

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: MARCH 26, 2024

COMMITTEE OF ORIGIN: YOUTH & EDUCATION

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Class Size Working Group and compliance with the new class size law

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

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

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

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

WHEREAS: Every year in the DOE parent surveys, smaller classes are the top priority of District 2 parents among 12 choices when asked what change they would most like to see in their children's schools; and

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

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

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

WHEREAS: Instead of taking any positive steps to lower class size since the law was passed, the DOE's actions have resulted in average class sizes increasing citywide this fall, including in District 2; for elementary and middle school grades this was the second year in a row of increases; and

WHEREAS: The percentage of classes that complied with these caps citywide fell at all grade levels; and

- WHEREAS: In District 2, the percentage of classes in grades K-3 in compliance with the caps fell from 27.7% to 21.8, in HS fell from 50.5% to 43.5%, and for grades 4-8 remained stagnant at only about 21.0%; and
- WHEREAS: Since taking office, Mayor Adams has repeatedly cut school budgets, and plans to cut them even more next year; and
- WHEREAS: These budget cuts have occurred despite more than \$1.3 billion in additional annual state aid provided to NYC schools over the last three years, as a result of the CFE settlement; and
- WHEREAS: The Independent Budget Office recently reported that they expect next year's City budget will have a [\\$3.3 billion surplus](#); and
- WHEREAS: If enacted, the proposed budget cuts for DOE of more than \$500 million for each of the next four years will likely lead to even sharper increases in class size; and
- WHEREAS: The DOE has already shrunk the K12 teaching force by 4,000 from FY 2019-FY 2023, and the city's [Jan. 2024 Financial plan](#) projects another loss of nearly 3,000 full time teachers over next two years; and
- 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; and
- WHEREAS: Since the class size law passed, the DOE has proposed that more than \$2 billion be cut from school construction and expansion, which would likely make it impossible for schools in the most overcrowded communities to have sufficient classroom space to lower class size; and
- WHEREAS: The new proposed five-year capital plan for 2025-2029 cuts more than twenty thousand school seats compared to the current five-year plan; and
- WHEREAS: The proposed five-year plan also fails to identify the locations for 77% of the seats funded, as well as their grade levels, and instead declares that this information will only be provided after school sites have been acquired and the design process has begun; and
- WHEREAS: This unprecedented lack of transparency would leave parents, Community Education Councils, Community Boards, and local officials in the dark, and unable to provide any input about where schools are needed and should be built; and
- WHEREAS: This change appears to violate [Education Law 2590-o](#), which requires the Chancellor to annually prepare an "educational facilities master plan...including a list of prioritized projects to the extent ascertainable and [to] list each proposed new educational facility and set forth a justification, including demographic data, documenting the long term need therefor"; and
- WHEREAS: This change also violates [the class size law](#), which states that the DOE must submit an "annual capital plan for school construction and leasing to show how many classrooms will be added in each year and in which schools and districts to achieve the class size targets"; and

WHEREAS: Given current trends, it is questionable whether the DOE will meet the legal mandate next year that 40% of classes must achieve the class size caps, and extremely unlikely that the mandates of 50% to 100% will be met in years three to five; and

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

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

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

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

WHEREAS: Despite the administration's claim that the class size law is somehow inequitable, since most high need schools already have small enough classes, if schools are analyzed according to the state weighted need formula that takes into account both the percentage and number of high needs students in each school, those [schools with the highest weighted need](#) are the least likely to have smaller classes; and

WHEREAS: Class size reduction is one of the most equitable of reforms because as the research shows, the [benefits for high needs students](#) are about twice as large as those to lower needs students, and thus is one of only a very few policies shown to narrow the opportunity gap; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 in Manhattan 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 as well as nearby schools from lowering class size to the levels required by the law; and

BE IT

FURTHER

RESOLVED

THAT: Community Board 1 in Manhattan calls on the Mayor and the Chancellor to refrain from cutting school budgets and/or the capital plan, but instead to increase funding for both to ensure that schools are able to lower class sizes to the levels required by the law; and

BE IT
FURTHER
RESOLVED

THAT: Community Board 1 in Manhattan demands that DOE and the School Construction Authority specify in the proposed capital plan where new schools are needed and where they will be built, and demonstrate how this will provide enough space in every district to lower class size to mandated levels; and

BE IT
FURTHER
RESOLVED

THAT: Community Board 1 in Manhattan 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; and

BE IT
FURTHER
RESOLVED

THAT: Should the Mayor and the Chancellor fail to take these necessary steps, the Community Board 1 in Manhattan urges the State Education Department to require them to devise and implement an effective class size reduction plan as soon as possible to achieve these goals.