



## *Citywide Council on Special Education*

### **Resolution #004 Urging DOE to Implement the Proposals of the Class Size Working Group and Comply with the New Class Size Law**

#### **Sponsored by: The Citywide Council on Special Education**

Whereas, decades of research and data-analysis have shown that smaller classes improve school culture, with teachers better able to address the varying and unique needs of their students both academically and holistically;

Whereas, much of this research indicates a direct correlation between smaller class sizes and better student outcomes, including narrowing the learning gap, improved grades and test scores, fewer behavior problems leading to less suspensions and loss of vital instructional time, greater likelihood to graduate from high school on time and enroll in college;

Whereas, smaller classes are especially important for students with disabilities to receive the focused attention and consistent, effective redirection they may need to fully and equally participate in the same classroom learning activities as their gen-ed peers;

Whereas, the inclusion classes in NYC schools are often too large, too noisy, and too crowded, making it increasingly more difficult for educators to effectively differentiate instruction;

Whereas, large class sizes can lead to delayed identification of struggling students – particularly in the early grades – who may need a referral for [special education] evaluation, and possible implementation of an IEP/504 in accordance with IDEA/FAPE federal civil rights legislation;

Whereas, in response to the New York Court of Appeals in the Campaign for Fiscal Equity case (2003) in which it was determined that dangerously large class sizes in NYC public schools were infringing on a student's constitutional right to a basic education, the NY Legislature overwhelmingly passed **Education Law 211-D**, requiring NYC implement a five-year phase-in of smaller classes beginning in the F'22;

Whereas, on Sept. 8, 2022, Gov. Kathy Hochul signed the bill into law, based upon an amendment that the five-year phase-in of smaller classes would begin instead in 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<sup>th</sup> -8<sup>th</sup>, 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, average class sizes increased citywide in F'23 – with elementary and middle school grades seeing a second year of increases – and the percentage of classes that complied with these caps citywide schools also fell at all grade levels;

Whereas, principals at overcrowded schools were also told that they cannot ask for their schools' enrollments to be capped at lower levels next year to enable them to lower class size;<sup>2</sup>



## *Citywide Council on Special Education*

Whereas, since taking office, Mayor Adams has repeatedly cut school budgets, despite more than \$1.3 billion in additional annual state aid provided to NYC schools over the last three years, as a result of the CFE settlement;

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

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

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, Citywide Education Councils, Community Education Councils, 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 therefor.*”

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 citywide;

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

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;



## *Citywide Council on Special Education*

Therefore, be it resolved that the Citywide Council on Special Education urges 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;

Therefore, be it resolves that Citywide Council on Special Education recommends that the City Planning process 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;

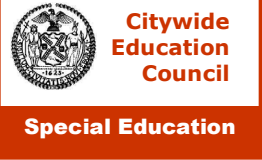
Therefore, be it resolved that the Citywide Council on Special Education calls on the Mayor and the Chancellor to refrain from cutting school budgets or the capital plan, but instead to increase funding in both purposes to ensure that schools can be able to lower class sizes to the levels required by the law;

Therefore, be it resolved that the Citywide Council on Special Education demands that DOE and the School Construction Authority should specify in the proposed capital plan where new schools are needed and where they will be built, and how that will provide enough space in every district to lower class size to mandated levels;

Therefore, be it resolved any proposed capital plan must include an analysis of deficits of seats for special education and explicit plans for the creation of special education seats to sufficiently meet the needs of students to attend schools in their residential communities with priority placed to District 75 seats and deficient districts;

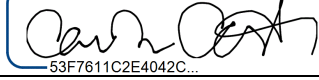
Therefore, be it resolved that the Citywide Council on Special Education urges the Mayor and the Chancellor and immediately adopt the Class Size Working Group's proposals, so that NYC students are able to benefit from the personalized feedback necessary for them to have a better chance to learn;

Therefore, be it resolved that should the Mayor and the Chancellor fail to take these necessary steps, the Citywide Council on Special Education urges the State Education Department to require them to do so and to implement an effective class size reduction plan as soon as possible to achieve these goals.



# Citywide Council on Special Education

DocuSigned by:



53F7611C2E4042C...

(Council Co- President's Signature)

2/15/24

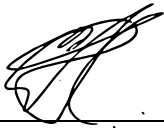
(Date)



(Council Co- President's Signature)

2/15/24

(Date)



(Witness Signature)

2/15/24

(Date)