



December 18, 2024

VIA EMAIL

Dr. Betty Rosa
New York State Commissioner of Education
New York State Education Building
89 Washington Avenue
Albany, NY 12234

Dear Commissioner Rosa:

Class Size Matters and Education Law Center are writing to express our deep concern with the yearly report (“[Implementation Report](#)”) submitted on November 15, 2024, by the New York City Department of Education (“DOE”). Pursuant to N.Y. Education Law §211-d 2(b)(iii), the DOE must include in this Implementation Report several components that demonstrate the status of its compliance with the class size reduction requirement. As detailed below, the Implementation Report does not comport with the requirements of §211-d 2(b)(iii).

As a preliminary matter, before turning to the DOE’s November 2024 Implementation Report, we must point out that the DOE has never submitted a five-year plan “*to reduce actual class sizes, beginning September [2023] and to be achieved by September [2028] for all classes,*” as required by N.Y. Education Law §211-d 2(b)(ii). The yearly reports required by §211-d 2(b)(iii) are supposed to demonstrate the status of implementation of the five-year plan required by §211-d 2(b)(ii). Yet to date, no five-year class size plan has been developed or submitted for approval by the DOE. Without such a plan, any subsequent yearly implementation report, including the one we comment on below, remains wholly untethered to the multi-year goal (and requirement) that the DOE reduce class sizes to acceptable levels by September 2028.

Deficiencies in the November 2024 Implementation Report

We have identified the following deficiencies in the Implementation Report:

1. N.Y. Education Law §211-d 2(b)(iii) (B) mandates “*a detailed description of how contract for excellence funds contributed to achieving class size reduction in each school that received such funding including specific information on the number of classes in each school that existed prior to receiving contract for excellence funds and the number of new classes that were created in each school for each year such funding*”

was received, the number of classroom teachers that existed in each school prior to receiving contract for excellence funds and the number of new classroom teachers in each school for each year such funding was received, the student to teacher ratio in each school prior to receiving contract for excellence funds and the student to teacher ratio in each school for each year such funding was received.”

While the Implementation Report contains separate tables with the enumerated data, the data fails to show “how contract for excellence funds contributed to achieving class size reduction in each school that received such funding.” For example, Class Size Matters conducted [two analyses](#) of this data and found no correlation between the amount of Contract for Excellence funding schools received for class size reduction and any change in the number of classes in those schools.

2. N.Y. Education Law §211-d 2(b)(iii) (D) mandates the Implementation Report provide *“the actual class sizes for the current school year, and the projected class sizes for the upcoming school year for each school by grade level.”*

While the DOE provided class size projections, the DOE admits that these projections are wholly hypothetical and based on a voluntary and inchoate planning process for reducing class size in certain schools: *“This year, NYCPS, UFT, and CSA unveiled a planning process wherein schools which opt in may create plans to bring more classes at or below the newly mandated caps, and schools may receive additional funding, if necessary, to implement those plans.”* Thus, the class size projections depend entirely on an opt-in program with no specific funding amount appropriated for this purpose. It is impossible to discern the potential effectiveness of class size reduction efforts with such little information.

3. N.Y. Education Law §211-d 2(b)(iii)(E) requires the *“the 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.”*

While the Implementation Report states that the new Five-year Capital Plan for 2025-29 *“is expected to create over 33,000 new seats across the City to address space needs in our most overcrowded schools and districts,”* the [table](#) provided by the DOE shows a total of 22,945 to be completed from September 2025 through September 2032. More troubling still, the table only identifies the districts in which 30% of those seats, or 5,239, will be created. The locations and grade levels for the remaining 17,706 seats have yet to be identified. This opacity renders it impossible to know what will actually be done to comply with the class size requirements and whether that will be sufficient. In fact, statements by NYC School Construction Authority President Nina Kubota indicate that even 33,000 seats would be inadequate. Last February, she [testified](#) to the City Council that 85,000 new seats would be needed to comply with the law.

4. Most concerning is the failure to comply with N.Y. Education Law §211-d 2(b)(iii)(G). This section requires the report to identify *“the schools that have made insufficient progress toward achieving the class size reduction targets set forth in the approved*

class size reduction plan pursuant to subparagraph (ii) of this paragraph and a detailed description of the actions that will be taken to reduce class sizes in such schools.”

There is no list of schools that have made insufficient progress in achieving the targets provided in the Implementation Report, nor description of any actions that will be taken to lower class size in these unnamed schools in the future.¹

Reducing class sizes in five years in the nation’s largest district requires a coherent and coordinated strategy involving capital, budget, enrollment, and personnel planning. The vagueness of the DOE Implementation Report indicates that no such planning has taken place, despite your strong admonition in approving last year’s Implementation Report that “it is imperative for the city and its stakeholder groups to complete a *more comprehensive assessment and analysis of what budget and physical space needs must be prioritized and to identify the detailed, actionable items in the class size reduction plan that will be implemented over the next several years.*”(italics added)

We respectfully request that you: a) order the DOE to submit an actual, detailed five-year plan as required by N.Y. Education Law §211-d 2(b)(ii), and b) submit a new Implementation Report that complies with N.Y. Education Law §211-d 2(b)(iii) and is consistent with this five-year plan within 30 days.

Thank you for your attention to this matter.

Sincerely,



Leonie Haimson
Class Size Matters



Wendy Lecker
Education Law Center

¹ On December 3, 2024, the DOE posted a list of 495 schools that in its estimation have insufficient space at their current enrollment to lower class size to mandated levels, entitled “[DOE Class Size Space Analysis 2024-2025](https://infohub.nyced.org/docs/default-source/default-document-library/session-one-class-size-joint-training-to-posteb6a6564-ea07-44f0-9ebc-f1db831cb3d6.pdf).” This list does not meet the requirements of N.Y. Education Law §211-d 2(b)(iii)(G) because: 1) there is no way of knowing whether it encompasses all schools that have made insufficient progress toward achieving the class size reduction targets; and 2) there is no description provided for any actions that will be taken to reduce class sizes in these schools or any other schools that have made insufficient progress. In fact, the DOE is impeding lowering class size in these schools for the 2025-26 school year. The DOE instructed schools that they cannot seek funding in the 2025-26 school year for any class size reduction that would involve capping enrollment beneath current levels. <https://infohub.nyced.org/docs/default-source/default-document-library/session-one-class-size-joint-training-to-posteb6a6564-ea07-44f0-9ebc-f1db831cb3d6.pdf>. CSM’s analysis found that 46 percent of K12 students are enrolled in these 495 schools.