

**Draft Resolution for CECs etc. in favor of the NY Senate Education Committee and the City Council holding hearings on the DOE planning process for class size reduction plan**

Whereas, on June 2, 2022 the NY State Legislature overwhelmingly passed [S9460/ A10498](#) by a vote of 59-4 in the Senate and 147-2 in the Assembly, requiring that NYC implement a five-year class size reduction plan beginning in the fall of 2022;

Whereas on Sept. 8, 2022, Gov. Kathy Hochul signed this into law, based upon [her statement](#) that it be amended to begin a five-year phase-in period on Sept. 2023;

Whereas, the law calls for class size caps to be achieved over this period of no more than 20 students per class in grades K-3, no more than 23 students per class in grades 4<sup>th</sup>-8<sup>th</sup>, and no more than 25 students per class in high school, with physical education and performing art classes capped at forty students per class;

Whereas, each year starting in September 2023, 20 percent of all classes must achieve these caps, with an additional 20 percent of classes added each year, until all schools comply with these caps by the end of the 2027-2028 school year, with the documented attainment of these caps due Sept. 2028.

Whereas, the city's plan is supposed to prioritize schools with high levels of poverty to reduce class size first.

Whereas, there is no evidence that the DOE has a plan to comply with this law, given their current budgeting system, capital plan, and enrollment policies;

Whereas, next year, DOE slated to receive \$600M more in state Foundation Aid – final CFE phase in amount, where class size was a central issue in the case;

Whereas, instead of supporting school budgets to allow them to hire more teachers, the Mayor's preliminary FY 2024 budget released on January 12 would cut about \$800 million from DOE overall, with no additional funding going to schools;

Whereas, [according to an OMB budget document released the same day](#), DOE plans not to add a single additional teacher through at least June 2025;

Whereas, according to NYC Council data, DOE has already lost about 4,000 full-time K12 teachers between FY 2020 & FY 2023;

Whereas, on January 23, 2022, the [DOE announced tweaks](#) to its Fair Student Funding formula that do not take into account the need for more staffing to lower class size, but instead continues to be tied to school enrollment that incentivizes principals to overcrowd schools & classrooms;

Whereas according to the latest available DOE data in the 2021-22 Blue Book, approximately 347,000 of 38% of public school students citywide were enrolled in schools over 100% of their capacity last year;

Whereas, in the June 2022 five-year adopted Capital Plan, instead of adding more space, the amount to be spent on new school capacity plunged from \$7.8B to \$6.3B and more than 11,000 school seats were cut;

Whereas, in the Nov. 2022 proposed amendment to the five-year Capital Plan, an additional 4,300 school seats in 10 districts were pushed into “funded for design only” category;

Whereas, nowhere in the Capital plan adopted in June 2022 or the Nov. 2022 proposed amendment is there any mention of the need to provide more space to lower class sizes;

Whereas, at some point between April and December 2021 , the School Construction Authority altered the school utilization formula by changing the “efficiency ratio,” to unrealistically assume that all middle and high school classrooms, including regular classrooms and specialty rooms, are scheduled every period of every school day;

Whereas, that change in the formula alone artificially added 2593 seats to existing middle schools & 20,279 seats to high schools, without building any additional space;

Whereas, [DOE district planning documents](#) dated August 2022 entitled “**2023-2024 Strategic Planning Data Considerations**” do not mention any need to lower class size;

Whereas, when asked at a Nov. 10, 2022 meeting of the Chancellor’s Parent Advisory Council if any changes were being considered to enrollment policies to allow overcrowded schools to comply with the class size law, Sarah Kleinhandler, Chief Enrollment Officer at DOE, responded: ***“we will work with schools and make sure that we’re adhering to this class size law if and when it’s when it actually is coming down. and we hear and I hear from leadership here, you know, in terms of like the larger picture of what we have to do....”***

Whereas, when Deputy Chancellor Weisberg was asked the same question on January 25, 2023 at a [City Council hearing on the DOE’s enrollment policies](#), he replied that instead of making any steps to cap enrollment at extremely overcrowded schools, DOE would rely upon instituting “new programming that is responsive to what the community is asking for in schools that are underutilized,” though he did not specify what that would include;

Whereas, the Educational Impact Statements DOE issued in November and December 2022 for new charter school co-location proposals explicitly assume that current class sizes in existing schools would continue into the indefinite future, including in those schools where the vast majority of class sizes were far above levels specified in the law;

Whereas, the DOE document entitled [Under-Utilized Space Memorandum](#) that lists 419 school buildings as potential sites for charter school co-locations was written in April 2022, before the class size law was approved, and has not been revised since then;

Whereas, though DOE is likely to meet the 20% class size goals for next year, and perhaps even the year following if enrollment continues to decline and school budgets are not cut, the class sizes required in year three and thereafter are unlikely to be achieved without planning now to create sufficient space through building new schools in our most overcrowded communities, and/or adjusting enrollment in our most overcrowded schools, since it can take five years or more to site and complete a new school;

Whereas, many parent leaders, elected officials, and advocates have [signed a letter](#) urging the Chancellor to create a Task Force made up of stakeholder groups to help create an equitable, effective class size reduction plan as soon as possible;

Whereas [\*Chancellor's Parent Advisory Council\*](#) and many CECs, have passed similar resolutions, calling for the creation of this taskforce;

Whereas Deputy Chancellor Weisberg responded to these resolutions in a [non-committal manner](#), saying that though it is a “priority for this administration to incorporate parent voice,” the DOE’s class size reduction plan will instead be presented for parent feedback at Contract for Excellence (C4E) hearings conducted in June;

Whereas, since 2007, when the C4E law was first passed and the mandated C4E hearing process began, the DOE has never altered any of their C4E plans in response to parent feedback;

Be it resolved, that [your organization] urges the NYC Education Committee of the State Senate to hold hearings to hear directly from DOE officials exactly what changes to funding, the capital plan, enrollment, or other policies are being considered in order to meet the annual benchmarks in the law, especially in the out years;

Be it resolved that [your organization] urges the NYC Council to also hold hearings and to consider a resolution calling for a Stakeholder Task force, to work with the DOE in the most transparent and accountable manner to develop an effective, equitable, and achievable five-year class size reduction plan that will finally deliver smaller classes to all NYC students, which is their right under the State Constitution.