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July 28, 2025

Dear Commissioner Rosa:

Class Size Matters and more than fifty parent leaders, educators and advocates urge you to reject the NYC Depart of Education's "Class Size Plan for SY2025 – 2026," based upon our critique below. We ask that you require DOE to revise its document, to include the information required by law, and to propose a workable, practical multi-year plan with a chance of meeting the class size goals in future years.

I am also attaching a separate petition, signed by nearly 1,000 parents, teachers and community members, urging that a multi-year plan be required, as well as the capping of enrollment at overcrowded schools. It is more than three years since the class size law was overwhelmingly approved by the State Legislature, and the Governor gave the DOE an extra planning year. Yet despite this, the DOE has made little progress in taking the steps necessary to ensure that students will receive the smaller classes promised by the law.

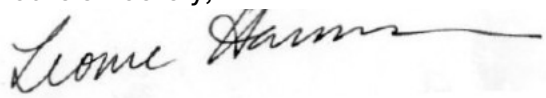
In their recent submission, the DOE offers no specific data to show how they will reach the benchmark of 60 percent of classes in compliance with the class size caps as required next year. Moreover, given the fact that they offer no plans to provide more space to the 500 or so schools currently too overcrowded to achieve smaller classes, which enroll nearly half of all students, 80-100% compliance in years four and five is highly unlikely.

The most glaring deficiencies are detailed in our comments and recommendations for improvement below, which were sent to DOE on July 8, during the public comment period. None of our suggestions were incorporated in their final submission.

There were a few minor changes DOE made to their draft plan. These are noted below, along with our response in **dark blue.** An appendix with data and charts to back up the data we cite in our comments is posted here, as well as included after the signatures below.

Time is running out. Without significant changes to their policies and procedures, especially as regards admissions to overcrowded schools and the capital plan, decisions that will be made this fall as DOE explains in their submission, as many as half of all NYC students will continue to be crammed into classes far larger than required by law for many years following the mandated five-year phase-in period.

Yours sincerely,



Leonie Haimson, Executive Director, Class Size Matters

Cc: Daniel Morton Bentley, Counsel & Deputy Commissioner, NY State Education Department
David Elliot, Educational Aid Services Coordinator, NY State Education Department
Sen. John Liu, Chair of New York City Education Committee
Sen. Robert Jackson, member, New York City Education Committee

Comments on DOE's SY2025 – 2026
Class Size Reduction Plan for NYC Public Schools

July 8, 2025

The NYC Department of Education's document, entitled "Class Size Reduction Plan for SY2025 – 2026" is inadequate and lacks many of the fundamental elements required by law.[1] It is now more than three years since the State Legislature passed Education Law Chapter 556, and still the DOE has failed to produce a multi-year plan to explain how schools will meet the benchmarks in the law, as phased in over time.[2] These deficiencies are particularly problematic, especially regarding the hundreds of schools that do not have the space at their current enrollment to lower class size.

Instead, much of the draft document is boilerplate, repeating previous class size plans word for word while omitting the most basic details and data needed to show what specific steps will be taken to allow specific schools to comply with the law.

What is especially troubling is how the DOE appears to be counting on future exemptions, instead of implementing a realistic plan to reach the required goals. Moreover, as in years past, the public process also lacked mandated outreach.

We continue to be extremely concerned that DOE officials still have not addressed the serious issues outlined by the Commissioner in her September 2024 letter, in which she wrote that "*the Department is concerned that the Plan does not appear to reflect the necessary level of detail regarding internal directives and/or programmatic strategies necessary*" for future years.[3]

These concerns were expressed even earlier, in the Commissioner's response to the DOE's initial 2023-2024 class size plan, as cited and acknowledged in the DOE's response in December 2023.[4]

No one would dispute that there are serious challenges involved in lowering class size at a systemwide level, yet those challenges can only be addressed with a coordinated effort that includes the DOE Division of Finance, Offices of Enrollment Planning, District Planning, Space Management, and the

[1] The DOE draft plan is here: https://infohub.nyced.org/docs/default-source/default-document-library/fy26-draft-class-size-reduction-plan-05-20-25.pdf Their final plan with only minor revisions is here: https://pwsblobprd.schools.nyc/prd-pws/docs/default-source/default-document-library/fy26-class-size-reduction-plan-final.pdf?sfvrsn=72fcdcc0_2

[2] The class size law is posted here: https://www.nysenate.gov/legislation/laws/EDN/211-D

[3] NYSED Letter to NYCPS dated Sept. 2024.

[4] NYCPS - Response to Commissioner's questions

School Construction Authority. Indeed, this need for coordination was one of the many recommendations of the report issued by the Chancellor's Class Size Working Group in December 2023 that have been ignored by DOE.[5]

None of this coordination can be discerned in this document. Instead, officials appear to be dragging their feet, one year at a time, which will likely doom hundreds of thousands of students to class sizes that far exceed the limits in the law into the indefinite future, until and unless DOE produces an actual plan including policies that are designed to facilitate rather than prevent schools from complying.

Below are some of the most egregious deficiencies in the process and the current draft plan.

1. **Flawed public process**

The borough hearings on the DOE's Contract for Excellence and class size plans that took place in June as required by law were very poorly attended. No parent leaders or Community Education Councils were alerted to these borough hearings, according to our communications with members of these groups. Even the chair of the Chancellor's Parent Advisory Council received no notification of these hearings.

In the DOE summary responding to public comment noting the lack of notification, they write that "*DOE emailed advance notice of the commencement of the Contracts for Excellence public process to principals and City and State elected officials*."[6] We requested via FOIL any and all emails sent alerting the public to the class size hearings.

In response, we received only two email messages, one sent to principals in the Principal Digest, and one sent to unnamed elected officials from the Brooklyn Borough director that had no information about dates or times of any of these hearings, nor any mention of class size.

The failure to notify parents is itself a violation of the class size law, which says, "*Notice of the public process shall be … transmitted via email to school administrators, parent and teacher organizations, and elected officials*."[7]

Numerous omissions in the required public notification were also observed regarding last year's hearings.[8]

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[5] Class Size Working Group final report, December 11, 2023 at https://drive.google.com/file/d/1gSiFUcuLOjJ49PLCMptkroFjXBHow2b_/view

[6] https://infohub.nyced.org/docs/default-source/default-document-library/fy26-c4e-hearing-public-comment-assessment-final.pdf

[7] https://www.nysenate.gov/legislation/laws/EDN/211-D Communication from Rosa Diaz, CPAC chair, June 12, 2025. We also checked with staff of elected officials and CEC presidents, who confirmed they received no notifications of these hearings. Subsequently on June 13, we requested copies of notifications via email to Erin Gehant of DOE who led these hearings and via the address for queries ContractsForExcellence@schools.nyc.gov posted on the DOE website. We also have filed Freedom of Information requests for these messages and have yet to hear back from any of these requests.

[8] See Class Size Matters memo To Commissioner, Feb. 20, 2025 at https://classsizematters.org/wp-content/uploads/2025/06/CSM-memo-to-SED-re-NYC-failure-to-plan-for-class-size-reduction-2.20.25.pdf

2. **No multi-year plan**

The document lacks any mention or outline of a multi-year plan, or any data that goes beyond this fall, even as the law requires DOE to submit a multi-year plan each year "*to reduce actual class sizes, beginning September [2023] and to be achieved by September [2028] for all classes*."

There is also no acknowledgement of the fact that hundreds of schools do not have the space to lower class size at their current enrollment, and no policies to address this need, whether building enough new schools and annexes and/or adjusting enrollment. Instead, the DOE seems to be relying on the expectation that they will be exempted from fully complying with the law.

In response to the public comment that there still is no actual multi-year plan, and that the details provided in the draft plan are wholly insufficient, this is the DOE's reply:

> ***"NYCPS will take this feedback into consideration as we continue work to develop class size reduction plans for the 26-27 and 27-28 school years. Given the substantial funding and staffing changes required by the law, NYCPS is also looking to learn from each year of implementation and feedback from schools to inform future planning."***

Yet the potential expense of lowering class size and/or the need to learn from experience does not obviate the need for an actual cost-effective multi-year plan that could then be revised, if necessary, based on previous years' data. DOE officials have refused to implement even cost-free adjustments to help meet the caps in future years, such as revising their enrollment policy in order to relieve overcrowding and balance enrollment between existing schools. Instead, they have failed to provide any information about how they plan to meet the benchmarks in years four and five.

3. **Insufficient new space provided in the capital plan**

In general, the discussion of space issues is excessively vague and anecdotal, with very little data provided, and no explanation of how currently overcrowded schools will meet the caps in years four and five.

There are 495 overcrowded schools, according to DOE's own admission, with many in every borough and district that do not have the space to meet the class size caps at their current enrollment.[9] According to our analysis of these schools, these 495 schools enroll 46% of all non-D75 DOE students. [See FIGURES 1 & 2 in Appendix]

- 266 elementary schools, enrolling 40.5% of K-5th grade students
- 50 middle schools with 22.5% of 6th-8th grade students
- 179 high schools with 57.2% of 9th-12th grade students.

[9] DOE Class Size Space Analysis 2024-2025

- At least 256,379 students in poverty[10]
- 62,879 students with disabilities
- 57,039 English Language Learners

While Cora Liu, Director of Operations at the School Construction Authority, testified to the City Council in March 2025 that 75,000 more school seats would be needed to provide sufficient space to comply with the class size law, less than half that figure, or only about 33,000 seats are funded in the five-year capital plan, and 68% of them are not sited. [FIGURE 3 in Appendix].

Moreover, of those 33,000 seats funded, 47% still remain unspecified as to district, subdistrict or grade level. This violates a provision in the class size law, which 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."*** [11]

Fewer than 20,000 seats, mostly funded and launched under the previous capital plan, are expected to be completed by the deadline in the law of September 2028 for full compliance.[12] [FIGURE 4 in Appendix]

Most critically, there is no explanation of how additional space will be provided to the 495 schools that DOE itself estimates have insufficient room to meet the caps.[13] At this point, there are 94 schools on the list in 15 community school districts, in which no seats are planned or funded in the current five-year capital plan or in progress from the previous capital plan. [FIGURE 5 in Appendix]

In their reply to widespread public criticism pointing out how so few school seats have been funded compared to the 75,000 seats that the SCA itself said were needed, DOE writes, *"As of the February 2025 Amendment, nearly one third of the 33,400 funded seats have been sited,"* which is not responsive to these concerns.

4. **New Capacity Projects lead to little improvement in compliance**

Rather than specify how schools will receive more space to lower class size to mandated levels as a result of the capacity projects funded in the capital plan, instead DOE includes a chart in Appendix C, entitled **"***Impact of Recently Opened and New Capacity Projects on Schools' Ability to Comply with New Class Size Caps*." Yet this chart utterly fails to supply the data promised in the title. It includes no

[10] The Demographic Snapshot provided by DOE show that certain schools have a minimum of 95% of students in poverty; they do not provide an exact figure.

[11] The lack of detail also appears to violate Local Law 167, passed by Council in 2018, requiring DOE and SCA to disclose how many seats are needed by district, subdistrict and grade level, and the data and methodology those estimates are based upon.

[12] 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/

[13] *DOE Class Size Space Analysis 2024-2025*, https://infohub.nyced.org/docs/default-source/default-document-library/2024-2025-class-size-space-analysis-publish.pdf

analysis or estimate of how many more classes or schools will be able to meet the class size goals as a result of these capacity projects.

Moreover, the only new capacity projects mentioned are those that opened last fall or will open this fall—with none mentioned for either year four or five, when there needs to be an accelerated process to create more space for the 500 or so schools too overcrowded to achieve the caps at their current enrollment.

Class Size Matters did our own analysis of the schools listed that opened in the fall of 2024. None of them achieved 100% compliance with the law, despite the fact that each had plenty of empty classrooms. Two brand new schools had zero classes in compliance; two others had 33%-39% compliance – lower than the citywide average of 46% – and only one school had near 100% compliance at 96%.

Nor did any of the schools achieve compliance after gaining additions, annexes or expansions this fall. While nine of these schools increased in average compliance compared to last year, from 15% to 27%; ***seven of the schools decreased in average compliance from 52% to 38%.***

Of the nearby schools on this list that were supposedly "directly alleviated" according to this table, 17 saw an increase in compliance rates – from an average of 15% to 27%, ***but 13 schools saw a decrease in their average compliance rates, from 52% to 38%.***

Moreover, five of seven schools supposedly "directly alleviated" from capital projects involving re-sitings or replacements saw ***a decrease in their average class size compliance rates.*** In fact, the Educational Impact Statement of one of these schools, PS 108 in the Bronx, admits that its grade expansion will make it more difficult to lower class size to the levels required by law. [14]

What this table reveals instead is that without a coordinated enrollment process aimed at lowering class size, it is likely that hundreds of schools will continue to be unable to meet the class size caps, no matter how many additional seats are built nearby.

5. **<u>Inadequate data about restructuring of existing space.</u>**

Another way in which DOE claims to be creating more rooms for class size reduction is by restructuring existing space within schools. And yet the information provided in the final class size plan on this topic is sketchy and confusing.

On page 20, under Space Implementation Levers, the authors write that "*As a result of principal surveys and subsequent building walkthroughs, 18 capacity projects were identified across 18 schools. These projects are currently in various stages of review and development and we anticipate that they will result*

[14] *"However, enrollment projections suggest that the expanded P.S. 108 may not be able to meet its class size targets starting in the 2026-2027 school year..."* Educational Impact Statement, The Proposed Grade Expansion of P.S. 108 Philip J. Abinanti(11X108) from a K-5 School to a K-8 School , Jan. 26, 2024.

in approximately 900 seats." This is a decrease in number from the draft plan, when the DOE estimated that approximately 1,000 seats would result.

Next to that description the timeline for completion is listed as 'Spring 2024 – Ongoing', which is a revision to the original timeline of 'Spring 2024-Fall 2024', and shows that DOE has no real plan for finishing these projects promptly. Instead, the DOE adds this equivocal statement, "NYCPS anticipates that rooms with capacities of approximately 225 seats ***may*** open in September 2025, rooms with capacities of approximately 450 seats ***may*** open in January 2026 and rooms with capacities of approximately 650 seats ***may*** open in September 2026 [emphasis added].

Immediately below this section sits Figure 8, which again reports that these room conversions are not supposed to be finalized until sometime between September 2025 and January 2026. **Yet in the previous year's class size plan, these same projects were supposed to be completed by August 2024**.[15]

No explanation is offered for the delay, nor is there any explanation provided for the discrepancy in the numbers of anticipated seats gained, which is listed as 1,484 by DOE, yet actually equals 1,449 seats gained when the figures in the table are added.

In a separate section, the DOE explains that principals were allowed to ask for classroom conversions from non-instructional spaces as part of their applications for class size reduction next year. As a result, only "*nine projects were deemed feasible for construction. These projects are now in various stages of review and development and NYCPS anticipates projects will result in approximately 600 seats*."[16]

The table in figure 8 below their statement shows that the anticipated time frame for completion is September 2026 for most of these projects, more than a year from now. An earlier draft of this document revealed that principals at 81 schools made 130 requests for room conversions, far more than the nine projects listed here.

In any case, no analysis is offered by DOE as to how many more classes will be able to achieve the caps as a result of these room conversions, or what the result will be in terms of their overall compliance with the law. Moreover, as with the list of new capacity projects, without any commitment to enacting an enrollment policy aligned to smaller class sizes, DOE may continue to overcrowd these schools with no resulting improvement in class size.

6. <u>No enrollment changes allowed</u>

In the school-based application process for next year, principals were instructed not to ask for lower enrollment caps even if this would be necessary for them to reduce class size: "*Plans should only*

[15] https://drive.google.com/file/d/1XKUYGUIlwzYp7prCQqeatPvcJYL7oFTe/view, p. 19.

[16] They have slightly revised the number of seats higher, from 500 in the draft plan to 600 in the final plan.

include funding requests which will ensure that they can bring more classes below the newly mandated caps in their current space and enrollment configurations."[17]

Yet at the same time, in their FAQ, DOE admits that they do cap enrollment in schools when it is necessary to meet UFT contractual class size limits or other statutory requirements.[18]

Why DOE should cap enrollment in order to meet union class size limits, or to comply with other statutes rather than the class size law, remains unexplained. Moreover, DOE allows principals at some elite schools to cap their enrollment and class sizes at extremely low levels, while not providing this same privilege to much higher-need schools.[19]

In addition, as mentioned above, 94 schools in 15 school districts are on the DOE list of schools too overcrowded to reach the caps at their current enrollment, and *yet these same districts have no seats in the current five-year plan*, nor any seats in process. This is presumably because the need for seats is estimated by the SCA on a subdistrict level, meaning these schools have underutilized schools nearby.

The continued refusal by the DOE to adjust admissions and enrollment between nearby schools for the purpose of lowering class size in conjunction with their refusal to build any new schools in these districts will prevent these schools from ever lowering class size, unless the administration is persuaded or required to alter its seemingly entrenched position on this fundamental issue.

A more equitable enrollment policy would be a win-win for both sets of schools, as pointed out by the Chancellor's Class Size Working Group in their December 2023 report.[20] Overcrowded schools would be better able to offer not only smaller classes, but also a more humane learning environment, including lunch provided at more reasonable hours rather than early in the morning or late in the afternoon, as well as access to the gym, the library, and other school facilities on a more regular basis.

At the same time, currently underutilized schools would be better able to offer more arts and extracurricular programs, advanced courses, afterschool programs, sports teams, and other services that are the hallmark of quality education, as a result of a more adequate budget. In the case of many underenrolled and underfunded schools, a downward spiral too often occurs as it becomes increasingly difficult to offer the variety of courses and services that are attractive to parents.

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[17] https://infohub.nyced.org/docs/default-source/default-document-library/session-one-class-size-joint-training-to-posteb6a6564-ea07-44f0-9ebc-f1db831cb3d6.pdf

[18] "*Currently, the Capping Protocol for the 2024-25 allows principals and superintendents to cap and overflow grade levels and zoned elementary and middle schools based on statutory and/or contractual maximum class sizes…*" https://infohub.nyced.org/docs/default-source/default-document-library/class-size-faq-fall-2024-2025-updated-12-9-241.pdf

[19] For example, the Special Music School, a highly selective and high performing public school, receives about 400 applications a year and yet admits only 15 Kindergarten students, which allows them to cap class sizes in grades K-5 to 15 students or less. https://insideschools.org/school/03M859 . Bard High School with branches in Manhattan, Queens, Bronx, and Brooklyn receives thousands of applications each year, and yet is allowed to cap admissions to about 100 9th graders, to be able to limit class sizes at 25 students or less.

[20] See Class Size Working Group report, pp.22-23; https://drive.google.com/file/d/1gSiFUcuLOjJ49PLCMptkroFjXBHow2b_/view

Adjusting enrollment between nearby schools could also lead to more integrated, diverse schools, as students at the most overcrowded schools tend to be predominantly White and Asian, while those at the most underutilized schools are primarily Black and Hispanic.[21]

In their draft **and final** class size document, DOE justifies its refusal to balance enrollment across schools because "*Reducing enrollment at high-demand schools would limit families' and students' access to [these] schools*" and instead, "*hopes to use the exemption process as part of the overall strategy to comply with the law to avoid limiting families' choices at these in-demand schools going forward*."

DOE also argues that "*enrollment reductions at high-demand schools would likely result in fewer students matching to a top choice in admissions, and this could lead to more families leaving NYC public schools*..." And yet when former NYC public school parents were asked why they took their children out of the system, 82% responded that class size was a factor, and 58% said this factor contributed "a lot" to their decision, according to a recent DOE survey.[22]

7. Option of moving PreK and 3K programs out of overcrowded schools to nearby CBOs and Early Childhood Centers discouraged

Another recommendation of the Class size Working Group report was to shift PreK and 3K classes from overcrowded elementary schools to nearby Community Based Organizations (CBOs) and DOE-run Early Childhood Centers (ECCs), which have thousands of empty seats.

We analyzed the composition of the 266 elementary schools on the DOE list of schools that are too overcrowded to meet the class size caps. Nearly three quarters of them, or 72%, had PreK and/or 3K classes. Yet there are nearly twice as many empty PreK and 3K seats (15,778) in CBOs and ECCs as the number of PreK and 3K students in these schools (8,132).[23] There are only a few districts (26, 17, 30, 31) in which there are fewer empty seats in these programs than the number of PreK/3K students in overcrowded schools, but even in these districts there are more than a thousand empty seats in CBOs and ECCs. (FIGURE 6 in Appendix).

By shifting early education programs to nearby CBOs and ECCs, we estimate that DOE could free up as many as 450 classrooms in overcrowded elementary schools, which could save hundreds of millions of dollars in school construction costs, as well as many years of time. (FIGURE 7 in Appendix)

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[21] See CSM presentation to the Public Advocate, March 2023, at https://classsizematters.org/class-size-school-overcrowding-presentation-to-public-advocate-office/

[22] NYCPS, Enrollment Survey Results, April 2025 https://infohub.nyced.org/docs/default-source/default-document-library/enrollment-survey-deck---april-2025---public-deck.pdf

[23] We drew on data from the DOE Demographic Snapshot, along with the number of empty seats by district in CBOs and ECCs during the 2023-2024 school year, from a spreadsheet provided by Sarita Subramanian of the IBO on June 13, 2025 at https://docs.google.com/spreadsheets/d/1xn4s01G4uQhQh1Cyq0FBRbXXWE5BQuJm/edit?gid=1850703466#gid=1850703466

Again, as with balancing enrollment between nearby schools, such a policy would benefit both schools and CBOs, as well as their families. Many CBOs struggle with inadequate budgets, which would be significantly increased if they enrolled more students. At the same time, DOE has threatened to cut funding and close any CBO that does not fill 95% of its seats, which would lead to even more overcrowding in our elementary schools.

In addition, programs operated by CBOs are able to offer extended day and extended year services, which can be an invaluable option for working parents. Low-income families can receive these services subsidized by public funds.

Notably, the PreK programs in NYC run by CBOs are rated on average as equal or superior to those housed in public schools.[24] Many school districts across the country now recognize that it is better for small children to have a learning environment specifically designed for their needs and are investing in separate facilities that can provide a more personalized, intimate, and play-based setting.[25]

In their submission, the DOE acknowledged that the Class Size Working Group recommended that PreK programs in overcrowded elementary schools be shifted to nearby CBOs. While they claim to have enabled principals to request this option, this was mentioned only late in the process, long after the principal informational sessions were conducted, and only added to their FAQ on December 9, just days before the class size application process was due.

Even so, the FAQ mentions this option in a highly equivocal manner; by saying the request "*will be reviewed on a case-by-case basis. Each review will be conducted by the Division of Early Childhood … if programs are consistently well-enrolled, schools will likely not be approved to remove them from the school setting.*"[26] The DOE also required principals to email the office of Early Childhood Portfolio Planning for permission to transfer their PreK/3K classes – a division which has no role or involvement in planning for class size reduction.

In this document, there is no mention as to how many principals requested this transfer, or how many had their requests accepted.

In response to recommendations made by "several commenters" that DOE should both allow enrollment to be capped and PreK programs to be shifted out of overcrowded schools, DOE writes:

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[24] CBO programs are rated superior on average to those located in NYC public schools, according to the ECERS (Early Childhood Environment Rating Scale); and equal in quality according to CLASS (Classroom Assessment Scoring System), the other independent rating system used by DOE. See Bruce Fuller, et.al., Equity and Institutions: Distributing Preschool Quality in New York City, 2020 at: https://gse.berkeley.edu/sites/default/files/nyc_pre-k_study_-_july_2020_update.pdf More on this issue here: https://classsizematters.org/wp-content/uploads/2025/02/CSM-Testimony-on-proposed-CBO-closures-2.20.25.pdf

[25] Fast Company, Feb. 18, 2025, Why some school districts are spending big on schools tailor-made for 4-year-olds, https://www.fastcompany.com/91278644/why-school-districts-are-investing-in-pre-k

[26] DOE, Class Size FAQ updated, https://infohub.nyced.org/docs/default-source/default-document-library/class-size-faq-fall-2024-2025-updated-12-9-241.pdf

"... the overall benchmark for the 25-26 school year is 60%, which DOE believes will be met through new hiring, reprogramming, and other strategies available to schools without limiting incoming enrollment... The law also provides for exemptions which require negotiation with both UFT and the CSA."

Yet whether or not the 60% requirement is met next year, (and they have provided no data showing that it will), hundreds of schools will be unable to meet the caps in years four and five without these policies being adopted as soon as possible, and certainly no later than the 2026-2027 school year.

8. **Lack of focus on class size by District Planning Office**

If there were indeed an actual effort on the part of DOE to enable more schools to have sufficient space to meet the benchmarks in the class size law, either by shifting enrollment between nearby schools, transferring PreK/3K programs to CBOs, or expanding the capital plan and siting schools more quickly, these policies would be reflected in the proposals put forward by the District Planning office. This office conducts presentations each year to Community Education Councils that include granular information on enrollment trends and school utilization data.

This office also proposes school co-locations, closures, mergers, grade expansions, and new schools, many of which affect class size and that are subsequently voted on by the Panel for Educational Policy, as well as rezonings, which are voted on by the CECs. And yet none of the proposals or presentations that the District Planning office has put forward since the class size law was enacted mention the need to lower class size or analyze the potential impact of these proposals on the ability of schools to lower class size. [27]

Instead, the DOE has continued to implement school co-locations, closures, grade expansions and the like, without referencing how any of these changes may hamper future efforts to lower class size.[28]

The required Educational Impact Statements that accompany these proposals explicitly state that their analysis of available space assumes current class sizes in the affected schools will continue indefinitely into the future. Only one Educational Impact Statement mentioned the legal mandate for smaller classes: for a grade expansion for PS 108 in the Bronx, which stated that changing the school from

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[27] When asked by CEC members why there is no mention of this issue in their presentations, District Planning staff have responded that central DOE officials instructed them not to mention the issue of class size since the law was passed. More on this issue is discussed in CSM letter to the Commissioner from October 9, 2024; https://classsizematters.org/wp-content/uploads/2024/10/Letter-to-Commissioner-on-DOE-flouting-class-size-law-final-10.9.24.pdf see also https://www.schools.nyc.gov/school-life/space-and-facilities/district-planning/2025-2026-data-summaries Earlier District Planning documents are archived at for the 2023-2024 school year at https://web.archive.org/web/20240408160033/https:/www.schools.nyc.gov/school-life/space-and-facilities/district-planning/district-data-summaries and for the 2024—2025 school year at https://web.archive.org/web/20250423154351/https://www.schools.nyc.gov/school-life/space-and-facilities/district-planning/2024-2025-data-summaries

[28] A list of approved school utilization changes and rezonings is posted on the SCA website, but it does not appear to be up to date. http://nycsca.org/Portals/0/Section%2010_Proposals%20and%20Rezonings.xlsx

enrolling K-5 students to K-8 students will make it difficult to lower class size to the levels required, as mentioned above.

As we pointed out in a previous letter to the Commissioner, while discussing the use of unused space in schools located in districts such as D8 in the Bronx and D28 in Queens, where many schools feature class sizes above the caps, District Planning proposed that available space be used instead *"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"*.[29]

9. Inadequate and outdated information related to the hiring of new teachers

While the lack of space is a glaring deficiency in the DOE draft document, there is also considerable detail missing from the section concerning the hiring of new teachers for smaller classes. This section states that there are "roughly 750 schools" that will "receive funding for 3,700 teachers." A separate spreadsheet posted on the DOE website indicates that 741 schools will be awarded funds to hire 3,703 additional teachers. [30]

Yet there is no information provided as to what class sizes these new teachers are projected to yield in these schools, nor how these particular schools were selected from the approximately 800+ schools that applied. Nor is there an explanation if any priority was provided to the highest poverty schools for this funding, as the law requires. In fact, on page 50, the document implies the opposite: that principals were told that "***no schools will be centrally identified for improving compliance***."

While the draft plan stated that schools received funding based on "*demonstrated level of financial need to achieve their plan, and school economic need* [emphasis added]" that claim was removed from the final "plan."

Details are also missing as to what oversight will be employed to ensure that these additional teachers will actually result in a proportionate increase in the number and percentage of smaller classes. Many times in the past, the DOE has used class size funding from the state to supplant its own funding for teachers.[31] In our analysis of the funding purportedly spent on class size reduction this past school year, we looked at the amount of dollars reported in the DOE C4E spreadsheets to be spent on class size reduction, according to Table A of their Implementation Report, compared to the number of classes actually added. We found no correlation between the two. [32]

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[29] See Class Size Matters letter to Commissioner Rosa, October 2024, at: https://classsizematters.org/wp-content/uploads/2024/10/Letter-to-Commissioner-on-DOE-flouting-class-size-law-final-10.9.24.pdf

[30] The DOE spreadsheet is here: https://infohub.nyced.org/docs/default-source/default-document-library/class-size-plan---25-26-teachers-awarded.xlsx

[31] Details on how NYC DOE has repeatedly allowed state funds to supplant its own spending on teachers, in the state's Early Grade Class Size Reduction program and then the Contracts for Excellence funding, contrary to these programs' legal requirements, is described in Class Size Matters, Testimony on Foundation Aid, Sept. 2024. https://3zn338.a2cdn1.secureserver.net/wp-content/uploads/2024/09/Class-Size-Matters-testimony-on-Foundation-Aid-9.6.24.pdf

[32] See https://classsizematters.org/no-apparent-relationship-between-class-size-funding-allocated-to-schools-and-classes-added-to-lower-class-size/

The current document also lacks specific information as to what other efforts will be made to attract and recruit sufficient numbers of new teachers in the highest need schools. The document says that up to four districts will participate in the "District Point" pilot to provide additional support to new teacher induction committees but does not explain which districts will receive this support, or when this will occur.

The document cites two initiatives to improve strategies around recruitment – a collaboration with the Center for Public Research and Leadership (CPRL) to develop an "analysis of the current talent sources and programs and developing a blueprint for scaling," as well as with an advisory group called the "Teacher Workforce Think Tank." Both efforts are described to have started in the fall of 2024, but no account is provided for the results of these initiatives so far.

The document also refers to a "Partnership with CECs," in which the DOE claims that they have been "*Utilizing CECs and partners, by developing a public recruitment outreach toolkit for them to use*." We reached out to several Community Education Councils and none of them recall having received any such toolkit or offered collaboration for this purpose.

Most critically, even as many schools were apparently told they could start their recruiting efforts in March, there is no information provided about how successful this effort has been so far.

The amount to be spent on teaching hiring is nearly as vague. In some places in the document, DOE claims the cost next year will be $400 million on some pages and at others $450 million, with no explanation of either amount. Similarly, they claim that they "*expect to increase the percentage of classes below the new caps by approximately 14 percentage points*," without any analysis or data provided as to how they arrived at this figure. (Coincidentally or not, this would bring them to exactly the 60 percent benchmark required.)

Similarly, no information is provided as to how many additional teachers will be needed in future years to meet the caps. Instead, the DOE repeats their original estimate from the 2022-2023 school year, that "*to reach 100% compliance, NYCPS estimated that it would need to hire 10,000 –12,000 additional teachers, including approximately 3,000 – 4,000 Special Education teachers*." Similarly, they repeat the same cost estimates as they did three years ago.

It is disappointing that the DOE provides no updated estimate since that time, nor any actual data as to how many additional teachers have been hired and/or classes created since the law was passed, especially as they claim to have made significant investments in both areas in the intervening years.

10. Biased statistics regarding distribution of small classes

While according to data reported in Figure 6 showing that on average schools with a higher Economic Need Index (ENI) have a better rate of class-size compliance, this is primarily due to the fact that most schools with high ENIs are either quite small and/or underenrolled – which because of budgeting policies, also means that they are likely to be underfunded in ways that detract from their ability to provide a well-rounded education.

When we analyzed this year's class data according to a school's weighted need, taking into account both their number and percentage of high needs students, we found that the higher the weighted need, the ***less likely*** it was that they had smaller classes this past school year.

# of Schools	Quartile	Classes Complying in 2024-2025
383	(Quartile 1: Highest weighted Need)	34.9%
383	(Quartile 2: High weighted Need)	52.1%
383	(Quartile 3: Low weighted Need)	58.2%
383	(Quartile 4: Lowest weighted Need)	62.2%

11. <u>Overreliance on potential exemptions</u>

Instead of developing an actionable, coordinated, multi-year plan with a chance of meeting the required class size benchmarks in years 4 and 5, DOE officials appear to be increasingly relying on the expectation of being granted broad exemptions in the future, especially for "overenrolled schools", even as DOE continues to control the enrollment process.

In fact, the word "exemption" is used **28 times in this document**, compared to 22 times in the final FY 2025 Class Size Reduction Plan submitted July 6, 2024, 11 times in the preliminary FY 2025 plan submitted May 2024, and only eight times in their initial class size plan from June 2023.

In their final submission, DOE claims they will request the following exemptions:

- ***"The school is directly impacted by the construction of an addition or annex for that school which has already been planned and sited."***

- ***"The school is an unzoned elementary or middle school that is expected to be impacted by a nearby (one-mile radius) planned and sited new non-zoned school or a planned and sited addition/annex to another nearby school serving the same grade level."***

Yet as we have seen from the list of the new schools and annexes that opened last fall, none of the new spaces resulted in full compliance, and for schools supposedly directly affected nearby, nearly as many schools declined in terms of compliance as they improved. As already explained, as long as DOE controls the enrollment process, there is no guarantee that any new school will comply with the law.

The DOE adds this additional potential exemption, but only for zoned elementary or middle schools:

- ***"The school is a zoned elementary or middle school for which NYCPS expects to reduce the size of the zone as a result of construction of a new planned and sited zoned school or a planned and sited addition/annex to a nearby zoned school serving the same grade level. In conjunction with any approved rezoning, NYCPS will also reduce the seat target for***

admission; this will result in fewer students being able to attend the school after the new smaller entry grades are fully phased in."

Yet very few zoned schools are being built by DOE, and thus there are very few rezonings. There are only two new schools opening this fall on the list of capacity projects in Appendix C, and only one of them appears to be a zoned school.[33]

Moreover, a quick look at the list of rezonings in the last few years reveal far more schools whose zones have been removed than schools that have undergone rezonings, consistent with the DOE goal of increasing competition between schools in the name of purported "parent choice" rather than ensuring equity for all students, no matter what school they attend.[34]

DOE's revised submission also specifies eight schools exempted from lowering class size next year, as negotiated with the unions: the specialized high schools, and adding the following.

NYCPS, UFT, and CSA have to date agreed that the following classes [in these schools] will be exempt from the requirements to reduce class sizes during the 2025-26 school year:

All classes over the legislative caps are exempted in all specialized high schools that do not have room to comply with the law with their current enrollment. … Schools listed above that are receiving resources in SY 2025-26 to bring additional classes below the caps are expected to continue to do so to maintain their proposed improved compliance levels.

What is confusing is that seven of these eight schools applied for and received class size reduction funding and were awarded funds to hire a total of 51 more teachers. Nothing more is said about whether these schools or others should be exempted from further improvements in class size in future years.

Nor does the document say anything about the other 800 or so schools that have received no funding to lower class size, including the 500 schools without the space to do so at their current enrollments.

12. <u>Summary:</u>

In short, the document entitled ***SY2025 – 2026 (FY2026) Class Size Reduction Plan for NYC Public Schools*** does not comply with the class size law, as it is not a multi-year plan and lacks insufficient detail in all aspects, especially as to how space will be provided for smaller classes in the hundreds of

[33] The schools are Middle School of Innovation, in D21, a zoned school, and the Northwell School of Health Sciences in D30, an unzoned high school.

[34] There are only a few proposals listed under the heading of rezonings last school year: in District 3, in which most of the D3 schools in Harlem were unzoned; one in District 9 in Bronx which unzoned many of their middle schools; one in D16 in Brooklyn, which closed a zoned school and created a new zone for the students who lived in that zone; and another in Staten Island, to create a new catchment zone for a new school on Staten Island. Also, in 2023, there were rezonings of four new schools in District 20 but none of these rezonings resulted in 100% compliance with the law, as discussed above. https://www.schools.nyc.gov/school-life/space-and-facilities/district-planning/district-planning-document-library/approved-rezonings

schools without room at their current enrollment. It contains no data to show that the caps will be met in future in years, and relies excessively on potential exemptions for overcrowded schools, even when there are underutilized schools nearby.

As the DOE points out, "*Any significant changes to enrollment that could be considered for SY2026-27 must take place no later than September 2025 through December 2025, depending on grade level, in order for enrollment/admissions timelines to remain feasible for the ~300,000 families who participate in admissions for D1-32 schools each year.*"

Thus time is short. The State Education Department should immediately demand that DOE go back to the drawing board and develop an actual multi-year plan that includes cost-effective and coordinated policies involving budgeting, enrollment, school construction, and district planning to detail how all schools will be able to meet the benchmarks in the law next year and beyond. Only then can we be confident that students will be provided with smaller classes, which is their right under the state constitution, according to New York's highest court.

Leonie Haimson, Executive Director, Class Size Matters

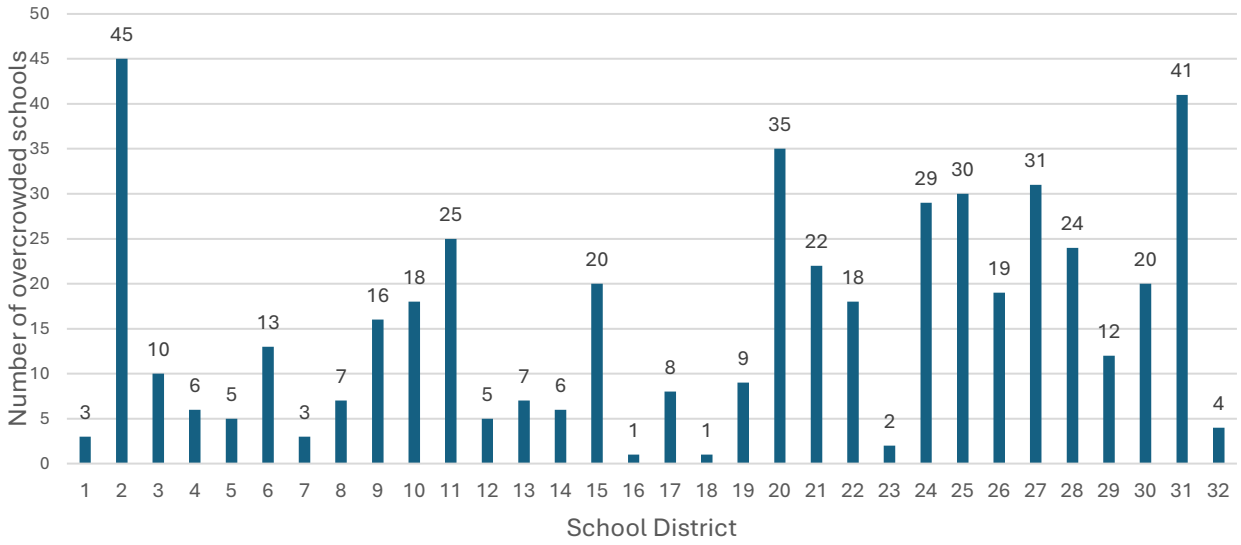
Plus these signers of our original comments and recommendations for improvements sent to DOE on July 8, 2025:

Rosa G. Diaz, Chair of Chancellor's Parent Advisory Council*, NYC
Naila Rosario, President, NYC Kids PAC
Andrea Daniels, Former CCD75 Council Co-President & Advocate at P811X/BHSVA*, Bronx
Patricia Laraia, CB2 Chair, Schools & Education*, Manhattan
Ayishah G. Irvin, CEC5*, Manhattan
Gavin Healy, JD, PHD, CEC2*, Manhattan
Tanesha Grant, Parents Supporting Parents NY, Manhattan
Hadia Ali, YA-YA Network*, Brooklyn
Katina Rogers, CEC15/PS10/MS88*, Brooklyn
William Colton, State Assembly Member District 47*, Brooklyn
Jonathan Davis, CEC15 & PS 230 Parent*, Brooklyn
Alexandra (AJ) Rathmann-Noonan, New York Performance Standards Consortium, NYC
Mario Medina, CEC 4*, Manhattan
Kim Wanliss, CEC 15 & PS 146*, Brooklyn
Kaliris Salas, CEC4*, Manhattan
Kemala Karmen, NYC Opt Out, Brooklyn
Jonathan Davis, CEC15 & PS 230 Parent*, Brooklyn
Qingxia Zhu, CEC 15 & PS 169 Parent*, Brooklyn
Nancy Cruz, CCHS*, Brooklyn
Reyhan Mehran, District 15 Parents for Middle School Equity, Brooklyn
Martina Meijer, MORE-UFT, Brooklyn
Joe Pfister, Community member, Brooklyn
Katherine Herman, PS 130K: The Parkside, Brooklyn
Dori Blitz, Retired teacher, Brooklyn

Carol L. Williams, District 24, Queens
Thyais Brown-Newball, P.S. 91, Brooklyn
Mariana Swick, X458*, Bronx
Emma Apsel, Public School Teacher, Brooklyn
Gina Marmol, NYCDOE @PS151Q, Queens
Tanya Pollard, Parent, Brooklyn
Brenda Williams, Bronx School District, Bronx
Joel Moss, PS 169K*, Brooklyn
Kate Solinger, PS 10, Brooklyn
Alison Lisberger, Q300*, Queens
Sophia Soloway, PS 29, Brooklyn
Arielle Bonne, PS 185, Brooklyn
Mark Feltskog, New York City Department of Education*, Brooklyn
Jessie Adler, PS 58, Brooklyn
Rosalie Friend, Brooklyn
Margaret Grosso, Retired District 75 P 25, Staten Island
Marisa Maldonado, District 28 parent & DOE teacher*, Queens
Sammi, 07X223*, Bronx
Judith Ackerman, Retiree, NYC
Rose Latino, Parent of PS student, Brooklyn
Ophelia Morris, Excelsior Preparatory High School, Queens
Colleen McCloskey, Wagner Middle School*, Manhattan
Jessica Patrick, PS 261, Brooklyn
Cara Zwerling, CEC15 & PS 154*, Brooklyn
Gayle Glickman, PS 198*, Manhattan
Amanda Vender, Townsend Harris High School*, Queens
Lisa Cover, Morris Academy for Collaborative Studies*, Bronx
Gavin McCormick, IS 318*, Brooklyn
Madeleine Elfenbein, PS 125 parent*, Manhattan
Sophie Oulai, Manhattan

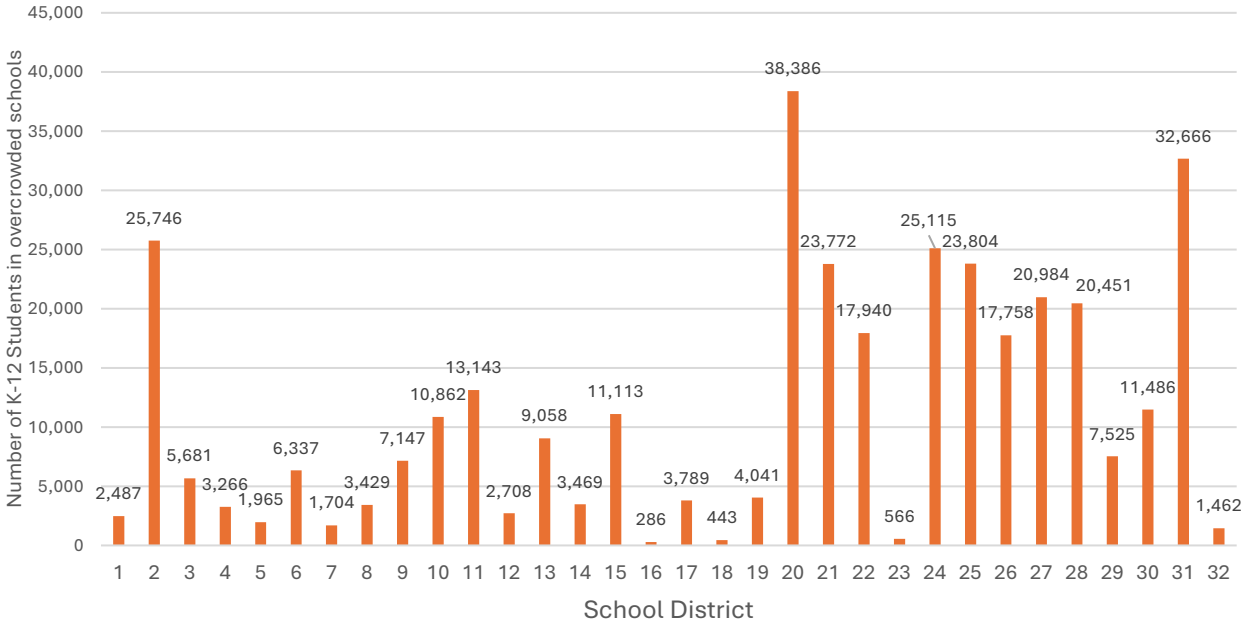
Appendix with charts

Figure 1: 495 schools have insufficient space to lower class size at current enrollment, according to DOE (by school district)



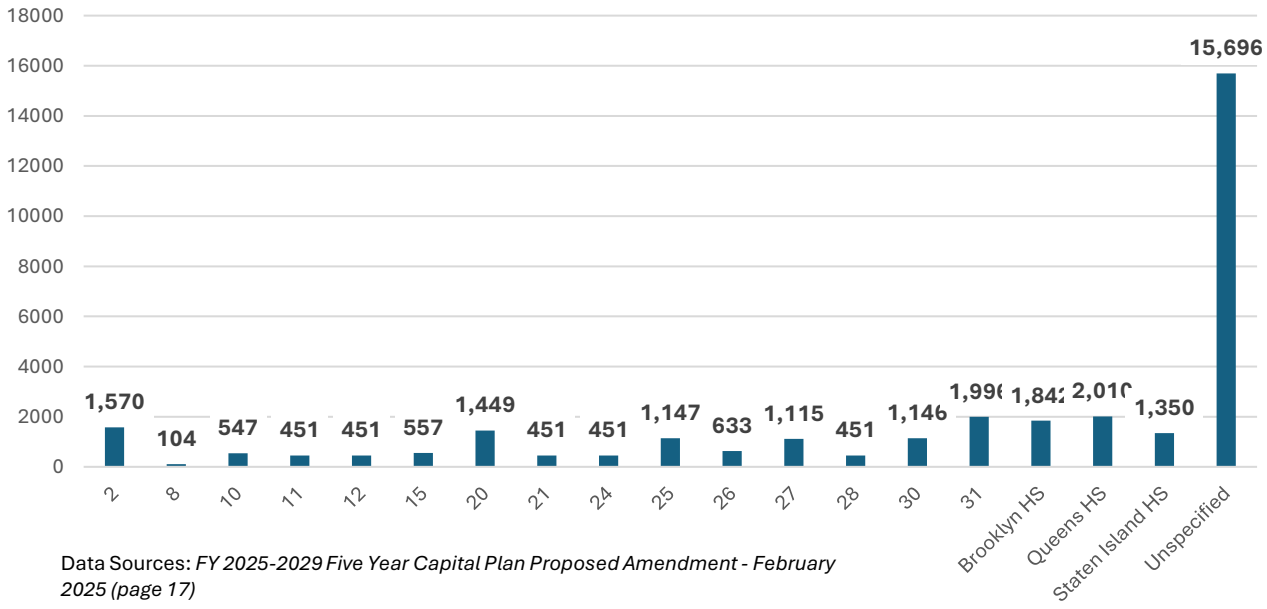
Data Sources: *DOE Class Size Space Analysis 2024-2025*
NYC DOE School Locations Data (as of 12/16/24).

Figure 2: 46% of K-12 Students* (358,589) in schools with insufficient space to lower class size at current enrollment (by school district)



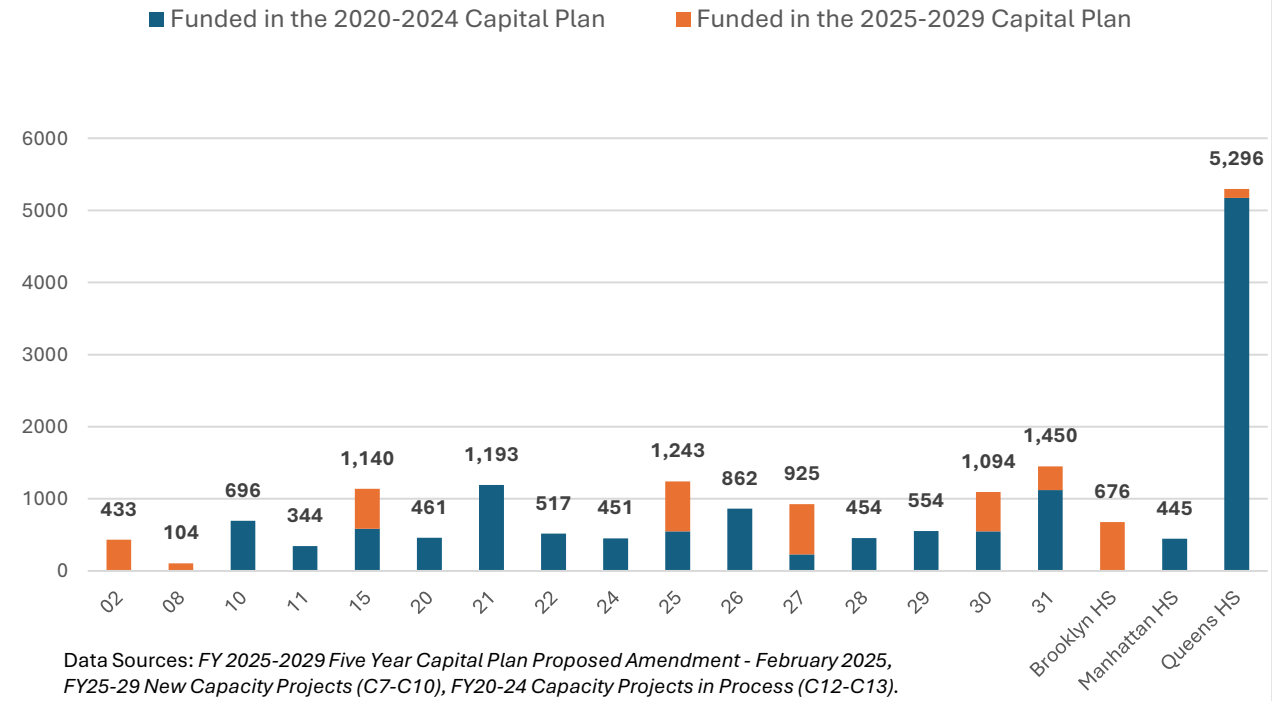
Data Sources: *DOE Class Size Space Analysis 2024-2025*
Table B: 2024-2025 Unaudited Register Snapshot as of 10/31/2024*
NYC DOE School Locations Data (as of 12/16/24).
** - Data excludes District 75 students.*

Figure 3: 33,417 school seats funded in adopted Capital Plan
15,696 (47%) unspecified as to district/subdistrict/grade level; 22,821(68%) still un-sited.



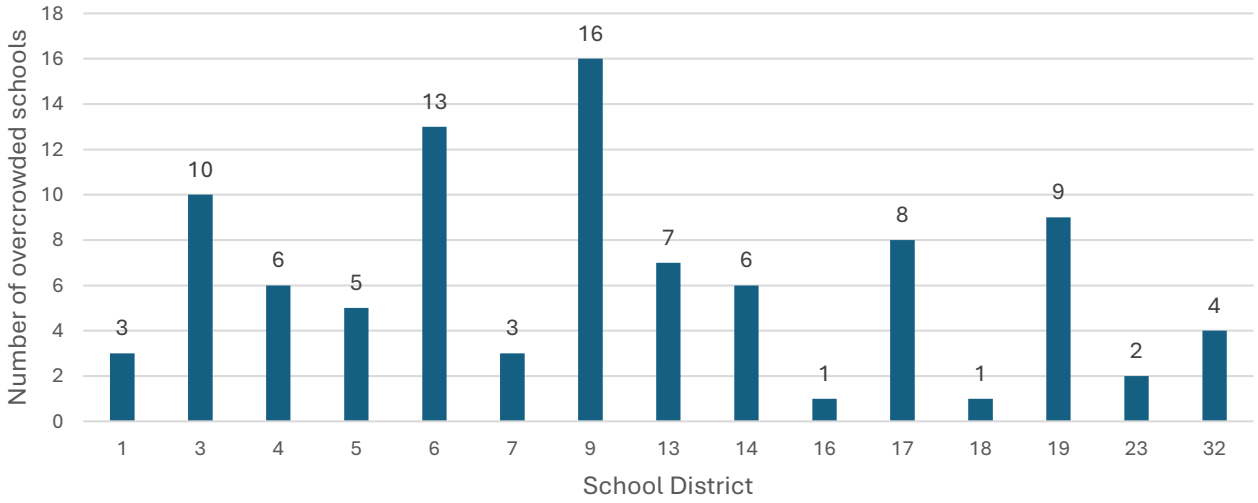
Data Sources: *FY 2025-2029 Five Year Capital Plan Proposed Amendment - February 2025 (page 17)*

Figure 4: 18,338 seats completed by Sept 2028 by district
14,174 carried over from previous capital plan. 4,164 in new plan



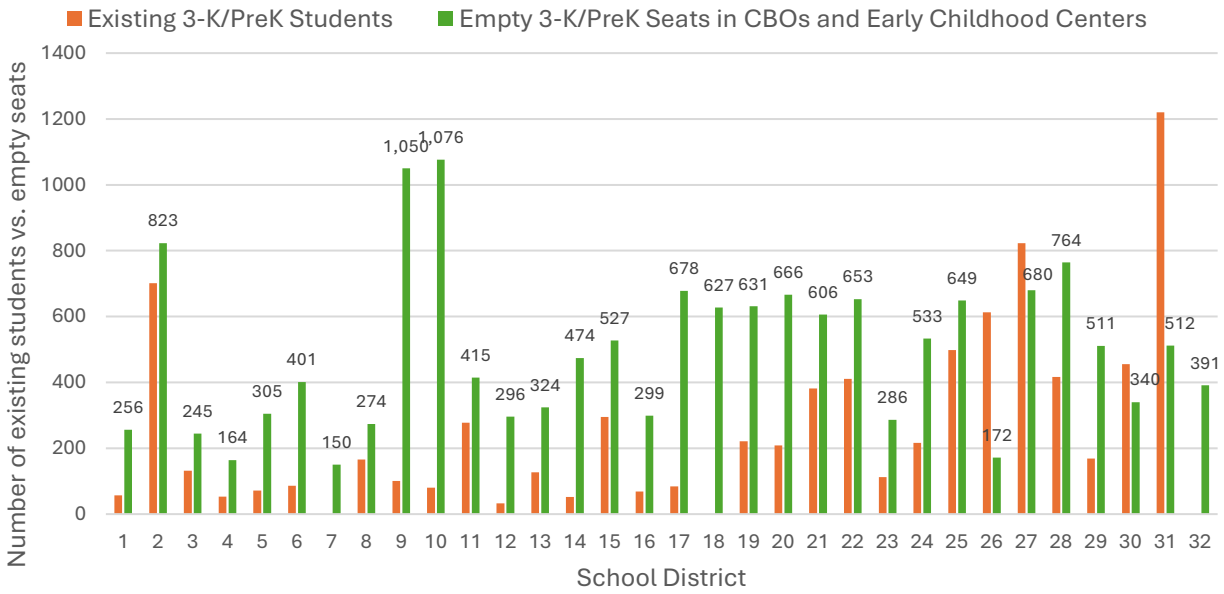
Data Sources: *FY 2025-2029 Five Year Capital Plan Proposed Amendment - February 2025, FY25-29 New Capacity Projects (C7-C10), FY20-24 Capacity Projects in Process (C12-C13).*

Figure 5: 94 schools in 15 districts too overcrowded to meet class size caps – yet no more seats in these districts in current cap plan or in process from previous cap plan



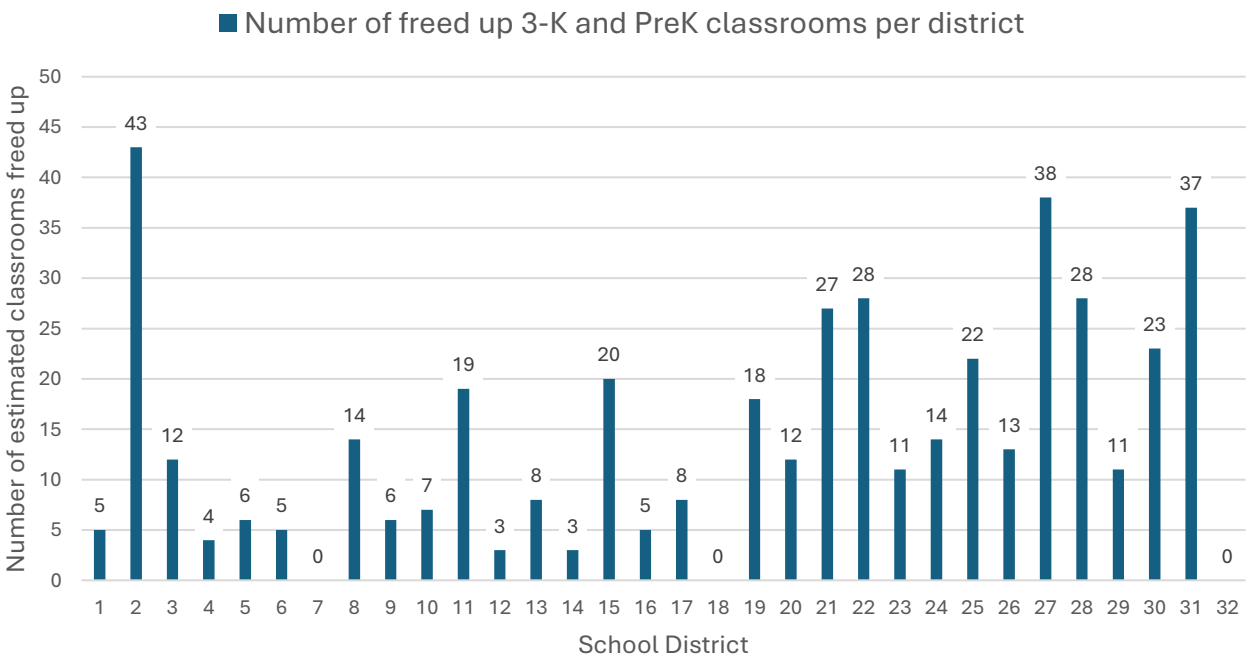
Data Sources: *DOE Class Size Space Analysis 2024-2025*
2025-2029 Five-Year Capital Plan - Proposed Amendment (02/03/2025)
NYC DOE School Locations Data (as of 12/16/24).

Figure 6: 8,132 3-K/PreK students in 192 overcrowded elementary schools, but 15,778 empty 3-K/PreK seats in their district CBOs and ECCs



Data Sources: *DOE Class Size Space Analysis 2024-2025*
IBO - Empty CBO & PreK Center Seats by District 2023-2024
NYC DOE School Locations Data (as of 12/16/24).

Figure 7: As many as 450 classrooms could be freed up in 192 overcrowded elementary schools, if 3-K/PreK programs were shifted to nearby CBOs and Early Childhood Centers with empty seats



Data Sources: *DOE Class Size Space Analysis 2024-2025*
IBO - Empty CBO & PreK Center Seats by District 2023-2024
NYC DOE School Locations Data (as of 12/16/24).