



Community District Education Council 26

New York City Department of Education

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Resolution on Improving the Class Size Reduction Law

WHEREAS, the New York State Legislature passed Bill S9460/A10498 “Class Size Reduction” (“the Law”) on June 1, 2022¹, and Governor Kathy Hochul signed the bill into law;² and

WHEREAS, the Law states that “Each year of the plan, an additional twenty percent of the classrooms in the city school district, .. shall be in compliance with the class size targets”³; and

WHEREAS, the New York City Public Schools’ (NYCPS) first annual report was submitted on November 15, 2023, stating, “40% of classes in New York City are at or below the class size caps imposed by law”⁴, thereby achieving the compliance targets in Year 1 and projected to be in full compliance with the Year 2 targets WITHOUT having to take any material actions to reduce class sizes; and

WHEREAS, the NYCPS’ Class Size Reduction Plan, signed September 29, 2023, estimates there are “approximately 400-500 school buildings, in Group 2 that may not be able to meet the class size caps from a space perspective”⁵.

WHEREAS, further analysis estimates that around 200 new school capacity projects, e.g. – expansions and new schools, are required to be completed to provide the necessary space in overcrowded neighborhoods;⁶ and

WHEREAS, the School Construction Authority has historically managed around 20 construction projects simultaneously, with an average completion rate of 5 years per project, thereby demonstrating that it is impossible to construct 200 projects within the 5-year timeline mandated by the Law; and

WHEREAS, the recurring costs of class size reduction is estimated at \$1.9 B and non-recurring costs for capacity investments exceed \$30 B⁷, yet the NYS legislature passed the Law without providing any new funding; and

WHEREAS, in absence of receiving new funding to implement class size reduction, NYCPS is forced to raise funds by eliminating or scaling back popular programs and services, such as Summer Rising, 3-K, social workers, bilingual services, etc.; and

¹ <https://www.nytimes.com/2022/06/03/nyregion/nyc-schools-class-sizes.html>

² Governor Hochul signed the bill into law on September 8, 2022 and subsequently signed Senate Bill S843 on March 3, 2023, to revise the dates of 1) compliance with class size reduction law to school years September 2023 through September 2028, 2) submission of annual reports on the status of implementation beginning November 15, 2023, 3) submission of a financial impact statement on November 15, 2025; See <https://gothamist.com/news/gov-kathy-hochul-signs-nyc-class-size-cap-with-one-year-delay>; <https://www.nysenate.gov/legislation/bills/2023/S843>

³ Section 211-D - Contract for excellence, Section 2.b.(ii)(3), <https://www.nysenate.gov/legislation/laws/EDN/211-D>

⁴ https://drive.google.com/file/d/1-KteQw2qzn8u0_cIROs3WrXIPaaDRDpg/view

⁵ https://drive.google.com/file/d/1XVxM5dnJYDEzPCLLM-AObnt7Xyc_iFzq/view

⁶ https://drive.google.com/file/d/1zULIMo-_d8CNUsj_3WLjJThS7EtOWfvc/view

⁷ <https://www.urban.org/sites/default/files/2023-08/Class%20Size%20Reductions%20May%20Be%20Inequitably%20Distributed%20under%20a%20New%20Mandate%20in%20New%20York%20City.pdf>

WHEREAS, the Class Size Working Group’s final recommendations⁸ include the highly controversial capping of enrollment at overcrowded schools, requiring families to send children farther away from their homes; and

WHEREAS, NYCPS has determined District 26 to be the most overcrowded district in New York City⁹, and the state-mandated five-year window for compliance will very likely cause unacceptable harm by displacing District 26 families through artificially imposed enrollment levels of much fewer students in each District 26 school; and

WHEREAS, a group of elected parent leaders across the city submitted a dissenting report¹⁰ proposing amendments to the Law, in opposition to the final report released by the Class Size Working Group.

NOW THEREFORE, BE IT RESOLVED, Community Education Council 26 urges the state legislature to enact the amendments to the class size reduction law that are listed in the Class Size Working Group’s minority report:

- Define a feasible period of performance for full implementation of the law, given a reasonable estimate of the time needed to construct 200+ school buildings, e.g. – 20 years.
- Reduce program complexity and risks of failure by implementing class size reduction incrementally and in phases, with elementary schools first, followed by middle schools, and finally high schools.
- Collect performance metrics to evaluate the effectiveness of class size reduction and to inform planning for successive phases.
- Focus class size reduction efforts first on overcrowded schools with the highest levels of poverty and lowest levels of academic achievement, while planning for construction of buildings in all other overcrowded neighborhoods.
- Prohibit any policy that prevents families from enrolling their children at their normally zoned neighborhood schools, e.g. - reducing and capping school-wide enrollment levels.
- Provide parents with a greater voice in determining exemptions for specialized programs and classes, e.g.- Gifted and Talented, honors programs, AP and advanced electives, specialized high schools, etc.
- Eliminate penalties for non-compliance, as loss of state funds directly hurts schools that need funding the most.
- Return compliance requirements back to average class size versus actual class sizes, as school principals gain the flexibility to implement lowered class sizes while optimizing the allocation of limited school funding.

During the CEC26 meeting held on February 8, 2024, the resolution was reviewed and unanimously approved by all members in attendance.

⁸ https://drive.google.com/file/d/1gSiFUcuLOJ49PLCMptkroFjXBHow2b_/view?usp=sharing

⁹ https://drive.google.com/file/d/1XVxM5dnJYDEzPCLLM-AObnt7Xyc_iFzq/view

¹⁰ <https://drive.google.com/file/d/1XcTJBuJzzGt2N7i9LbXjQV6pHGekE0B/view?usp=sharing>