

These comments, along with 50+ signers and the appendix with figures were sent to DOE via ContractsForExcellence@schools.nyc.gov on Tuesday June 8. [More on this here.](#)

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

The NYC Department of Education draft [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 they are phased in over time.² These programmatic 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 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, including options not even mentioned in the law. 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 Sept. 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 her response to the DOE's initial 2023-2024 class size plan, as cited and acknowledged in the DOE's response to the Commissioner's questions 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

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<https://infohub.nyced.org/docs/default-source/default-document-library/fy26-draft-class-size-reduction-plan-05-20-25.pdf>

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](#)

effort that includes the DOE Division of Finance, Offices of Enrollment Planning, District Planning, and Space Management, along with the 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, by all accounts. Neither elected officials, parent leaders, nor Community Education Councils were alerted to these 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.

The failure to notify the public is itself a serious 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.*"⁶ Numerous omissions in the required public notification were also observed in last year's hearings.⁷

2. No multi-year plan

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

⁶ <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.

⁷ 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>

The document lacks any mention or outline of a multi-year plan, even as the law requires DOE to annually submit a multi-year plan “*to reduce actual class sizes, beginning September [2023] and to be achieved by September [2028] for all classes.*”

There is no acknowledgement of the fact that hundreds of schools do not have the space to lower class size at their current enrollment, as DOE admits, and no policies to address this need, whether building enough new schools and annexes and/or adjusting enrollment have been proposed no less implemented. Instead, the DOE seems to be relying on potential exemptions, including some never mentioned even as possible options in the law.

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 some in every borough and district, that do not have the space to meet the class size caps at their current enrollment.⁸ According to our analysis of these schools, these 495 schools enroll 46% of all non-D 75 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.
- Also, at least 256,379 students in poverty⁹
- 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% (15,696) still remain unspecified as to district, subdistrict or grade level. This violates a provision in the class size law, which

⁸ [DOE Class Size Space Analysis 2024-2025](#)

⁹ [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.

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.*”¹⁰

Fewer than 20,000 seats, mostly funded and launched under the previous capital plan, are expected to be completed by the deadline in the class law for full compliance of September 2028.¹¹ [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 there is insufficient room to meet the caps.¹² At this point, there are 94 schools on this list, located in 15 community school districts, in which no seats are funded in the current capital plan or in progress from the previous plan. [FIGURE 5 in [Appendix](#)]

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 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.

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 one had plenty of empty classrooms. Two brand new schools had zero classes in compliance; two schools 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 nearly full compliance after gaining additions, annexes or expansions this fall. While nine of these schools increased in average

¹⁰ 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.

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<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/>

¹² *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>

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 the chart, 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 that DOE lists that were replaced or resited 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 the law.¹³

What this list 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 in their vicinity.

5. Inadequate data about restructuring of existing space.

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 draft document on this topic is both 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 in 1,000 seats.*”

Next to that description, the timeline is listed as Spring 2024 – Fall 2024, which has long passed. Immediately below this section lies Figure 8, which now 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 projects were supposed to have been completed by August 2024.¹⁴ No explanation is offered for the delay.

In a separate section, the DOE explains that principals were allowed to ask for classroom conversions from non-instructional rooms as part of their applications for

¹³ “*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 in Building X108 Beginning in the 2024-2025 School Year, Jan. 26, 2024.

¹⁴ <https://drive.google.com/file/d/1XKUYGUllwzYp7prCQqeatPvcJYL7oFTe/view>, p. 19.

class size reduction next fall. 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 500 seats.*”

The chart 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, however, 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 in these particular schools will be able to achieve the smaller classes as a result of these conversions, or what the result will be in terms of their overall compliance with the law. Moreover, as with the new capacity projects planned, without any commitment to enact an enrollment policy aligned to smaller class sizes, DOE may continue to overcrowd these schools with no resulting improvement in class size.

6. No enrollment changes allowed

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 include funding requests which will ensure that they can bring more classes below the newly mandated caps in their current space and enrollment configurations.*”¹⁵

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.¹⁶

Why DOE should implement these policies in order to meet union class size limits, or to comply with other statutes but not the class size law is not explained.

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 15 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,

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

¹⁶ “*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>

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 will likely prevent these schools from having sufficient space, unless the administration is persuaded or required to alter its seemingly entrenched position on this fundamental issue.

Yet a more balanced 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 report.¹⁷

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 in 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 occurs as it becomes increasingly difficult to offer the variety of courses and services that are attractive to parents. 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.¹⁸

In their draft 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.*" However, DOE allows principals at some oversubscribed schools that receive hundreds of applications to cap their enrollment and class sizes at extremely low levels, while not providing this privilege to much higher-need schools.¹⁹

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*

¹⁷ See Class Size Working Group report, pp.22-23; https://classsizematters.org/wp-content/uploads/2024/02/Class-Size-Working-Group-Report_Final.docx-2.pdf .

¹⁸ See CSM presentation to the Public Advocate, March 2023, at

<https://classsizematters.org/class-size-school-overcrowding-presentation-to-public-advocate-office/>

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 is allowed to cap admissions to about 100 9th graders, to be able to limit class sizes at 25 students or less.

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.²⁰

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).²¹ 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](#))

Again, as with balancing enrollment between nearby schools, such a policy would benefit both sets of schools, 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 if carried out, would lead to even more overcrowding in our elementary schools.

²⁰ NYCPS, Enrollment Survey Results, April 2025

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

²¹ 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>

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.²² 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.²³

In this draft document, the DOE acknowledged that the Class Size Working Group recommended that PreK programs in overcrowded elementary schools be moved to nearby CBOs. While they claim to have allowed principals to request this option, it was offered only late in the process, long after the class size application trainings were conducted. It was added to their FAQ on December 9, just days before the class size application process was due.

Even so, the possibility was expressed 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.*”²⁴ 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 draft document, there is no mention as to how many principals requested this transfer, or how many had their requests accepted.

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

²² 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-2.2.0.25.pdf>

²³ 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>
<https://www.fastcompany.com/91278644/why-school-districts-are-investing-in-pre-k>

²⁴ 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>

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, rezoning, 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.²⁵

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.²⁶ 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 enrolling K-5 students to K-8 students would make it more 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

²⁵ 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>

²⁶ 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

instead 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*”.²⁷

9. Lack of information as 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 3703 additional teachers.²⁸

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.*”

Details are also missing as to what sort of 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.²⁹ 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.³⁰

²⁷ 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>

²⁸ The DOE spreadsheet is here:

<https://infohub.nyced.org/docs/default-source/default-document-library/class-size-plan---25-26-teachers-awarded.xlsx>

²⁹ 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>

³⁰ See

<https://classsizematters.org/no-apparent-relationship-between-class-size-funding-allocated-to-schools-and-classes-added-to-lower-class-size/>

The current draft also lacks specific information as to what other efforts will be made to attract and recruit sufficient numbers of new teachers, especially 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 have yet to hear from any Community Education Council member who received any such toolkit or were offered to collaborate 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.

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 higher 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 current budgeting policies, also means that they are likely to be underfunded in other 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%
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11. Overreliance on potential exemptions, many unmentioned in the law

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, some of which are not even mentioned in the class size law as a possibility.

In fact, the word “exemption” is used 40 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.

See the DOE discussion of this issue in Section 4.3.8:

“For the exemptions included in the law, below are examples of potential criteria that NYCPS, UFT and CSA may take into account when considering exemptions; the parties will continue to work to develop additional mutually agreed upon criteria.”

Two of the potential exemptions listed are not mentioned in the law even as a possibility:

- Very close to having enough space for compliance, e.g., over by five or fewer students in a whole grade;
- Receive a large influx of new students enrolling mid-year

Again, neither of these are cited in the law as potential exemptions. While allowing five or fewer students per grade to trigger an exemption might seem reasonable in a large school, in a small school with only one class per grade, this allowance could increase mandated class size limits by as much as 25%.

Moreover, when DOE sends more students to schools in mid-year, principals are generally provided with more funding to hire additional teachers if the resulting class sizes would violate the union contractual limits; the same should occur in maintaining the sizes required by the class size law.

As to the need for more space, this draft document argues that any school currently overcrowded should receive an exemption if there is a plan to provide that school with an annex, or addition, or a new school nearby.

Yet as we have seen, often overcrowded schools remain too overcrowded for class size reduction to occur, even when new schools are built nearby, as DOE refuses to align their enrollment accordingly.

This issue is put in even sharper relief in the case of the schools that DOE characterizes as “overenrolled” instead of overcrowded. In these schools, DOE argues that they should be exempted from lowering class size in perpetuity:

“Overenrolled: Classes that are out of compliance in schools without space to comply at their current enrollment that are:

*Highly sought-after, e.g., schools that receive many more applicants than available seats; classes in specific programs that are limited across the city (e.g., G+T programs, dual language programs, specialized high schools, CTE etc.); and **schools that are over enrolled in an area where most other schools have enough space to comply [emphasis added]**, indicating that the subdistrict does not have a space need but rather that “overcrowded” schools are high-demand.”*

However, as already explained, DOE controls the enrollment process, so that those schools that DOE actively overcrowds when nearby existing schools are underenrolled – even after brand new schools are built in their community – would presumably exclude these schools from ever having the opportunity to lower class size.

It is doubtful that this sort of loophole was anticipated by the legislators who voted overwhelmingly to approve the class size law, as this could deny half or more of all NYC public school students from having the opportunity to learn in a reasonably small class. It was certainly not anticipated by the advocates who pressed for the law’s passage.

The DOE adds yet another potential exemption, saying that as long they “intend to pursue new construction or leasing,” overcrowded schools should also receive an exemption from lowering class size, even without an actual, funded plan to relieve that overcrowding. In other words, the intention alone to address the situation should be sufficient:

“In future phases of implementation, schools without sufficient space to comply in districts without sufficient space to comply given their current enrollment, where the parties intend to pursue new construction or leasing, but where new space has not yet been identified or planned.”

This potential exemption clearly violates the language in the law, which states that “any exemption based on available space shall include a reference to the capital budget to demonstrate that the budget is aligned with resolving the exemption status.”

12. Summary:

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, has insufficient detail in all aspects, especially as to how space will be provided for smaller classes in the hundreds of schools without room at their current enrollment, and relies excessively on potential exemptions, several of which are not even mentioned in the law.

Instead, DOE should 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.