



Class Size Matters  
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Commissioner Betty Rosa  
NY State Education Department  
Via email: [Commissioner@nysed.gov](mailto:Commissioner@nysed.gov)

Cc: Daniel Morton-Bentley  
Counsel & Deputy Commissioner

October 9, 2024

Dear Commissioner Rosa:

We would like to update you on the latest evidence showing that DOE has no real intention or plan to lower class sizes according to the levels and timeline required by class size law, known as Chapter 556 of the Laws of 2022.<sup>1</sup>

- Just as average class sizes increased during the 2022-2023 and 2023-2024 school years, according to DOE data, so has the number of students in overcrowded schools. The Independent Budget Office has reported that 34.2% of students were in overutilized schools in the 2022-2023 school year, compared to 32% the year before, despite overall enrollment decline. The percent of overutilized school buildings also increased, from 27.9% to 28.4%.<sup>2</sup> According to the latest Mayor's Management Report, this trend continued in the 2023-2024 school year, with 35% of students in overutilized elementary and middle schools in the 2023-2024 school year compared to 34% the year before.<sup>3</sup> The growing number of students in overutilized schools will severely hamper the ability of DOE to lower class size to mandated levels.
- The worsening trend in school overcrowding was never mentioned during board meetings of the School Construction Authority over the last year, according to their minutes, nor was there any discussion of the class size law and the need to accelerate

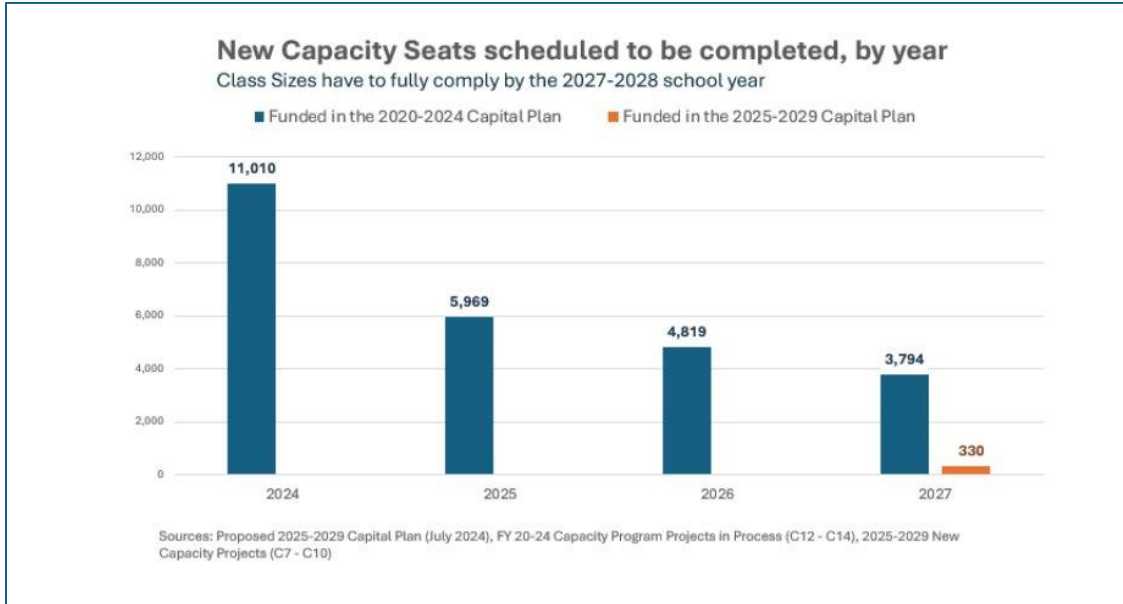
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<sup>1</sup> Class Size Matters sent two previous letters, dated July 22, 2024 and August 6, 2024, on this issue posted here <https://classsizematters.org/letter-to-commissioner-rosa-please-require-doe-to-produce-implement-a-real-class-size-plan-now/> and here <https://3zn338.a2cdn1.secureserver.net/wp-content/uploads/2024/08/CSM-letter-to-Commissioner-8.5.24-on-cap-plan.pdf?time=1723050184>

<sup>2</sup> <https://ibo.nyc.ny.us/iboreports/building-utilization-2024.html>

<sup>3</sup> <https://www.nyc.gov/assets/operations/downloads/pdf/mmr2024/doe.pdf>

school construction to provide sufficient space to comply with the law.<sup>4</sup> The is despite the fact that a sharply declining number of new seats will come online over next four years, according to our analysis of the current five-year capital plan, the result of cuts made to new capacity by the Mayor of nearly one billion dollars after the class size bill was signed into law.



- Our concerns about the lack of committed, high-level attention to this issue on the part of the Adams administration only increased when we learned that the SCA board has been operating without its legally required number of members for over a year.<sup>5</sup> While the state law that created the SCA requires three members of the board at all times, including the Chancellor and two independent Mayoral appointees, there have been only two members since Lorraine Grillo, former SCA President, resigned from the board in August 2023.<sup>6</sup>

<sup>4</sup> SCA minutes posted here: <http://nycsca.org/Quick-Links-Home/About-the-SCA/SCA-Board-of-Trustees#SCA-Board-of-Trustee-Meeting-Minutes-107>

<sup>5</sup> The only two members, the Chancellor and Peter McCree, are listed here: [https://dnnhh5cc1.blob.core.windows.net/portals/0/General/Board\\_of\\_Trustees\\_Meeting/TrusteePage.pdf?v=2017-04-17&sr=b&si=DNNFileManagerPolicy&sig=3oMZaVmm%2Ff5oc5zJWbcT4yQ7ICxoqenLLfXoBllK7Q%3D](https://dnnhh5cc1.blob.core.windows.net/portals/0/General/Board_of_Trustees_Meeting/TrusteePage.pdf?v=2017-04-17&sr=b&si=DNNFileManagerPolicy&sig=3oMZaVmm%2Ff5oc5zJWbcT4yQ7ICxoqenLLfXoBllK7Q%3D) An article about the fact that the SCA has not had its legally-required three members for over a year is here: <https://nypost.com/2024/08/31/us-news/eric-adams-fails-to-name-nyc-trustee-to-oversee-billions-of-dollars-in-school-construction/>

<sup>6</sup> The SCA enabling act says this: “The authority shall be governed by and its powers shall be exercised by a board of trustees consisting of three members. The members shall be the chancellor, or acting chancellor if the position of chancellor is vacant, and two other members, to be appointed by the mayor. The chancellor or acting chancellor shall serve as the chairperson of the board of trustees. ...Each appointed member shall continue in office until a successor has been appointed and qualifies.” <https://www.nysenate.gov/legislation/laws/PBA/1727>

- The middle and high school admission process has begun in NYC, and for the first time, students are now encouraged to apply to as many high schools as they like, and to any middle school across the city.<sup>7</sup> Whether that selection process will lead to even worse overcrowding is as yet uncertain but will depend on whether principals are allowed to cap enrollment at lower levels to meet the caps in the class size law, as they were forbidden to do this year.
- Meanwhile, the office of DOE District Planning has been meeting this fall with Community Education Councils and Citywide Councils to present and gain feedback on proposed changes in school utilization. These proposals can include school re-zonings and unzonings; co-locations, closures, and mergers; the siting or resiting of new district schools, charter schools, or programs; and/or grade truncations and expansions. The documents which outline these proposals were prepared last spring and are entitled “2025-2026 Strategic Planning Data Considerations”, which signifies they are meant to be implemented by the penultimate year of the five-year phase in of smaller classes, as required by the class size law.

Each of these proposals will likely have significant effects on class size, and many would preclude existing schools from having the space to lower class size to mandated levels. Yet none of these District Planning presentations mention the potential impact on class size or the need for DOE to lower class size in accordance with the law.<sup>8</sup>

If the DOE were serious about devising a comprehensive, multi-year plan to lower class size, District Planning would be the logical place to take the lead in devising this plan and moving it forward, since their reports provide data on enrollment trends, identify which schools are overcrowded and which are underutilized, and report on whether new school space will come online in the future. All this data is relevant to the potential ability of schools to achieve lower class sizes within the timeframe outlined in the law. And yet the latest round of District Planning reports and presentations ignore this issue altogether.

What is especially disconcerting is that that in previous years, each of these same District Planning reports had entire sections on class size. Yet after the class size bill was signed into law, these sections were deleted.<sup>9</sup>

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<sup>7</sup> <https://www.chalkbeat.org/newyork/2024/09/27/nyc-middle-high-school-admissions-changes-for-2024-application-season/>

<sup>8</sup>The most recent DOE District Planning documents are posted here: <https://www.schools.nyc.gov/school-life/space-and-facilities/district-planning/2024-2025-data-summaries>

<sup>9</sup> Earlier District Planning documents are no longer available at the DOE website but are archived on the Wayback machine here: <https://web.archive.org/web/20240408160033/https://www.schools.nyc.gov/school-life/space-and-facilities/district-planning/district-data-summaries>

For example, the District Planning report for District 8 in the Bronx, dated Summer of 2022, contained a section comparing districtwide class sizes averages to borough averages, as well as to UFT contractual maximum class sizes and the classroom occupancy formula embedded in the SCA school utilization reports, also known as the Blue Book.<sup>10</sup>

Yet the same District 8 planning document produced in the Spring of 2024, entitled “2025-2026 Strategic Planning Data Considerations” contains no class size data and no mention of the issue.<sup>11</sup> While discussing the potential use of extra space in underutilized schools, the report proposes that any available space could be used “to address pressing district needs, including housing another school or adding or expanding programs such as dual language offerings, District 75 programming, Autism Spectrum Disorder (ASD) programs, Gifted and Talented, and/or other district needs” .

Again, the option of using available space to lower class size is never mentioned.<sup>12</sup> One should note that in District 8 last year, 4,212 or 72.6% of K-3 students, 34,855 or 75.6% of 4-8 grade students, and 23,237 or 50.1% of high school students were enrolled in classes that exceeded the caps in the law, according to June 2024 data.

Another example of this troubling omission over time is provided by District Planning reports for District 28 in Queens. The earlier report completed in the Summer of 2022 reported on class sizes and showed how the average class sizes in district schools far exceeded the Blue Book classroom capacity in most grades.<sup>13</sup>

Yet the updated D28 District Planning report dated Spring of 2024, entitled *2025-2026 Strategic Planning Data Considerations*, omits that section entirely.<sup>14</sup> As in the District 8 report, it proposes that any excess space be used “to address pressing district needs, including housing another school or adding or expanding programs such as dual language offerings, District 75

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<sup>10</sup> NYC DOE Office of District Planning, District 8 Data Summary: 2023-2024 Strategic Planning Data Consideration, dated summer 2022 at: <https://web.archive.org/web/20231031212339/https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/district-08-data-summarya95ade75d2e44f54b05f19bfa9ddb69.pdf>. The SCA revised the 2019-2020 Blue Book by adjusting room capacity limits to be aligned with smaller classes ---but at the same time, changed the “efficiency ratio” in the utilization formula to assume all middle and high school classrooms would be scheduled 100% of time . Despite lowering the class size assumptions, the changes in the efficiency ratios artificially added 2593 seats to existing middle schools & 20,279 seats to high schools in existing schools, without having added any more space. See <https://3zn338.a2cdn1.secureserver.net/wp-content/uploads/2023/07/CSWG-capital-plan-Presentation-7.6.23.pdf>

<sup>11</sup> [https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/district-8-data-summary-2024.pdf?sfvrsn=8e20152e\\_2](https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/district-8-data-summary-2024.pdf?sfvrsn=8e20152e_2)

<sup>12</sup> The June 2022 archived District 8 Planning document is available on the Wayback machine here: [https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/district-8-data-summary-2024.pdf?sfvrsn=8e20152e\\_2](https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/district-8-data-summary-2024.pdf?sfvrsn=8e20152e_2)

<sup>13</sup> <https://web.archive.org/web/20231031212358/https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/district-28-data-summary.pdf>

<sup>14</sup> [https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/district-28-data-summary-2024.pdf?sfvrsn=56069e14\\_2](https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/district-28-data-summary-2024.pdf?sfvrsn=56069e14_2)

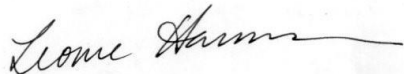
programming, Autism Spectrum Disorder (ASD) programs, Gifted and Talented, and/or other district needs,” with no mention of the need to lower class size.

Meanwhile, in District 28 schools, 9,039 or 93.5% of K-3 students, 56,472 or 93.9% of 4-8 grade students, and 80,890 or 78.7% of high school students were enrolled in class sizes that exceeded the goals in the law as of last June. Indeed, our analysis of DOE data shows that average class sizes have significantly increased in the district over the last two years.

When parents who were attending CEC and Citywide Council presentations asked District Planning staff why there is no mention of class size in their presentations, they responded that DOE officials had instructed them to ignore the class size law in their proposals going forward. All this merely reconfirms our conviction that the DOE has no real intention of crafting any class size plan that has a chance of meeting the benchmarks in the law, but instead is purposely flouting the law until it is too late to comply.

Thus, we again urge you to require DOE to develop and implement a corrective action plan involving a comprehensive, accelerated, and multi-year steps focused on teacher hiring, enrollment, space planning, and school construction, lest NYC students continue to be deprived of their right to an equitable, quality education under the law and the state Constitution.

Yours sincerely,



Leonie Haimson  
Executive Director