



COMMUNITY EDUCATION COUNCIL DISTRICT 30

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Resolution 184

In Support of the Proposals of the Class Size Working Group and Compliance with the State Class Size Law

WHEREAS, in 2003, the New York Court of Appeals in the Campaign for Fiscal Equity case determined that NYC public school class sizes were too large to provide students with their constitutional right to a sound basic education;¹

WHEREAS, following that decision, class sizes in NYC schools have not decreased overall, and remain larger than they are in the rest of the state;²

WHEREAS, smaller classes have been shown through research to improve school culture with teachers better able to address the needs of their students both academically and holistically;³

WHEREAS, many studies show that class size reduction leads to better student outcomes in many ways, including better grades and test scores, fewer behavior problems, greater likelihood to graduate from high school on time, and greater likelihood to enroll in college;⁴

WHEREAS, in June 2022, the NY Legislature overwhelmingly passed Education Law 211-D by a vote of 59-4 in the State Senate and 147-2 in the Assembly, requiring that NYC implement a five-year phase-in of smaller classes beginning in the fall of 2022 to fulfill the promise of CFE;⁵

WHEREAS, on Sept. 8, 2022, Gov. Kathy Hochul signed the bill into law, based upon an amendment that the five-year phase-in of smaller classes would begin instead in Sept. 2023;

WHEREAS, the law calls for class sizes to be limited to no more than 20 students per class in grades K-3, no more than 23 students per class in grades 4th-8th, 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, instead of taking any positive steps to lower class size since the law was passed, the DOE's actions have resulted in average class sizes increasing citywide in the 2023-2024 school year, including in District 30; for elementary and middle school grades this was the second year in a row of increases;⁶

WHEREAS the percentage of classes that complied with these caps citywide and in District 30 schools sharply fell at all grade levels between the 2022-2023 and 2023- 2024 school years;

WHEREAS in District 30, from 2022-2023 to 2023-2024, the percentage of classes in grades K-3 and 4th-8th grades in compliance with the caps fell from 35.3% to 22.5% in grades K-3 & from 29.7% to 24.9% for grades 4-8;

WHEREAS, since taking office, Mayor Adams has repeatedly cut school budgets, and plans to cut them even more next year and for the following four years;

WHEREAS, if enacted, the proposed budget cuts will likely lead to even sharper increases in class size next year;

WHEREAS, these budget cuts have occurred despite more than \$1.3 billion in additional annual state aid provided to NYC schools over the last three years, as a result of the CFE settlement;⁷

WHEREAS, the Independent Budget Office recently reported that they expect next year's City budget will have a \$3.3 billion surplus;⁸

WHEREAS, principals at overcrowded schools were also told that they cannot ask for their schools' enrollments to be capped at lower levels to enable them to lower class size;⁹

WHEREAS, the DOE has also proposed more than \$2 billion to be cut from school construction and expansion in the proposed five-year capital plan for FY 2025-2029, which would likely make it impossible for schools in the most overcrowded communities to have enough space to lower class size;¹⁰

WHEREAS, the new proposed capital plan also cuts twenty thousand school seats compared to the current five-year plan, and specifies new seats in only four school districts;

WHEREAS, the plan also fails to identify the districts or subdistricts for 77% of the seats funded, as well as their grade levels, and instead declares that this information will only be provided after school sites have been acquired and the design process has begun;

WHEREAS, this unprecedented lack of transparency would leave parents, Community Education Councils, Community Boards, and local officials in the dark, and unable to provide any input about where schools are needed and should be built;

WHEREAS, this change also appears to violate the class size law as well as Education Law 2590-o, which requires the Chancellor to annually prepare an *"educational facilities master plan...including a list of prioritized projects to the extent ascertainable and [to] list each proposed new educational facility and set forth a justification, including demographic data, documenting the long term need therefore"*;¹¹

WHEREAS given current trends, it is very unlikely that the DOE will make the legal mandate next year that 40% of classes meet these class size caps, and even less likely that they will achieve the mandates in years three to five;

WHEREAS, the Class Size Working Group has proposed a variety of actionable and effective policies that would enable the DOE to lower class sizes to the mandated levels starting next year and beyond, including changes in enrollment, budgeting, and the capital plan;¹²

WHEREAS, the Working Group has also proposed that no changes in school utilization be proposed by the DOE without an analysis that there will be sufficient space in existing schools to lower class size to mandated levels;

WHEREAS, despite this, the DOE has continued to propose changes in school utilization that assume current class sizes in the schools affected by these proposals will remain indefinitely, even when schools have many classes above the mandated levels;

WHEREAS, the DOE has currently proposed virtual classes by suggesting that some students could "receive regular remote instruction, potentially reducing the overall impacts on space in schools."¹³

WHEREAS, the Working Group has also proposed that when the city is considering approving large scale development projects, Community Education Councils be involved in the advisory process to ensure that schools are built along with housing—a process that currently includes Community Boards; therefore, be i

RESOLVED that the DOE will not propose any changes in school utilization without an analysis in the Educational Impact Statement that the change will not prevent the existing schools from lowering class size to the levels required by the law; be it further

RESOLVED that the Community Education Council in District 30 calls on the Mayor and the Chancellor to refrain from cutting school budgets or the capital plan, but instead to increase funding in both purposes to ensure that schools can be able to lower class sizes to the levels required by the law; be it further

RESOLVED that the Community Education Council in District 30 demands that DOE and the School Construction Authority specify in the proposed capital plan where new schools are needed and where they will be built, and how that will provide enough space in every district to lower class size to mandated levels; be it further

RESOLVED that the Community Education Council in District 30 is against the current proposal from the DOE to utilize virtual classrooms to lower class sizes to the levels required by law; be it further

RESOLVED that the Community Education Council in District 30 recommends that City Planning should include CECs as well as Citywide Councils in the advisory process when large scale developments or rezonings are proposed; to ensure that sufficient school space is built along with new housing and that local schools do not become even more overcrowded and unable to lower class size; be it further

RESOLVED that the Community Education Council in District 30 urges the Mayor and the Chancellor to adopt the Class Size Working Group’s proposals, so that NYC students are able to benefit from the personalized feedback necessary for them to have a better chance to learn; be it further

RESOLVED that the Community Education Council in District 30 does not condone any actions that could be taken to comply with class size mandates that would lead to an increase in the number of forced student displacement against their families' wishes; and be it further

RESOLVED that should the Mayor and the Chancellor fail to take these necessary steps, the Community Education Council in District 30 urges the State Education Department to require them to devise and implement an effective class size reduction plan as soon as possible to achieve these goals.

VOTED AND APPROVED: May 13, 2024

¹New York Court of Appeals, Campaign for Fiscal Equity, Inc., et al., Appellants, v. The State of New York, et al., Respondents., June 26, 2003, https://www.law.cornell.edu/nyctap/103_0084.htm.

²See the Department of Education’s reports on class size going back to 2006 at <https://infohub.nyced.org/reports/government-reports/class-size-reports>

³See, for example, Helen Vrailas Bateman “Students’ Sense of Community: Implications for Class Size,” in *Taking Small Classes One Step Further*, edited by Jeremy D. Finn and Margaret C. Wang, 63–75 (Greenwich, CT: Information Age Publishing, 2002); and Finn, Jeremy D., Gina M. Pannozzo and Charles M. Achilles, “The ‘Why’s’ of Class Size: Student Behavior in Small Classes,” *Review of Educational Research* 73 (3): 321–68, 2003, <https://doi.org/10.3102/00346543073003321>.

⁴See William J. Mathis, “The Effectiveness of Class Size Reduction,” (Boulder, Co: National Education Policy Center, 2016); For a review of the research on the effects of class size reduction, see Peter Blatchford, “Three Generations of Research on Class-Size Effects,” in *APA Educational Psychology Handbook, Vol 2: Individual Differences and Cultural and Contextual Factors*, APA Handbooks in Psychology (Washington, DC, US: American Psychological Association, 2012), 530–54, <https://doi.org/10.1037/13274-021>.

⁵Consolidated Laws of New York, Chapter 16, Title 1, Article 5, Part 1, Section 211, <https://www.nysenate.gov/legislation/laws/EDN/211-D>

⁶See the 2023–2024 Preliminary Class Size Summary and district class size report at <https://infohub.nyced.org/reports/government-reports/class-size-reports>.

⁷ Reema Amin, “NYC schools to get billions of new dollars under state budget deal” *Chalkbeat New York* (April 7, 2021), <https://www.chalkbeat.org/newyork/2021/4/7/22372087/nyc-schools-to-get-billions-of-new-dollars-under-state-budget-deal/>

⁸Independent Budget Office, “Analysis of the 2025 Preliminary Budget and Financial Plan by the Independent Budget Office,” Feb. 15, 2024, <https://www.ibo.nyc.ny.us/iboreports/print-2024-preliminary-budget-report-february.pdf>

⁹ Memo sent to principals from NYC Public Schools, Fall 2023, <https://3zn338.a2cdn1.secureserver.net/wp-content/uploads/2024/03/Memo-to-principals-vs.-capping-enrollment-Dec.-2023.jpg?time=1711579213>

¹⁰ “Radical cuts in funding and elimination of transparency in new Five-Year capital plan,” *Class Size Matters* Nov. 8, 2023, <https://classsizematters.org/radical-cuts-in-funding-and-elimination-of-transparency-in-new-five-year-capital-plan/>

¹¹New York Consolidated Laws, Education Law — EDN § 2590-o. Educational facilities master plan, <https://codes.findlaw.com/ny/education-law/edn-sect-2590-o/>

¹²Class Size Working Group, “Class Size Working Group: Final Report” (New York, NY, December 2023), <https://infohub.nyced.org/reports/financial/contracts-for-excellence>.

¹³ Alex Zimmerman, “To meet class size mandate, NYC officials look to virtual learning” *Chalkbeat New York* (May 9, 2024), <https://www.chalkbeat.org/republish/newyork/2024/05/09/remote-learning-floated-as-one-solution-to-nyc-class-size-mandate/>