



Class Size Matters
124 Waverly Pl., New York, NY 10011
Phone: 917-435-9329
info@classsizematters.org
www.classsizematters.org

Class Size Matters Testimony on the Executive FY 26 Department of Education budget and the Five-Year Capital Plan for 2025-2029

May 20, 2025

Thank you, Chair Brannan, Chair Joseph and the members of the Finance and Education Committees for holding these hearings and allowing me to speak today. My name is Leonie Haimson and I'm the Executive Director of Class Size Matters.

In June 2022, an historic class size bill was passed June 2022 by the New York state legislature and in September 2022, the Governor signed it into law, giving the NYC Department of Education an extra planning year before they needed to start phasing in smaller classes. The law requires NYC to develop and implement a five-year plan to cap classes in grades K-3 to twenty students, in grades 4th-8th grade at 23 students, and in high school classes to 25 students. An additional 20% of classes are supposed to comply each year, with 100% required by the fall of 2028.

This law was passed in response to the decision of the state's highest court in the Campaign for Fiscal Equity case that smaller classes were not only advisable to allow students to receive sufficient feedback from their teachers, but also required for a sound, basic education under the state's constitution. Class size reduction will also enable teachers to forge a stronger emotional connection with their students and address their emotional and holistic needs.

The class size benchmarks required in the first two years of the phase-in were relatively easy to accomplish, since nearly 40% of classes already met these caps before the law was passed, due to largely to enrollment decline. But the next three years will be considerably more challenging, particularly as regards the critical lack of space in many schools.

In the spring of 2023, Chancellor Banks appointed a Class Size Working Group to come up with proposals on how the law should be implemented. Sadly, very few of these recommendations have been adopted. Instead of developing and implementing an actual multi-year plan to meet the benchmarks, as required by the class size law, each year the DOE has simply focused on achieving the levels required for the following year.¹

¹www.nysenate.gov/legislation/laws/EDN/211-D

Next year, 60% of schools are required to comply with these caps. To achieve this, a voluntary application process was launched last fall, by which schools could apply for class size funds – but only if they already had space for smaller classes. Principals at overcrowded schools were forbidden to even ask for smaller enrollments, even if this was necessary to lower class size and there were underutilized schools sitting nearby.

In early April, with much fanfare, the Mayor and the Chancellor announced that that 746 schools will receive funding for next year to hire an additional 3700 teachers to lower class size.

It was somewhat amazing to see how Mayor Adams, who has fought and criticized the class size law ever since it was passed, now lavished it with praise, saying that he was proud to be the first Mayor to achieve smaller classes, following “a thirty year fight.” He concluded that it “should not have taken 110 mayors before you got a smaller class size.... children are going to become who they should become because ... smaller class sizes will make it happen. “

Yet as of today, DOE has still not yet released the list of schools that will receive these funds, nor the total amount allocated for that purpose. Though 3,700 additional teachers will cost about \$370 million, there’s only \$150 million in the Executive budget specified for class size reduction in FY26, and \$200 million proposed for the following year.

The state budget increases Foundation Aid funding for NYC schools by \$538 million, of which about \$286 million will be incorporated in the Contract for Excellence program, which should be targeted towards class size reduction. Perhaps some or most of these funds will be used to supplement city spending for this purpose. ²

Most crucially, there has been little progress in creating more space for overcrowded schools to attain the class size caps in future years. The percentage of students enrolled in overcrowded schools at over 100% actually increased last year, according to the annual school utilization report known as the Blue Book. ³ Moreover, 495 schools do not have enough space to meet the class size caps, according to DOE’s own estimate. ⁴ These schools enroll nearly half (46%) of non-D75 public school students, according to our analysis. A chart showing the number of schools by school district is below.

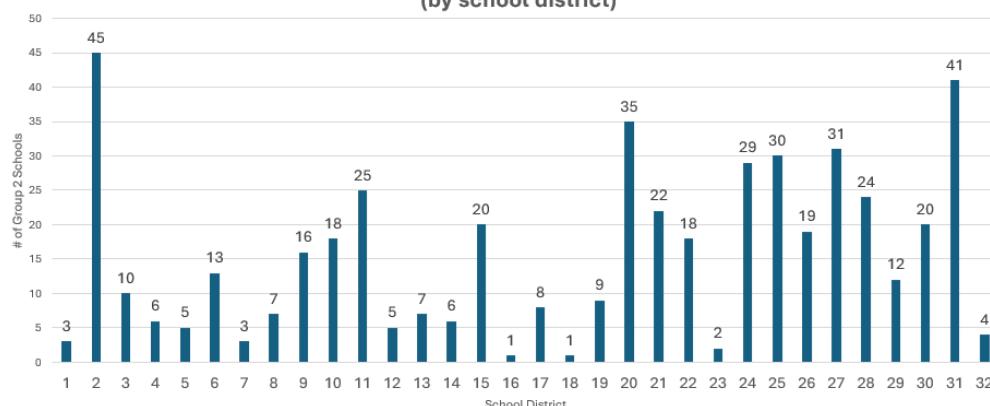
² <https://www.p12.nysed.gov/mgtserv/C4E/25-26-c4e/2025-26-c4e-contract-amounts.xlsx>

³ <http://nycsca.org/Community/Capital-Plan-Reports-Data#Enrollment-Capacity-Utilization-69>

⁴ DOE Class Size Space Analysis 2024-2025 at <https://infohub.nyced.org/docs/default-source/default-document-library/2024-2025-class-size-space-analysis-publish.pdf> Those schools without sufficient space are listed as Group 2.

495 schools have insufficient space to lower class size at current enrollment, according to DOE

(by school district)



Data Sources: DOE Class Size Space Analysis 2024-2025

Table B: 2024-2025 Unaudited Register Snapshot as of 10/31/2024*

In the spring of 2023, Chancellor Banks formed a Class Size Working Group to come up with recommendations for how the law should be implemented; I was appointed a member of that group. In December 2023, we released a report that included many practical suggestions on how more space could be acquired in an accelerated and cost-effective manner.⁵ Yet very few of our proposals have been adopted.

One of our recommendations, repeatedly rejected by DOE, would be to balance enrollment and utilization more evenly between nearby schools, which would improve both overcrowded and underutilized schools. This would allow overcrowded schools to offer smaller classes, as well access to the cafeteria and gym at more reasonable times. Students at underutilized schools would be provided with a more substantial budget, and thus offered more extracurricular and advanced courses, as well as other services necessary for a quality education.

Yet DOE officials have consistently refused to cap enrollment at overcrowded schools to allow for smaller classes, even when there are underutilized schools nearby, based upon a claim that would hamper “parent choice.” Yet class size remains one of the top priorities of parents on the DOE school surveys, when asked what changes they would like to see in their children’s schools. Recently, DOE launched a separate survey, in which former NYC public school parents were why they had taken their children out of the NYC public school system. Of those who responded, 82% said that class size was a factor in their decision, and 58% that it contributed “a lot” to their determination to pull their children out of NYC public schools.⁶

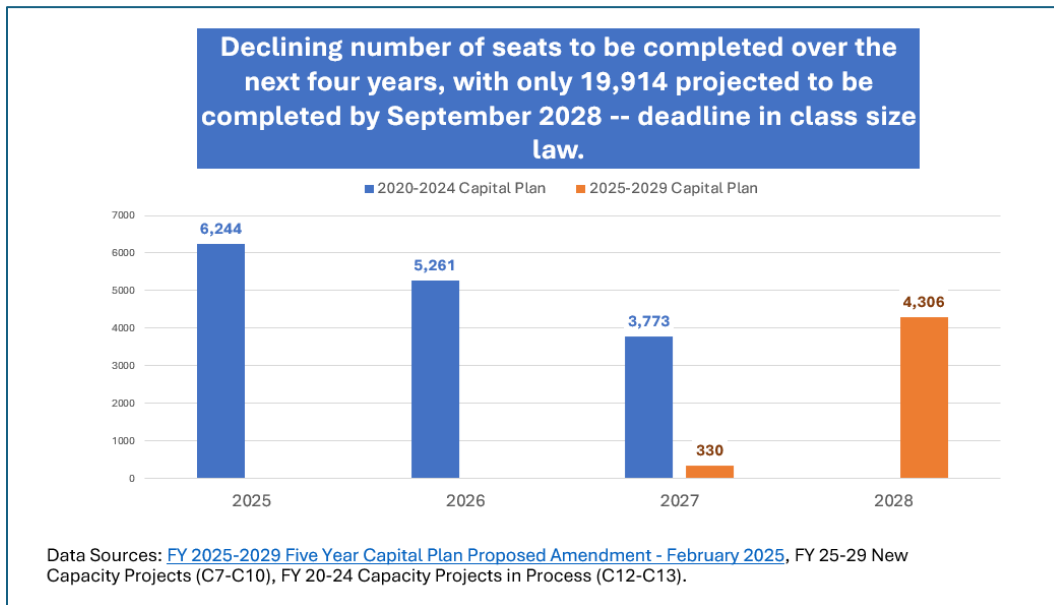
There are 266 elementary schools that, according to the DOE, do not have enough classroom space to meet the class size mandate in the law. Of that figure, more than half (54%) offer PreK and/or 3K programs, many of which could be shifted to nearby CBOs which have thousands of empty seats. Instead, the DOE is threatening to cut funds to any CBO unable to fill at least 95% of their seats, which would be hugely counterproductive, and lead to

⁵ https://drive.google.com/file/d/1gSiFUcuLOjJ49PLCMptkroFjXBHow2b_/view.

⁶ <https://infohub.nyced.org/docs/default-source/default-document-library/enrollment-survey-deck---april-2025---public-deck.pdf>

even more overcrowding in our elementary schools. Moreover, unlike public schools, CBOs are able to offer extended day and year services to eligible parents, and in many cases their programs are rated higher in quality than those provided by our public schools.⁷

Nor does the DOE intend to build enough new schools or annexes to comply. According to the testimony of SCA Director of Operations Cora Liu at the preliminary budget hearing last March, 70,000 additional school seats will be needed to comply with the class size law, but only about 33,000 seats are funded in the five-year capital plan. Of those seats funded, only about 20,000 will come online by the deadline in the law.⁸



Moreover, nearly half of all the new seats funded in the five-year capital plan are still unspecified as to district, subdistrict or grade level. This ignores how the class size law requires DOE to 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”**⁹ The lack of transparency also violates Local Law 167, passed by the Council in 2018, that requires the SCA to explain exactly where seats are needed by district, subdistrict and grade level, as well as the data and methodology these projections are based upon.¹⁰ Yet instead of becoming more transparent after this law were passed, the capital plan became even more opaque.

⁷ See Class Size Matters, Testimony of Class Size Matters on proposed closures of Early Child Care Centers <https://classsizematters.org/why-doe-should-be-moving-more-prek-classes-to-cbos-to-provide-critical-benefits-to-students-and-the-city-as-a-whole/>

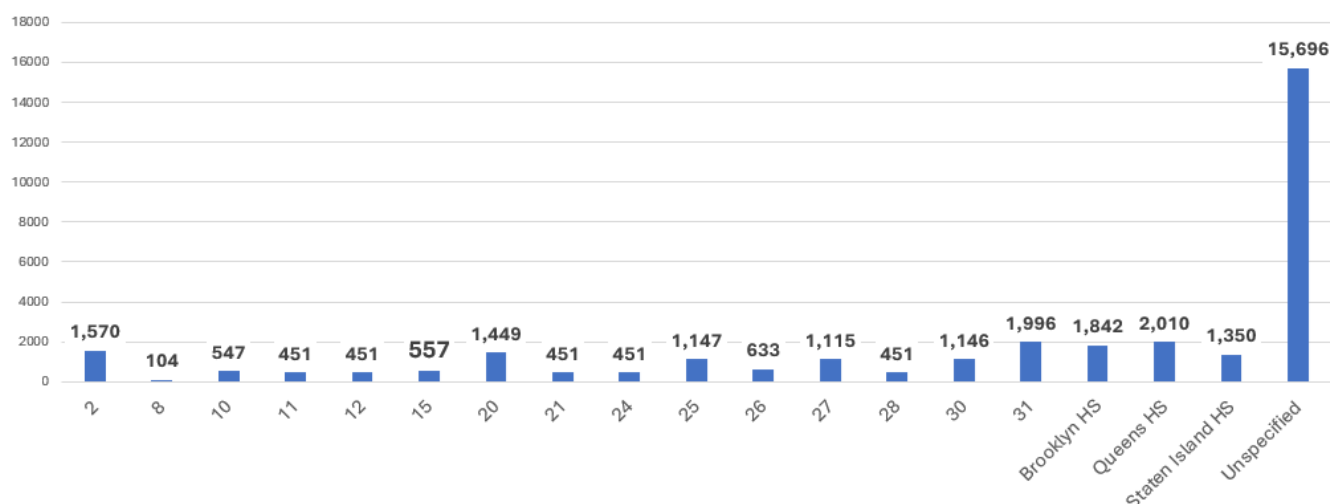
⁸ <https://citymeetings.nyc/meetings/new-york-city-council/2025-03-13-1000-am-committee-on-education/chapter/discussion-on-class-size-reduction-compliance-and-estimated-seats-needed/>

⁹ <https://www.nysenate.gov/legislation/laws/EDN/211-D>

¹⁰ <https://legistar.council.nyc.gov/View.ashx?M=F&ID=6714467&GUID=ED9C486B-ACA7-4D5B-8D56-F2EA0A950976>

33,417 funded school seats in current 2025-2029 Capital Plan

47% unspecified as to district/subdistrict/grade level;
68% un-sited. All seats in D15 sited.



Data Sources: [FY 2025-2029 Five Year Capital Plan Proposed Amendment - February 2025](#) (page 17)

The Class Size Working Group proposed many other ideas that could accelerate the acquisition of more space, including re-activating the Educational Construction Fund, incorporating schools in affordable housing proposals as part of the City of Yes, merging co-located schools, and ensuring that any changes in school utilization put forward by District Planning do not prevent existing schools from meeting their class size goals.

Instead, since the Class Size Working Group report was released, District Planning has proposed a number of school closings, grade expansions and co-locations, without any reference to their potential impact on class size. In fact, when CEC members asked District Planning staff why class size is never mentioned in their proposals, they responded that DOE officials had told them to ignore the mandate in the law.

We also have ongoing concerns with the School Construction Authority's lax governance practices.

According to the state law that established the SCA in 1998, the SCA board is supposed to have three members at all times: *"The authority shall be governed by and its powers shall be exercised by a board of trustees consisting of three members....Each appointed member shall continue in office until a successor has been appointed and qualifies."*¹¹ And yet for nearly 18 months, from August 2023 to April 2025, the board was composed of only two members. A new member was appointed only after I spoke up about this at their March meeting, and Chair Joseph wrote a letter to inquire.¹²

¹¹ See the New York City School Construction Authority Act Public Authorities (PBA) CHAPTER 43-A, ARTICLE 8, § 1727. <https://www.nysenate.gov/legislation/laws/PBA/1727>

¹² <https://nycpublicschoolparents.blogspot.com/2025/03/my-comments-at-school-construction.html> See also: <https://nypost.com/2024/08/31/us-news/eric-adams-fails-to-name-nyc-trustee-to-oversee-billions-of-dollars-in-school-construction/> and <https://nycpublicschoolparents.blogspot.com/2024/09/revelation-that-nycs-school.html>

According to the most recent report of the NY State Authorities Budget Office, the SCA Board still lacks a Governance Committee, a Finance Committee, as well as official policies for salary and compensation, time and attendance. Nor does it have a Whistleblower Protection policy. According to this Office, all of these are required by the NYS Public Authorities Law.¹³

We urge the City Council to press the SCA and the DOE on these failings, and refuse to pass any capital plan that does not specify where sufficient space will be provided by district, subdistrict and grade level, or by other means, so that all NYC students can receive the benefits of smaller classes that they need and deserve, and is their right under the state constitution.

Thank you for the ability to testify to you today.

13

<https://abo.ny.gov/annualreports/PARISAnnualReports/FYE2024/Local/ARNewYorkCitySchoolConstructionAuthority2024.pdf>
f According to this report, the SCA also lacks a code of ethics and a compensation policy for employees, which are apparently recommended but not mandated by law.