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## COMMUNITY BOARD NO. 2, MANHATTAN

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March 28, 2024

Hon. Eric Adams  
Mayor  
City Hall  
New York, NY 10007

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

Hon. John C. Liu  
New York State Senator  
38-50 Bell Boulevard, Suite C  
Bayside, NY 11361

Hon. Robert Jackson  
New York State Senator  
5030 Broadway, Suite 701  
New York, NY 10034

Hon. Rita Joseph  
NYC Council Member  
250 Broadway, Suite 1752  
New York, NY 10007

Kelly McGuire  
Superintendent  
333 7<sup>th</sup> Ave. 7<sup>th</sup> Floor  
New York, NY 10001

Dear Mayor Adams, Chancellor Banks, Senator Liu, Senator Jackson, Council Member Joseph and Superintendent McGuire:

At its Full Board meeting March 21, 2024, Community Board #2, adopted the following resolution:

**Urging DOE to implement the proposals of the [Class Size Working Group](#)<sup>1</sup> and comply with the new class size law**

1. **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;
2. **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;
3. **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;

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<sup>1</sup> [https://drive.google.com/file/d/1gSiFUcuLOj49PLCMptkroFjXBHow2b\\_/view](https://drive.google.com/file/d/1gSiFUcuLOj49PLCMptkroFjXBHow2b_/view)

4. **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;
5. **Whereas**, in June 2022, the NY Legislature overwhelmingly passed [Education Law 211-D](#)<sup>2</sup> 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;
6. **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;
7. **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;
8. **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;
9. **Whereas** the percentage of classes that complied with these caps citywide and in District 2 schools sharply fell at all grade levels;
10. **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%;
11. **Whereas**, since taking office, Mayor Adams has repeatedly cut school budgets, and plans to cut them even more next year;
12. **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;
13. **Whereas**, the Independent Budget Office recently reported that they expect next year's City budget will have a [\\$3.3 billion surplus](#);
14. **Whereas**, if enacted, the proposed budget cuts will likely lead to even sharper increases in class size next year;
15. **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;
16. **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 size;
17. **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;

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

18. **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;
19. **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;
20. **Whereas**, this change also appears to violate the class size law as well as Education Law 2590-o<sup>3</sup>, 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.*”
21. **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;
22. **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 (see [Class Size Working Group Final Report](#)<sup>4</sup>);
23. **Whereas**, the Working Group has also proposed that the DOE propose no changes in school utilization without an analysis that there will be sufficient space in existing schools to lower class size to mandated levels;
24. **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;
25. **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;

**Therefore Be It Resolved**, that Community Board 2 (CB2) 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; and be it further

**Resolved**, that CB2 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 how that will provide enough space in every district to lower class size to mandated levels; and be it further

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<sup>3</sup> <https://codes.findlaw.com/ny/education-law/edn-sect-2590-o/>

<sup>4</sup> [https://drive.google.com/file/d/1gSiFUcuLOjJ49PLCMptkroFjXBHow2b\\_/view](https://drive.google.com/file/d/1gSiFUcuLOjJ49PLCMptkroFjXBHow2b_/view)

**Resolved**, that CB2 demands that the DOE will not 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; and be it further

**Resolved**, that CB2 recommends that City Planning 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; and be it further

**Resolved**, that CB2 urges the Mayor and the Chancellor to immediately adopt the Class Size Working Group's proposals so that NYC students can benefit from the personalized feedback necessary for them to have a better chance to learn; and be it finally

**Resolved**, should the Mayor and the Chancellor fail to take these necessary steps, CB2 urges the State Education Department to mandate the creation and prompt implementation of an effective class size reduction plan as soon as possible to achieve these goals.

Vote: Unanimous, 35 Board Members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Susan Kent, Chair  
Community Board #2, Manhattan



Patricia Laraia, Chair  
Schools and Education Committee

SK/em

cc: Hon. Brad Hoylman-Sigal, NYS Senator  
Hon. Brian Kavanaugh, NYS Senator  
Hon. Deborah J. Glick, NYS Assembly Member  
Hon. Grace Lee, NYS Assembly Member  
Hon. Brad Lander, NYC Comptroller  
Hon. Jumaane Williams, NYC Public Advocate  
Hon. Mark Levine, Manhattan Borough President  
Hon. Alvin Bragg, Manhattan District Attorney  
Hon. Erik Bottcher, NYC Council Member  
Hon. Christopher Marte, Council Member  
Hon. Carlina Rivera, Council Member  
Hon. Mark Treyger, Executive Director of Intergovernmental Affairs, NYCDOE  
Carolyne Quintana, Deputy Chancellor of Teaching and Learning, NYC DOE  
Jennifer Foti, Chief of Special Education, NYC DOE  
Jason Borges, Executive Director of NYC Public Schools Literacy Collaborative, NYCDOE  
Dr. Angela Green, Chairperson, PEP  
Gregory Faulkner, Vice Chairperson, PEP  
Aaron Bogad

Alan Ong  
Alice Ho  
Amy Fair  
Anita Garcia  
Anthony Giodano  
Ephraim Zakry  
Geneal Chacon  
Gladys Ward  
Jessamyn Lee  
Kaliris Salas  
Lily Chan  
Maisha Sapp, Contracts Committee Chair  
Marjorie Dienstag  
Michelle Joseph  
Naveed Hasan  
Phoebe Sade-Arnold  
Tazin Azad  
Thomas Sheppard  
Council District 2