

The class size law - *is the city ready to comply?*

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New class size law passed June 2022 by NYS Legislature & signed by Gov. in Sept. 2022 who gave DOE an extra year to comply

- Law requires NYC to cap class size at 20 students per class in grades K-3, 23 students in grades 4th-8th, and 25 students in HS classes by the end of the 2027-8 school year.
- Phys education and performing art group classes to be capped at 40 students per class instead of 50.
- Each year starting in September 2023, 20% of all classes must achieve these caps, with an additional 20% of classes each year.
- The city must prioritize schools with high levels of poverty to reduce class size in first.
- DOE has done nothing in nearly two years since law was passed to put forward or implement a plan to make compliance likely, starting next year and beyond.

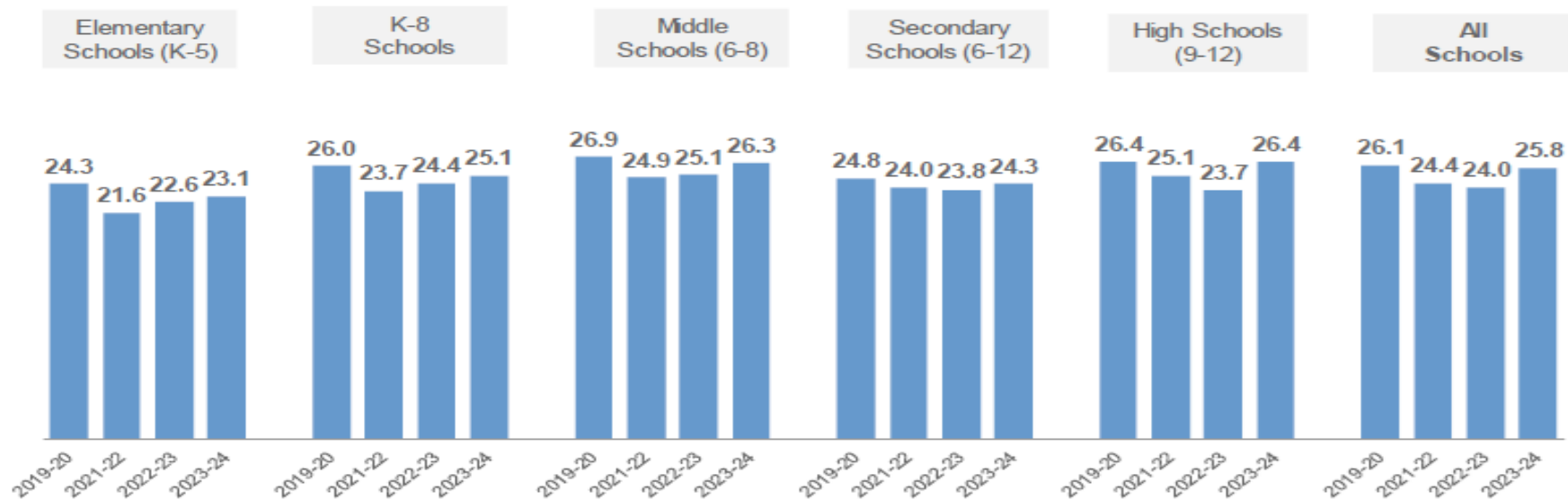
Class Size Working Group appointed by Chancellor released a report in December 2023

- Report contains actionable, effective & affordable proposals on how the DOE can reduce class size
- Stop co-locating schools & creating new schools if that will prevent ability of existing schools to lower class size
- Adjust enrollment if there are underutilized schools nearby with same grade levels to give all schools space for smaller classes
- Accelerate and build more schools in overcrowded communities
- Strengthen teacher pipeline & provide incentives to teachers to work in highest need schools
- Consider adding a separate budget line for class size reduction & keep FSF for other critical school & classroom programs

Class size averages for core academic classes increased this year citywide

For Elementary and Middle school classes for 2nd year in a row

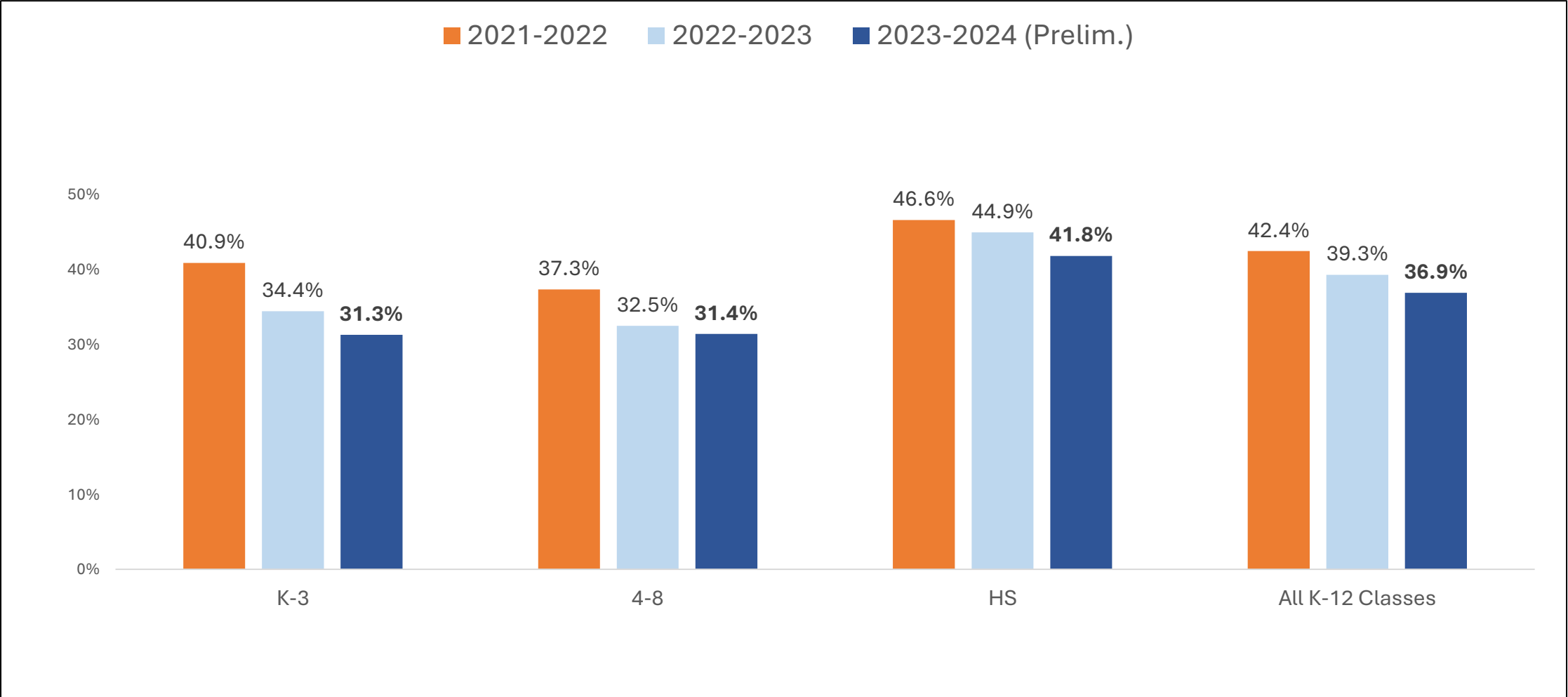
Citywide Class Size Averages by School Type *Preliminary*



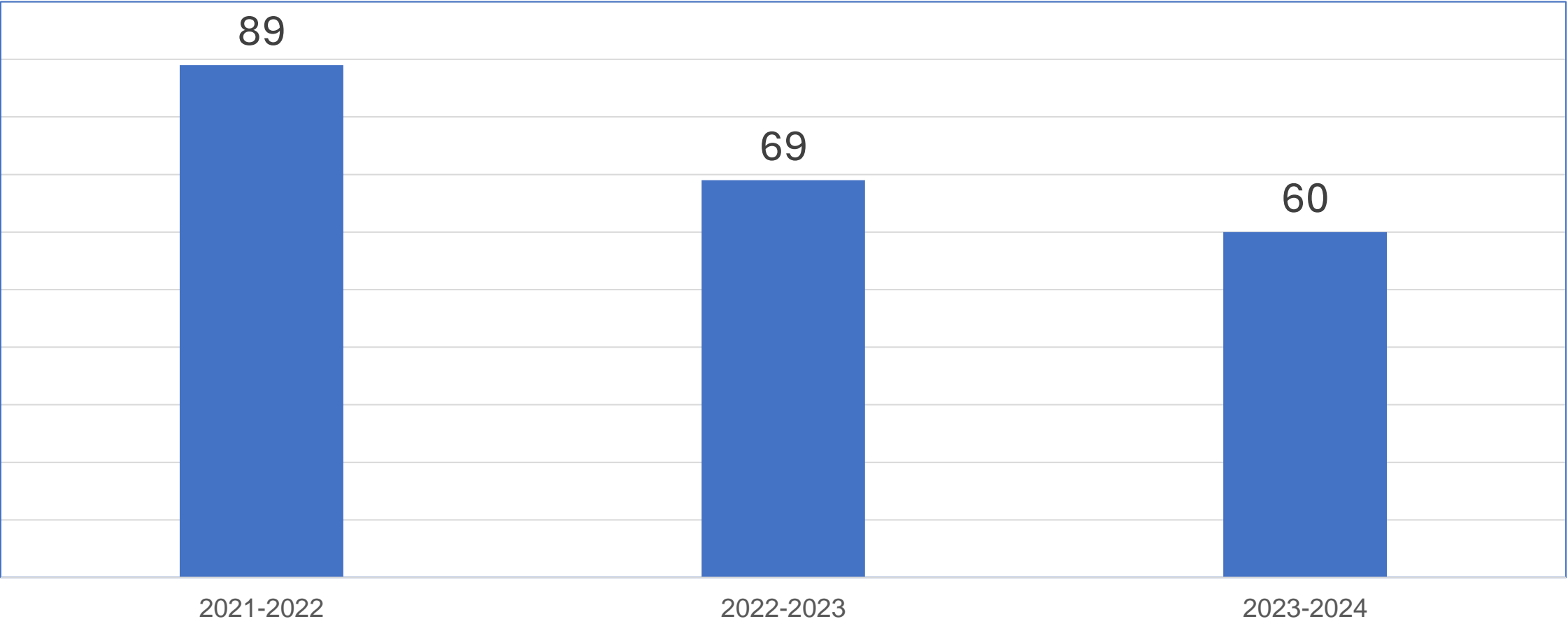
To align with the class size methodology used for the new class size law, the 2023-24 class size calculations for the City Council Report include bridge classes, non-core courses, including arts and physical education, D75 inclusion students, and shared instruction classes. Now, grades 7-8 are only represented in the STARS scheduling data; grade 6 is included in both depending on the school's scheduling method.

Declining percentage of Core Academic Classes at Class Size Cap or below

This year only 36.9% met the caps vs. 42.4% two years ago



**Only 60 schools out of 1500+ fully complied with the
class size caps this year**
33% decline over the last two years



Just released class size plan by DOE fails on every account

- DOE adopts NONE of the proposals of the CSWG to create more space for smaller classes except making minor adjustments within schools (room partitioning etc.) - & even then unspecific as to how many rooms this might create & how much it would cost.
- Makes no move to increase overall spending in the capital plan – despite [state budget language](#) which required them to add \$2B to Feb. capital plan for “classroom construction”.
- Refuses to make any enrollment adjustments between nearby overcrowded and underutilized schools – though this could save years and billions of dollars in terms of the capital construction and provide benefits to students in both sets of schools.
- Claims that “*In SY 2024-25, Principals will not be required to limit student enrollment in order to meet these targets,*” while in reality, principals were told that they were NOT ALLOWED to ask for lower enrollments to lower class size in a [December DOE 2023 memo](#) .
- Refuses to move any 3K or PreK classes to nearby CBOs, even though this could free up as many as 1400 classrooms in elementary schools and provide more opportunities for parents to have extended day/year 3k and PreK.

One aspect of their plan seems especially questionable and unfair

- Every Superintendent will be expected to increase by 3% the percentage of classes in their district schools at or below the class size caps.
- *“Superintendents will be able to assign individual targets to schools at their discretion, based on the resources (space, staffing, funding) available to the school or by any other means they see fit.”*
- Forcing Supes and Principals without any more funding or space and no accounting of how difficult that would be given existing overcrowding, budgetary needs and/or enrollment trends seems especially unwise & designed to cause pushback.
- Such blunt force prescription may create problems in many underfunded and/or overcrowded schools, when a more pro-active policy on the part of Central DOE to ensure that schools are provided with adequate resources and space would obviate these issues.

One other aspect of proposed plan especially unwise

- At one point they cite the expansion of online learning as a strategy that could be used to lower class size
- There were many pages in the CSWG with actionable, effective & affordable proposals of how to create more space for smaller classes
- Online learning NEVER mentioned, and CSM along with other parents and advocates would oppose ANY proposal to force ANY student into online learning in order to comply with class size law.

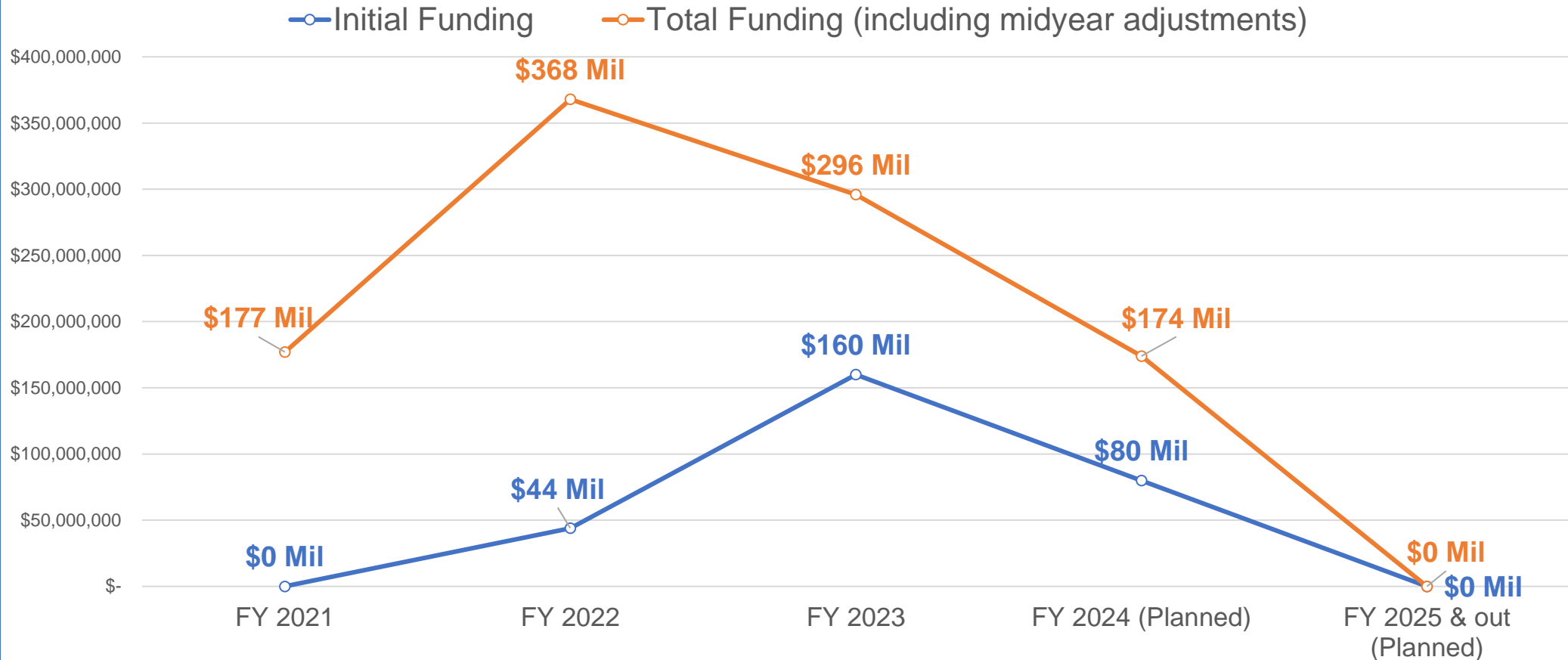
Sole new funding commitment in “plan”

- DOE says they will allocate \$137 million to pay for salary & fringe for additional teachers in some targeted, high need schools (in salary and fringe)
- They fail to specify which and how many schools will be targeted, how many teachers will be hired as a result, and what the result will be in terms of class size.
- Our estimate shows that when fringe/benefits are taken into account, this would allow for hiring 1350 additional teachers, out of the 10,000 to 12,000 they project will be needed to comply with the law.
- The longer they wait in hiring additional teachers, the more difficult it will become to ramp up while ensuring their quality and certification.

Also unclear what effect this would have given budget cuts planned concurrently for schools next year

- City plans to make additional cuts to school budgets next year through their Fair Student Funding allocations, based on 5-yr rate of projected enrollment decline.
- This year, DOE used \$160 million of federal stimulus fund to “hold harmless” school budgets, which funded approximately 1,778 pedagogical positions last year according to IBO – though class sizes increased anyway at most schools.
- Prior year (FY 23), schools were initially cut by \$488 million, & these “hold harmless” funds came too late as mid-year adjustments for many schools to keep all their teachers on staff or hire any additional ones – causing class sizes to increase and loss of critical programs at many schools.
- But next year, the DOE has announced they intend to end the practice of holding school budgets harmless, which could easily undo any positive impact created by these 1350 additional teachers.

“Hold harmless” school funding FY 2021-FY 2025 (in millions)



Source: [Table S2, Comptroller's School Budget Update](#) (September 12th, 2023)

DOE proposes “saving” \$100 M through hiring freeze & vacancy reductions in Executive budget

Initiatives by Agency (City Funds - \$ in 000's)

040 - Department of Education	City Personnel as of 6/30/25	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
November 2023 Plan PEG Initiatives						
Community School Allocation Reduction Community School Allocation Reduction.		(10,000)	(8,000)	(8,000)	(8,000)	(8,000)
Computer Science for All Reduction Reduction of Computer Science for All program funding.		(3,500)	-	-	-	-
DOHMH Program Efficiencies Efficiencies in intracity programs with the Department of Health and Mental Hygiene.		(855)	(945)	(945)	(945)	(945)
DOHMH Program Efficiencies Efficiencies in intracity programs with the Department of Health and Mental Hygiene.		-	(103)	(103)	(103)	(103)
Early Childhood Efficiencies Adjust program spending, including unused seat reductions.		-	(120,000)	(120,000)	(120,000)	(120,000)
Early Childhood PS Accruals Less than expected spending in Early Childhood Personal Services budget.		(25,000)	-	-	-	-
Eliminate Unused Training Program Eliminate funding for an unutilized training program.		(2,700)	(2,700)	(3,000)	(3,000)	(3,000)
Fringe Reduction Reduces growth in Fringe budget.		-	(190,200)	(216,500)	(219,000)	(219,000)
Hiring Freeze Hiring freeze.		(77,678)	(25,000)	(25,000)	(25,000)	(25,000)
Lower than Expected Spending in D75 Lower than Expected Spending in D75.		(3,000)	(3,000)	(3,000)	(3,000)	(3,000)
MTA Prepayment MTA Prepayment.		(45,000)	-	-	-	-
OTPS Spending Freeze Other than personal services spending freeze.		(35,000)	-	-	-	-
Per Diem/Per Session Reductions Control spending on supplemental pay for administrative staff.		(85,917)	(96,338)	(96,338)	(96,338)	(96,338)
PS Accruals Personal services accruals.		(102,700)	-	-	-	-
Removal of Copiers with Expiring Contracts Removal of copiers with expiring contracts.		(3,000)	(3,500)	(3,500)	(3,500)	(3,500)
School Food Savings Federal food revenue exceeds budgeted level.		(60,000)	(60,000)	(60,000)	(60,000)	(60,000)

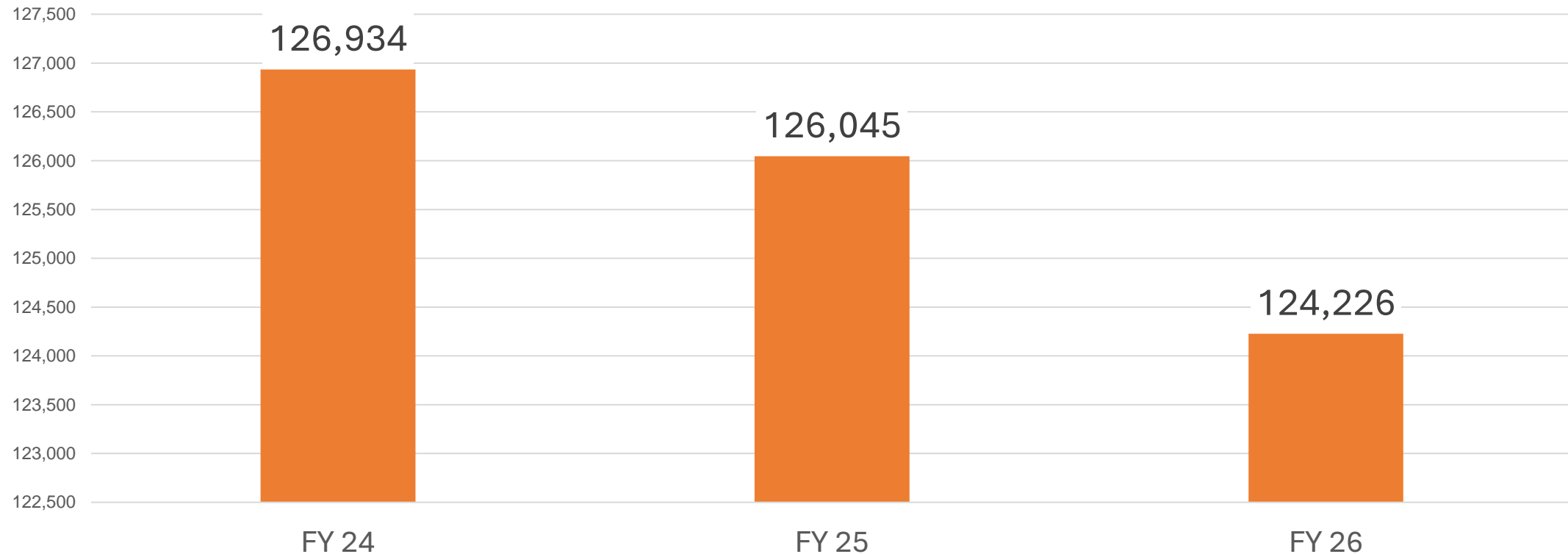
(City Funds - \$ in 000's)

040 - Department of Education (continued)	City Personnel as of 6/30/25	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Superintendent OTPS Budgets Less than expected spending in superintendent budgets.		(420)	(480)	(480)	(480)	(480)
Superintendent PS Budgets Less than expected spending in superintendent budgets.		(8,400)	(8,800)	(9,000)	(9,000)	(9,000)
Vacancy Reduction - School Safety Division Vacancy Reduction - School Safety Division.		(3,276)	(13,783)	(5,290)	(7,826)	(7,856)
Vacancy Reduction Vacancy reduction.	(432) C	(80,366)	(69,312)	(69,312)	(69,312)	(69,312)
January 2024 Plan PEG Initiatives						
Early Childhood Efficiencies Adjust program spending, including unused seat reductions.		-	(50,000)	(50,000)	(50,000)	(50,000)
OTPS Efficiencies Limit other than personal services spending.		-	(51,700)	(60,800)	(60,800)	(60,800)
January 2024 Plan PEG Restorations						
Restoration of Community School Allocation Restoration of Community School allocation in FY 2024.		10,000	-	-	-	-
Total	(432) C	(536,812)	(703,862)	(731,268)	(736,305)	(736,335)

<https://www.nyc.gov/assets/omb/downloads/pdf/peg4-24.pdf>, pp. 16-17

Mayor's Financial plan projects loss of nearly 1,000 full-time teachers next year and 2,708 teachers over next two years

Full-time or full-time equivalent pedagogues



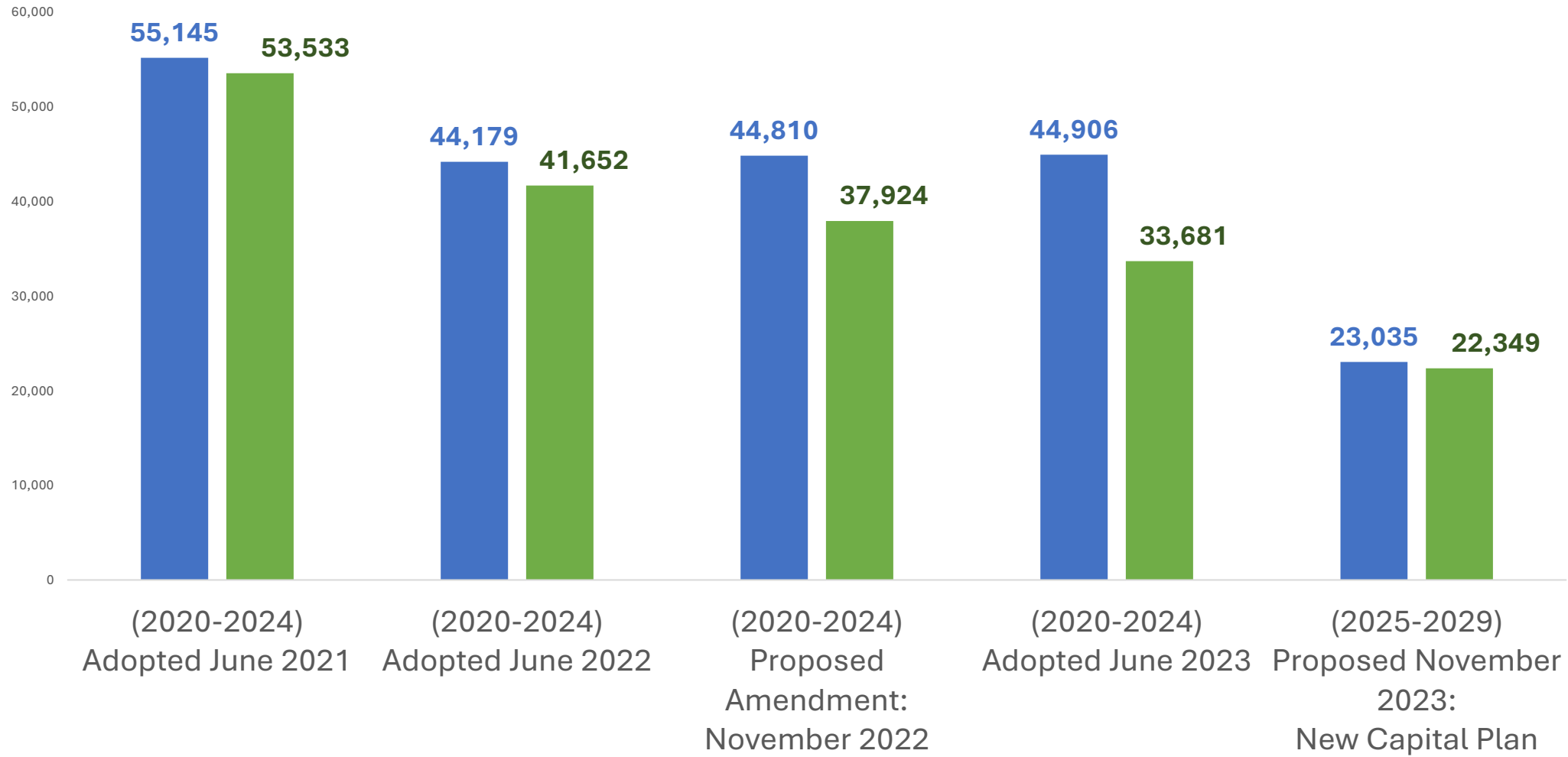
Data source: April 2024 Executive Financial plan at <https://www.nyc.gov/assets/omb/downloads/pdf/exec24-stafflevels.pdf>, p. 22

Despite new class size law, proposed 5-yr capital plan also radically cuts # of new seats

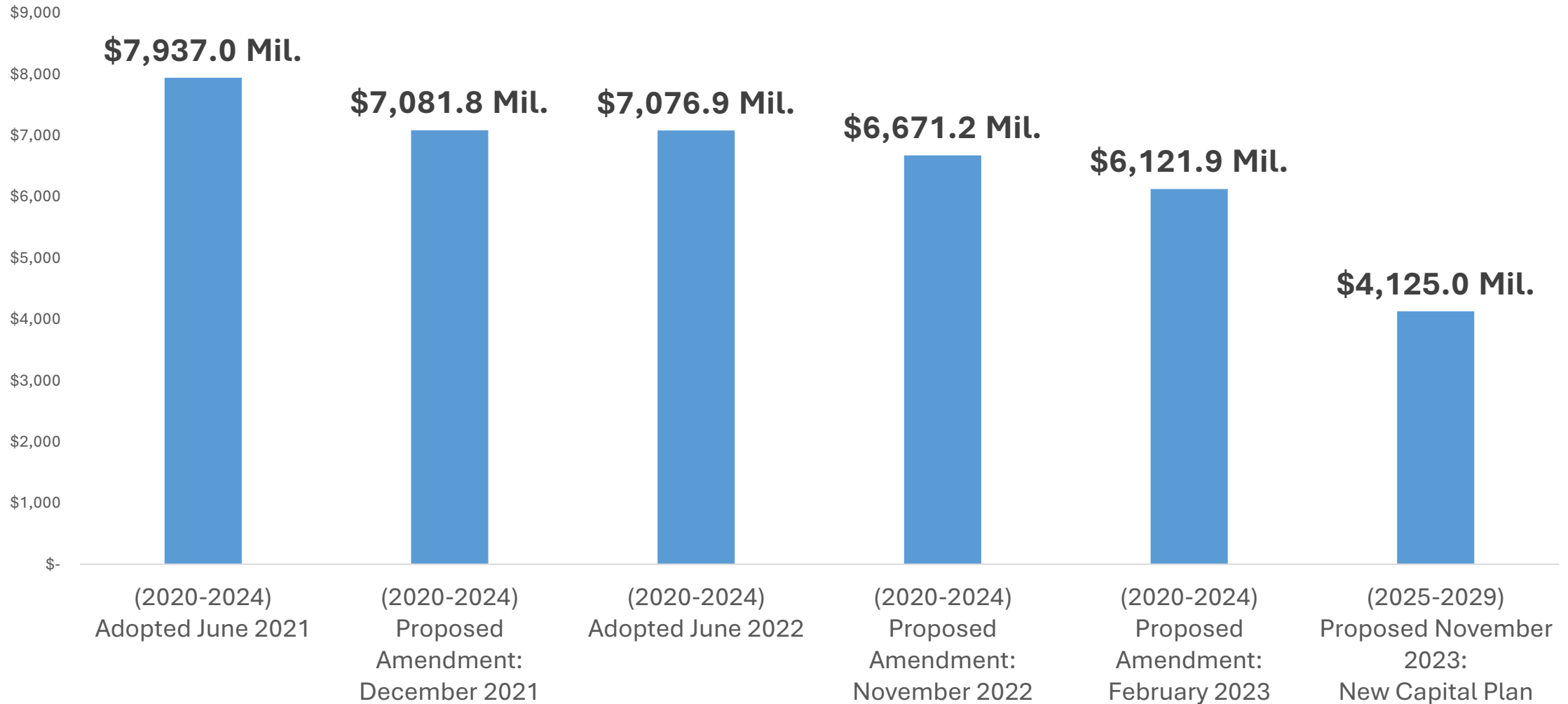
- Rather than expand and accelerate school construction, funding for new seats cut by over \$2 billion in new 5-year plan compared to current plan, and over \$2.5 billion since the class size law was passed.
- Number of new seats cut in half. SCA President admitted in Council testimony the 22,000 seats in the proposed 5-yr plan will not be enough to comply with the law.
- All identified projects are carried over from the current five-year plan, with an undisclosed number of previously funded seats cut.
- Identifies new seats only in six districts (2, 25, 27, 30, 31) plus 1 new HS in Brooklyn & 1 HS in Staten Island
- 77% of seats in new proposed five-year plan remain unidentified as to borough, district or grade level

Total 'New Capacity' Seats in Five-Year Plans

■ New Capacity Seats ■ Actual Seats funded



New Capacity funding in Capital Plans, including Class Size Reduction, (In Millions)



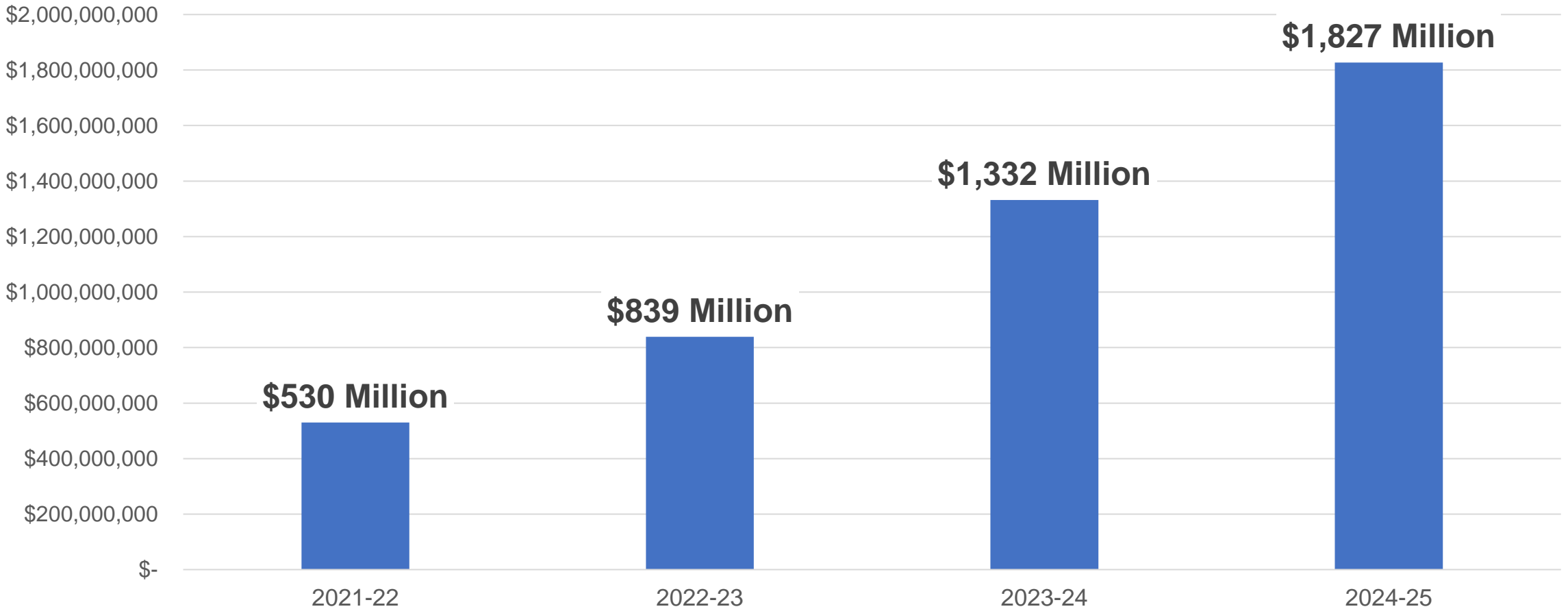
State budget deal calls for \$2B added to city capital plan for “classroom construction” tied to class size

- This was in exchange for state agreeing to raise NYC bonding/borrowing limit for overall capital construction
- But school capital plan released by city after state budget finalized has NOT increased any funding for school construction or repairs
- Instead of making any changes in the school capital plan so far, NYC is about to sign [two big contracts to build more jails](#), costing at least \$6.8 billion –much more than the \$4.1B in the five-year plan for new schools.
- The Queens jail will cost at least \$3.9 billion, far more than they want to spend on building any new schools in Queens
- Bronx jail to cost at least \$2.9 billion—with not a single dollar specified in the capital plan for a new school in the Bronx.

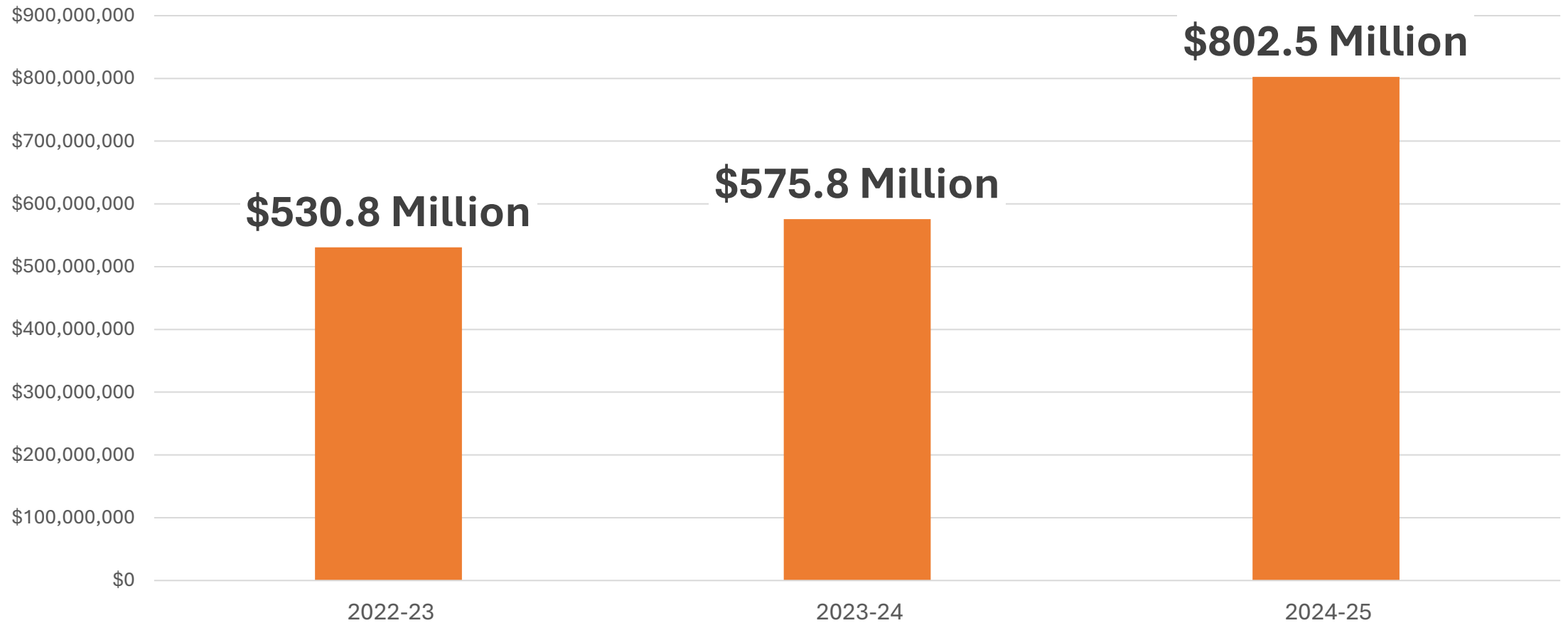
So what do we are we asking for in the city budget and the DOE class size plan?

- Additional funding for 3,000 additional teachers – one fourth of the number that DOE claims will be necessary over the next four years - **at a cost of about \$304 million**, with a list of where they will be placed at the highest need schools with the largest classes to lower class size to specific levels.
- A commitment they will hold school budgets next year as they did this year as projected budget cuts could undo much of the benefit of the additional hiring cited above
- Also pledge NOT to enact hiring freezes/vacancy reductions, that would also lead to decline overall teaching force.
- Add \$2 billion at LEAST to new capacity in capital plan, including a detailed accounting of where additional seats will be built, in what district, subdistrict and grade level, based upon existing overcrowding and projected enrollment to reach specific class size goals.
- A pledge that whatever additional space is needed in > 500 schools not provided through capital plan will be achieved via enrollment adjustments between nearby schools, and/or classrooms freed up through relocating preK and 3K classes, or other measures, WITHOUT taking away critical space for enrichment, special ed/related services, or any other critical components of a quality education.

NYS has provided more than \$1.8B in additional annual support to NYC schools last 4 years b/c of CFE settlement



That includes \$800 million of C4E funding for next year– not a penny of which DOE specifically allocated towards class size reduction



Plus there city is sitting on large budget surplus & reserves

- [Independent Budget Office estimates](#) a \$3.3 billion city surplus for 2025
- Plus NYC has a rainy-day fund of \$1.96 billion, according to [Office of Management & Budget](#), and a general reserve of \$1.2 billion



What else are we looking for in the DOE class size plan?

- A commitment that no students will be forced into online learning against their consent or that of their parents in order to lower class size
- Finally, we need a real FOUR-YEAR plan that explains how class sizes citywide will be reduced to mandated levels, with what levers each year, without gimmicks, exemptions or negative consequences to schools.

How can you help?

- Testify at Council budget hearings THIS Wed. May 15, in the afternoon. You can sign up to speak in person, or via Zoom, or submit written testimony at <https://council.nyc.gov/testify/>
We will provide talking points!
- Speak at the borough class size hearings May 22- May 30, the link to register [will be posted here](#)
 - Bronx - May 22, 2024
 - Manhattan - May 23, 2024
 - Staten Island - May 28, 2024
 - Queens - May 29, 2024
 - Brooklyn - May 30, 2024
 - *[no CEC meetings yet scheduled yet must be held by June 20, with notification 2 wks before]*
- You can also submit written testimony at ContractsForExcellence@schools.nyc.gov through June 22.
- Sign up for our newsletter to be kept up to date at <https://classsizematters.org/subscribe/>