan as soon as possible to achieve these goals.

If you have any questions, please contact Khalid Nixon, Assistant District Manager, at 212-831-8929 or

³ <https://www.nysenate.gov/legislation/laws/EDN/2590-O>

knixon@cb11m.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Xavier A. Santiago', with a horizontal line extending to the right.

Xavier A. Santiago
Chair

cc: Hon. Eric Adams, Mayor of the City of New York City
Hon. Diana Ayala, Deputy Speaker, New York City Council (via email)
Hon. Yusef Salaam, New York City Council (via email)
Commissioner Betty A. Rosa, Dr., New York State Department of Education (via email)
Nina Kubota, School Construction Authority (via email)
Dr. Kristy De La Cruz, New York City School District 4 (via email)
Community Education Council 4 (via email)
Community Education Council 5 (via email)
Leonie Haimson, Class Size Matters (via email)
Asher Rodriguez, Community Board 11 (via email)
David Giordano, Community Board 11 (via email)
Rosa Diaz, Community Board 11 (via email)