



Issues with DOE's implementation of class size law

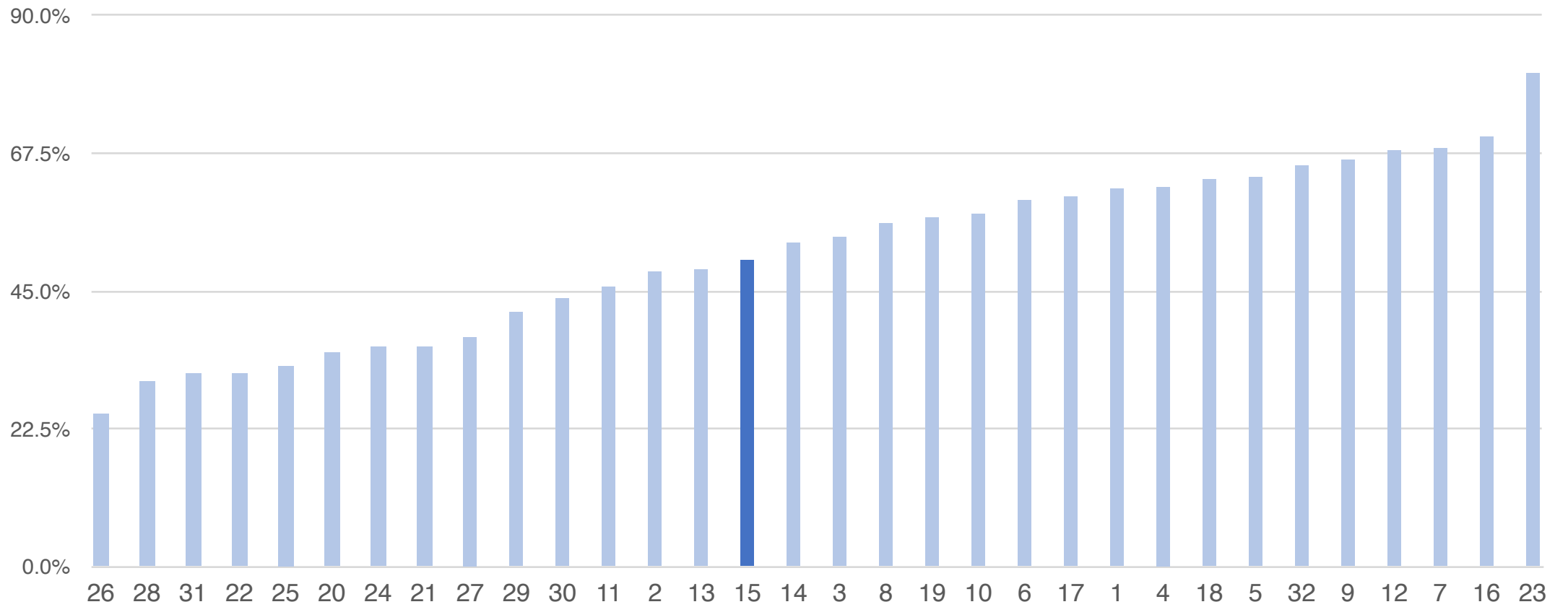
Presentation to CEC 15
Leonie Haimson, Class Size Matters
May 13, 2025

Class size law passed June 2022 by NYS legislature & signed by Gov. in Sept 2022, who gave DOE an extra planning year to comply

- Law requires NYC to provide a 5-yr class size reduction plan to cap class size at 20 students in grades K-3, 23 in grades 4th-8th, and 25 in HS classes by the end of the Sept. 2028.
- Phys education and performing art group classes to be limited to 40 students per class instead of 50.
- An additional 20% of all classes supposed to achieve these caps each year.
- Schools with highest levels of poverty to be prioritized for smaller classes first.
- Some exemptions allowed in the law but only with agreement of UFT and CSA.

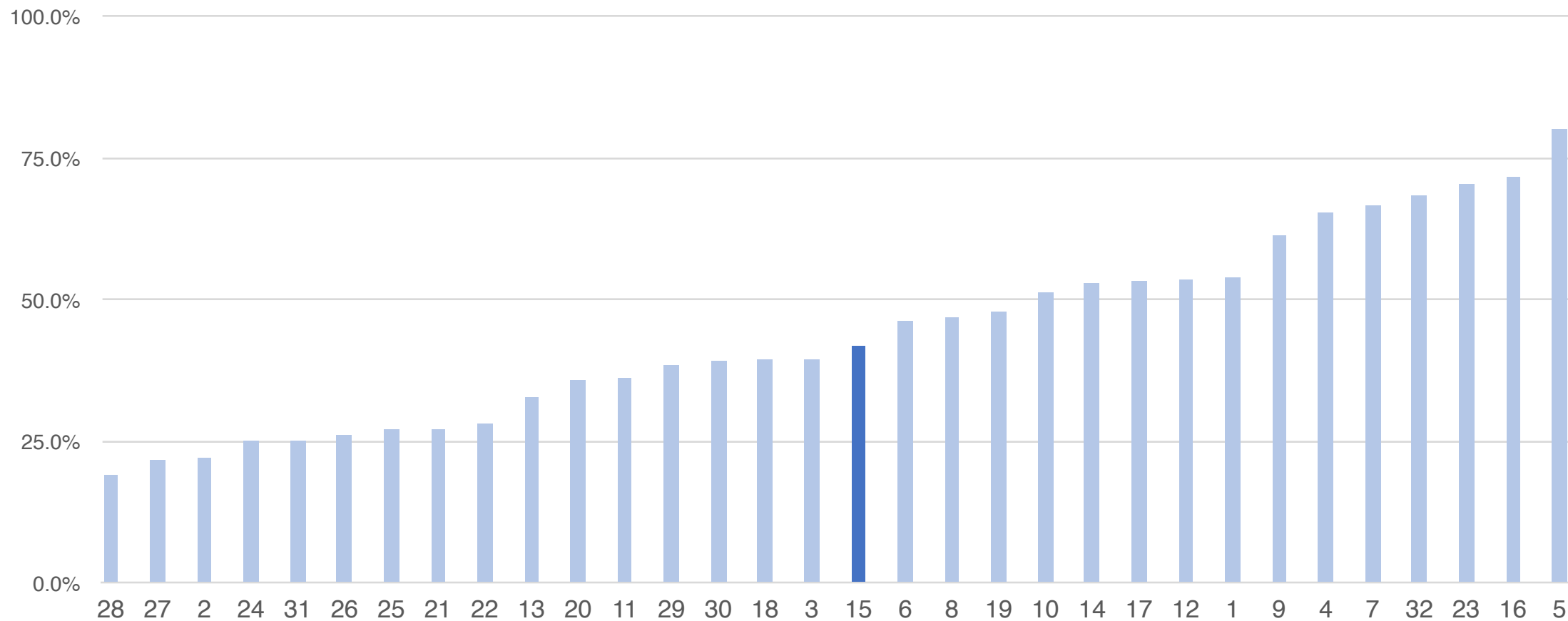
Where are we now in 2024-2025 school year?

- **We are now at the end of the 2nd year of the five-year phase in.**
- DOE was already at more than 40% compliance when law was passed, mostly due to enrollment decline
- Citywide met benchmark at 46% this year – compliance only slightly higher in District 15 at 50%.
- Also, class sizes increased in core academic subjects in most schools after the law passed because of repeated school budget cuts and enrollment increases last year
- City schools may meet 60% benchmark next year, ***but 80%-100% compliance in years four to five extremely unlikely without DOE policies & practices to provide space***
- Contrary to what is mandated in the class size law, DOE has not developed an actual five-year plan, nor do their annual Implementation reports contain necessary info



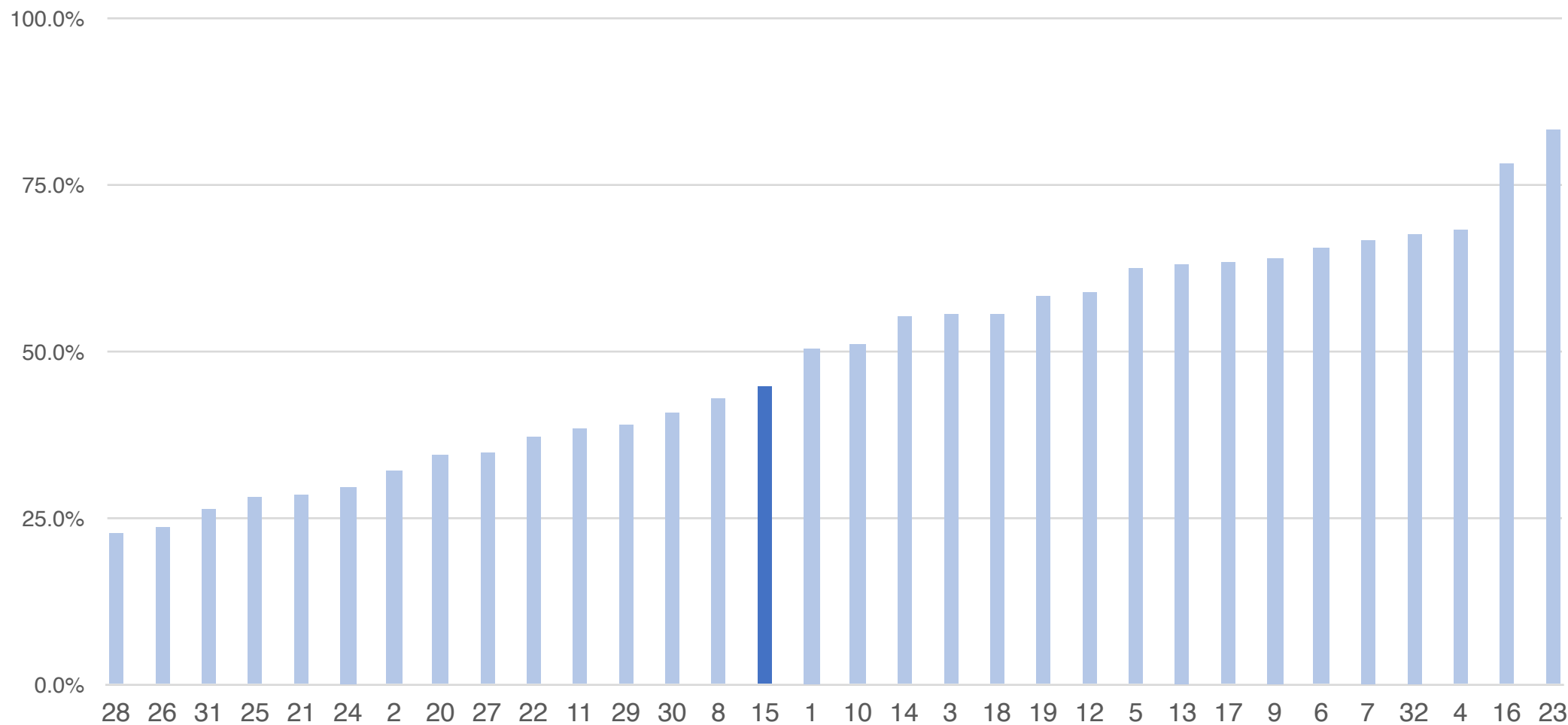
Data Sources: DOE Table C Class Size Compliance, by School (10/31/2024)

Note: All classes, including PE/PG and Grade 6, included in analysis

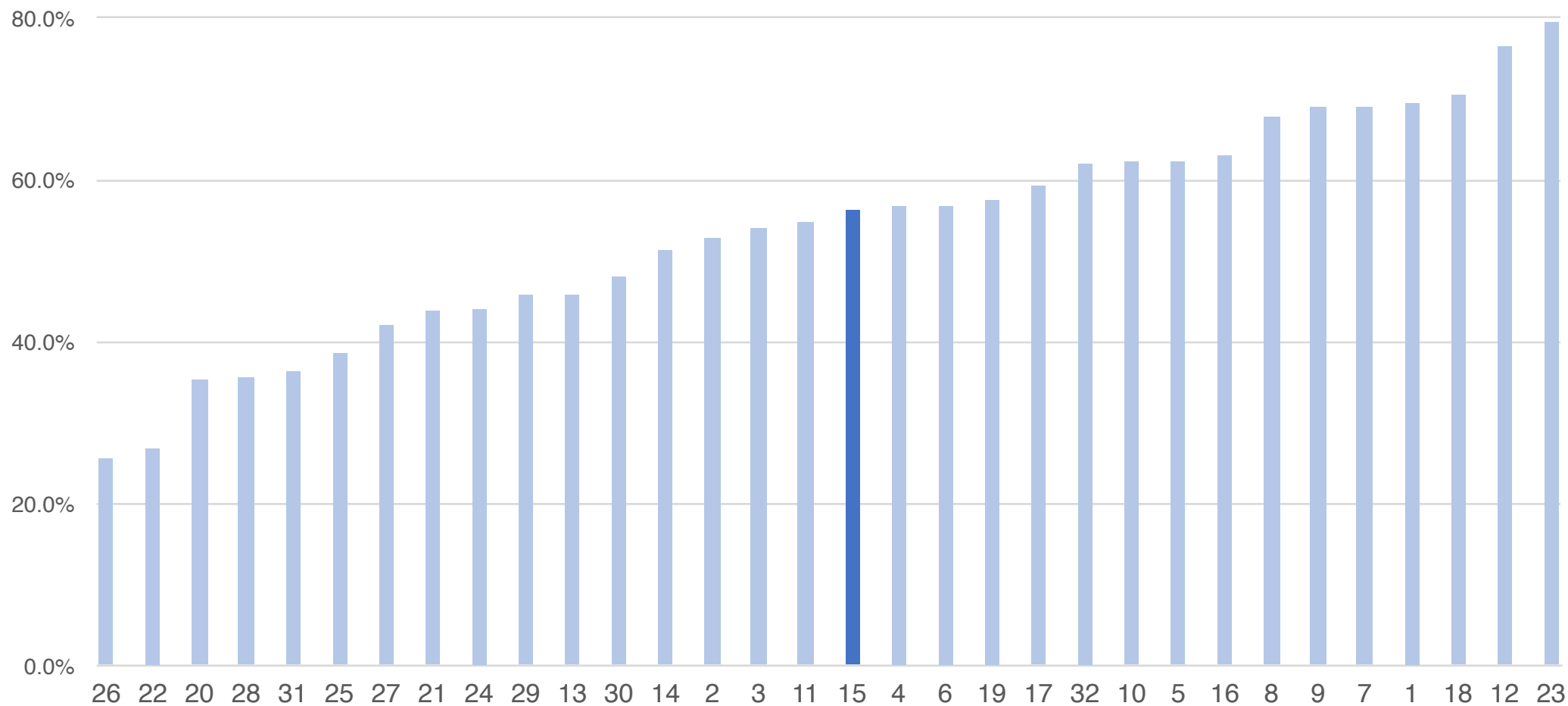


Data Sources: DOE Table C Class Size Compliance, by School (10/31/2024)

Note: All classes, including PE/PG and Grade 6, included in analysis. K-5 Bridge Classes



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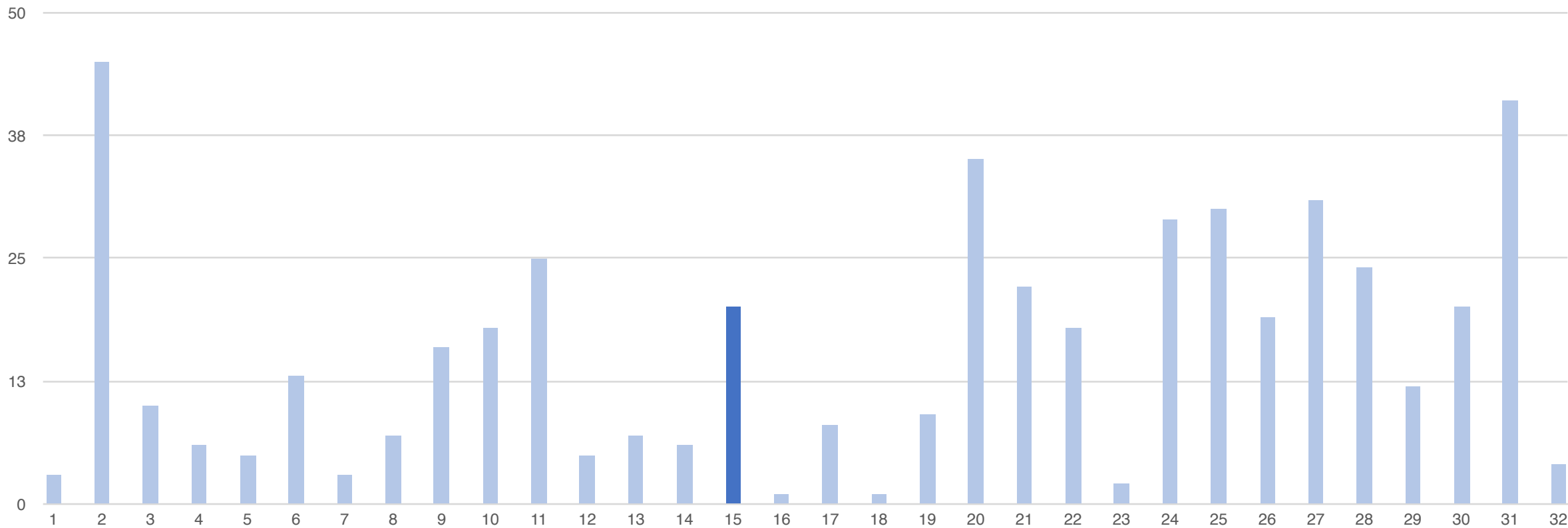
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What is the DOE proposal to reach 60% next year?

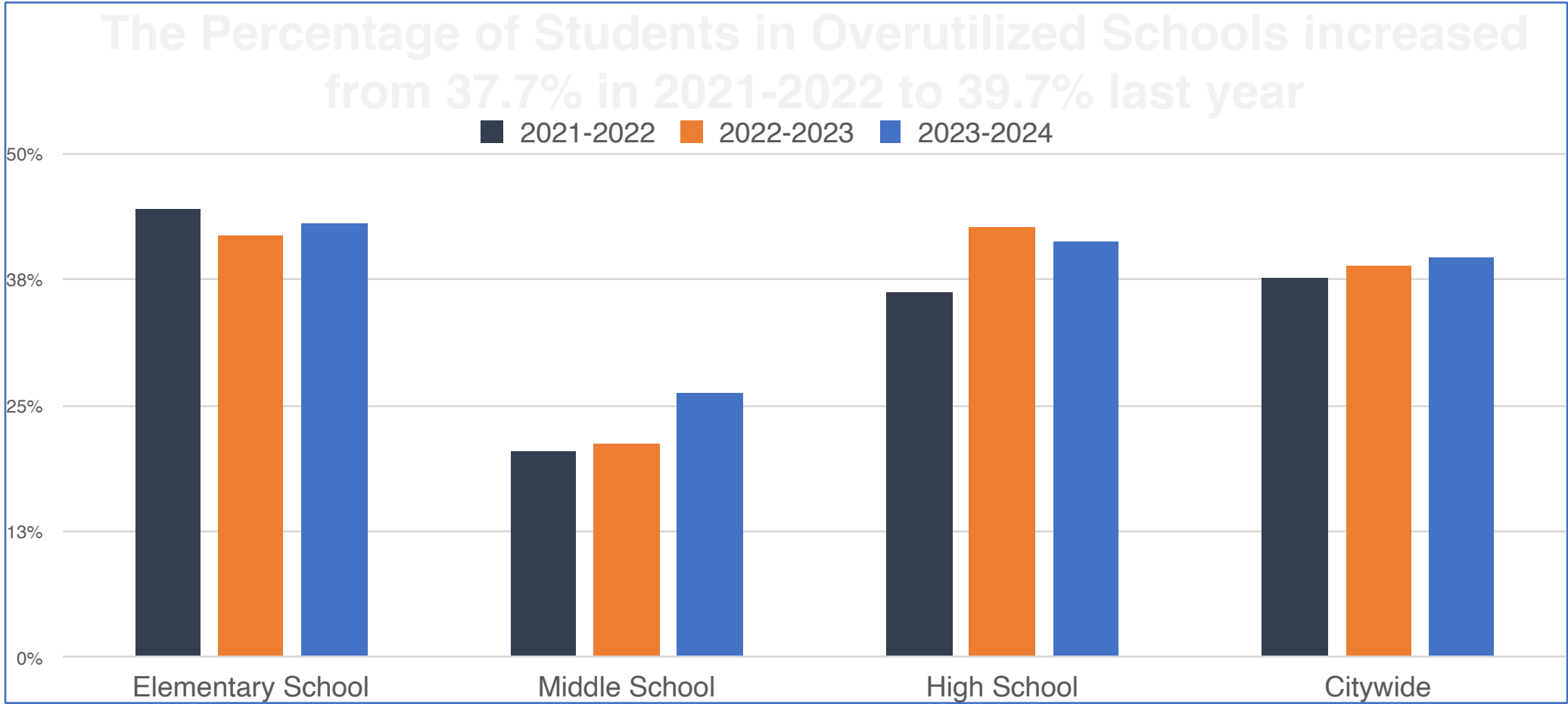
- [FAQ](#): Principals in consultation with their SLTs could apply for funds to lower class size; but ***DOE told principals they could apply ONLY if they already had sufficient space for smaller classes and could not ask for lower enrollment***
- It was announced that 746 schools will get at least some funding for smaller classes next year, though list of schools and total amount still not announced publicly.
- There are about 1500 schools in all and about 500 schools do NOT have space to meet the caps in the law, according to DOE
- These 500 schools enroll nearly half of all students

Only strategies DOE offering for schools to expand their classroom space

- Fully use & repurpose existing space without affecting programming
- Go to multi-sessions
- Expand online learning (which should not be done w/out parent consent)
- At a CEC meeting, DOE official said elementary schools could also request to move 3K or PreK classes into nearby CBOs, especially as they have 1000s of empty seats and some are at risk of closure.



Data Sources: *DOE Class Size Space Analysis 2024-2025 (12/3/2024)*, *DOE School Locations Data (12.16.24)*

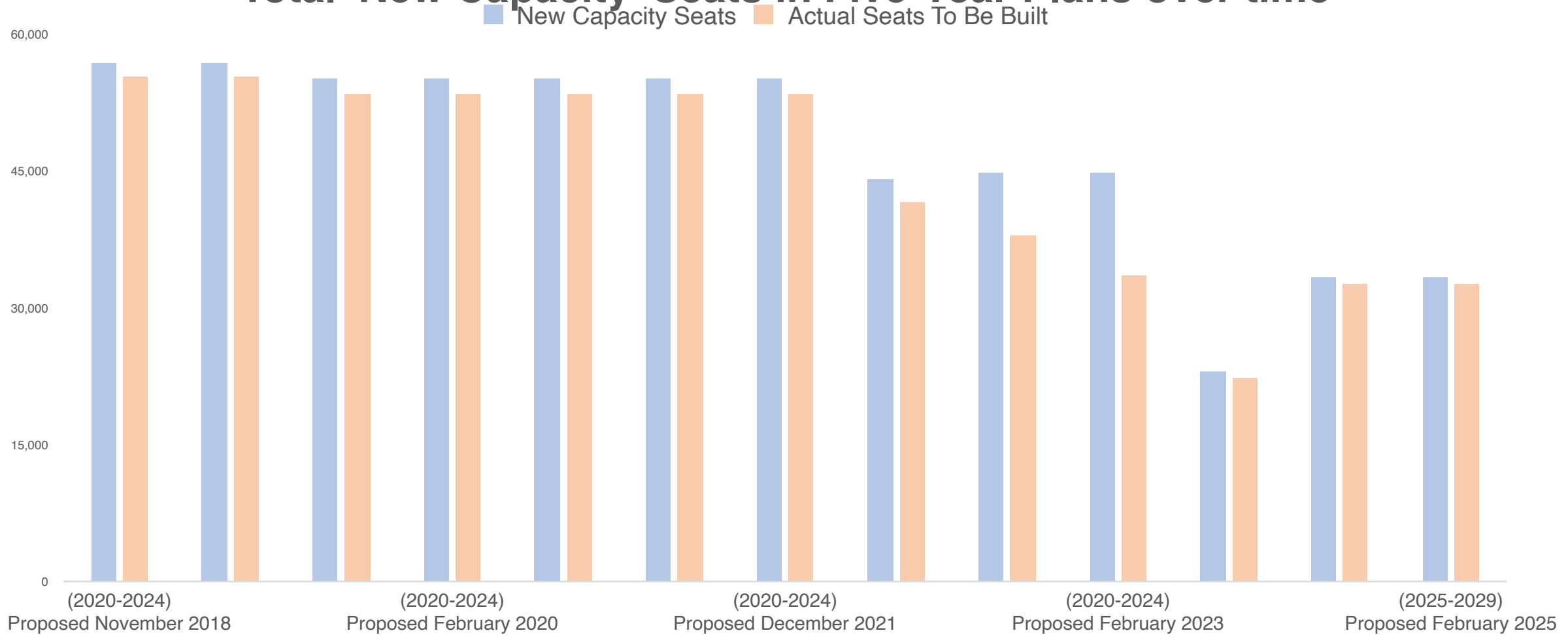


Data Sources: Enrollment, Capacity & Utilization Report 2021-2022 - 2023-2024 (June)
Note: DOE School Locations Data 2022-2023 used for '21-22 data, since 2021-2022 School Locations Data was unavailable.
Note: District 75 and Charter Schools not included in analysis.

Clearly, accelerated plan for school construction necessary for overcrowded schools in D15.

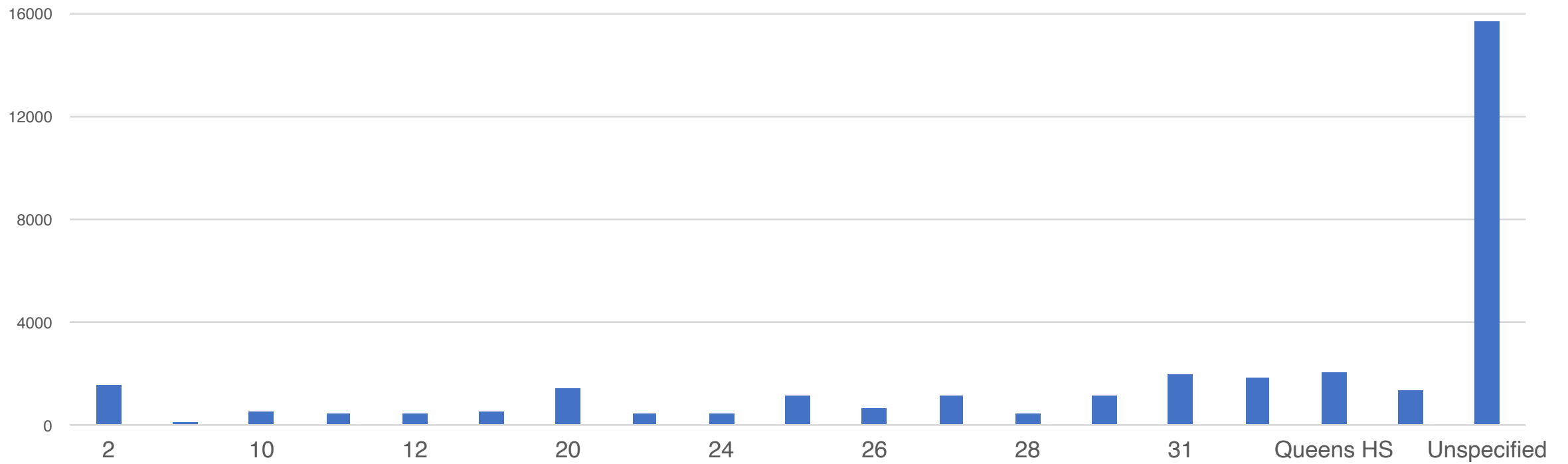
- SCA testified at budget hearings March 13, 2025, that 70,000 more school seats will be needed to comply with law – yet capital plan has less than half that number -- about 33,000
- DOE/SCA cut funding for new capacity in the capital plan by \$2.5 billion after class size law was passed; while \$2B added to new capacity in July 2024 due to requirement in state budget, number of new seats completed will fall over next 3 years
- SCA has refused to divulge where ***nearly half of all seats funded will be located*** according to district/subdistrict or grade level.
- DOE now proposes that even in areas where schools are overcrowded, they should not have to lower class size, if there is an “intention” to build more schools at some undefined time in the future;
- Any such exemption would have to be agreed to by UFT and CSA.

Total 'New Capacity' Seats in Five-Year Plans over time

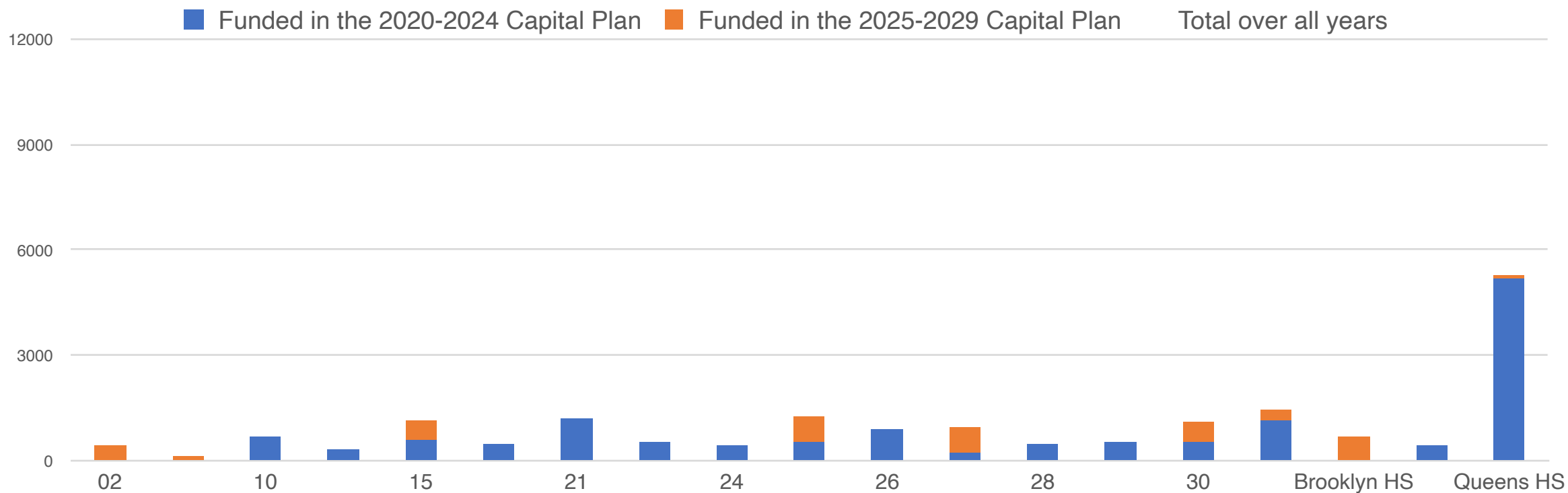


Data Sources: FY20-24 & FY25-29 Capital Plans, November 2018 – February 2025.

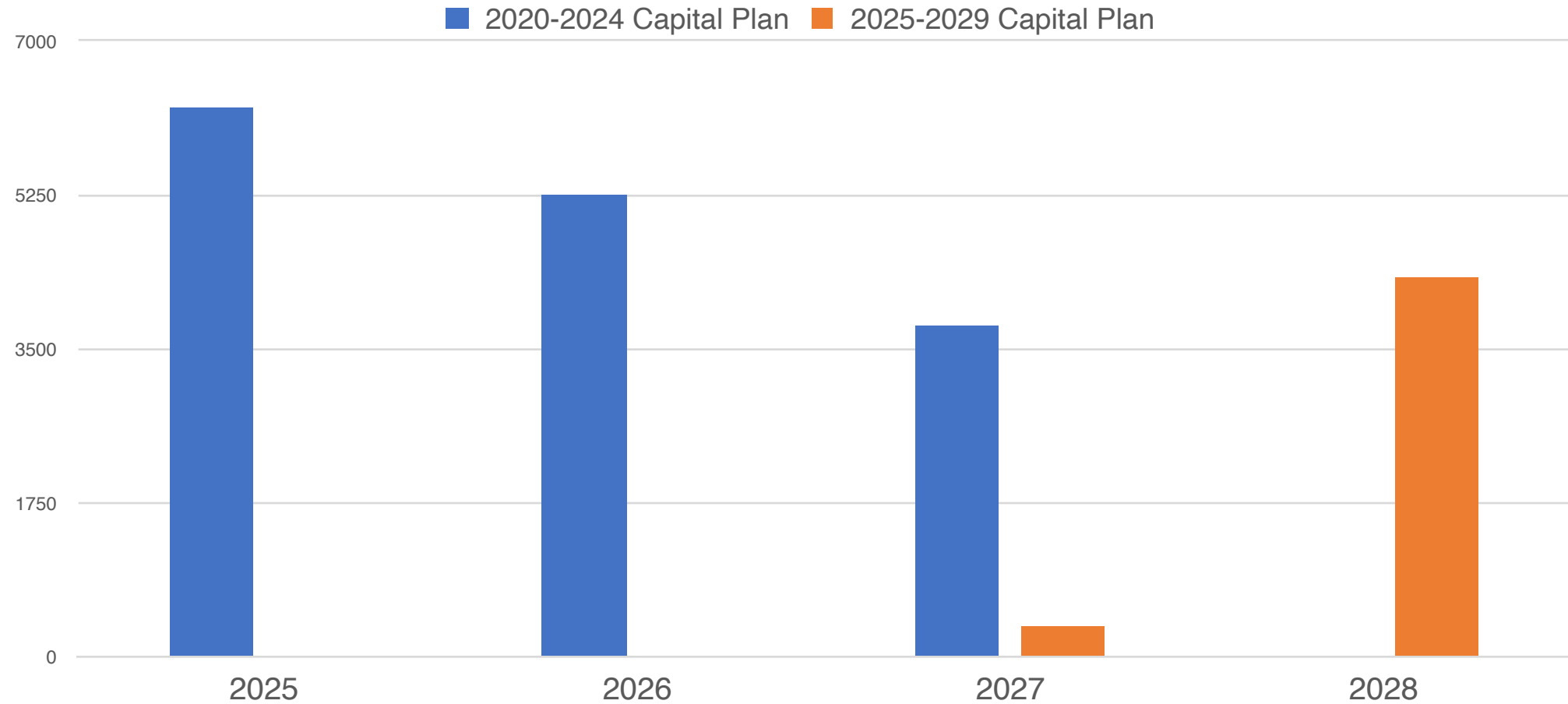
Note: 'Actual seats to be built' is calculated by removing 'Design Only' seats.



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



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).



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Lack of transparency also violates two laws --

- Refusal to indicate where nearly half of all schools will be sited and built violates [the class size law](#), which states that the DOE must 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”*
- [Local Law 167](#), passed by Council in 2018, requiring DOE and SCA to disclose in detail how many seats are needed by district, subdistrict and grade level, and the data and methodology those estimates based upon.
- ***Yet instead of becoming more transparent , SCA removed the column reporting on seats needed from the capital plan***

SCA notoriously slow in finding school sites

[Local Law 168](#) (2018) created a Task Force for School Siting to identify sites where new schools could be built, including all city-owned & privately-owned empty lots -- but it met only twice, solicited no input from Council or parent members, ruled out hundreds of city-owned sites for unclear reasons & never analyzed over 22,000 private owned sites.

Often it is community leaders, parents and local officials who find sites for schools when they know they are planned for their districts but lack of transparency in capital plan discourages that participation

Instead, SCA hires only 4 real estate firms in entire city to find sites, and pays them on retainer whether they identify sites or not

To make things worse...

- District planning now presenting proposals for school utilization changes through the 2025-2026 year, including school closures, co-locations, grade expansions and other changes w/o reference to how these could affect class size or hamper efforts to achieve smaller classes in future
- In previous years, these presentations did include class size data, but District Planning stopped doing this after class size law was passed.
- When asked why they said that DOE told them to ignore class size in making their proposals.

CBOs have thousands of empty 3K and PreK seats, risking their closure

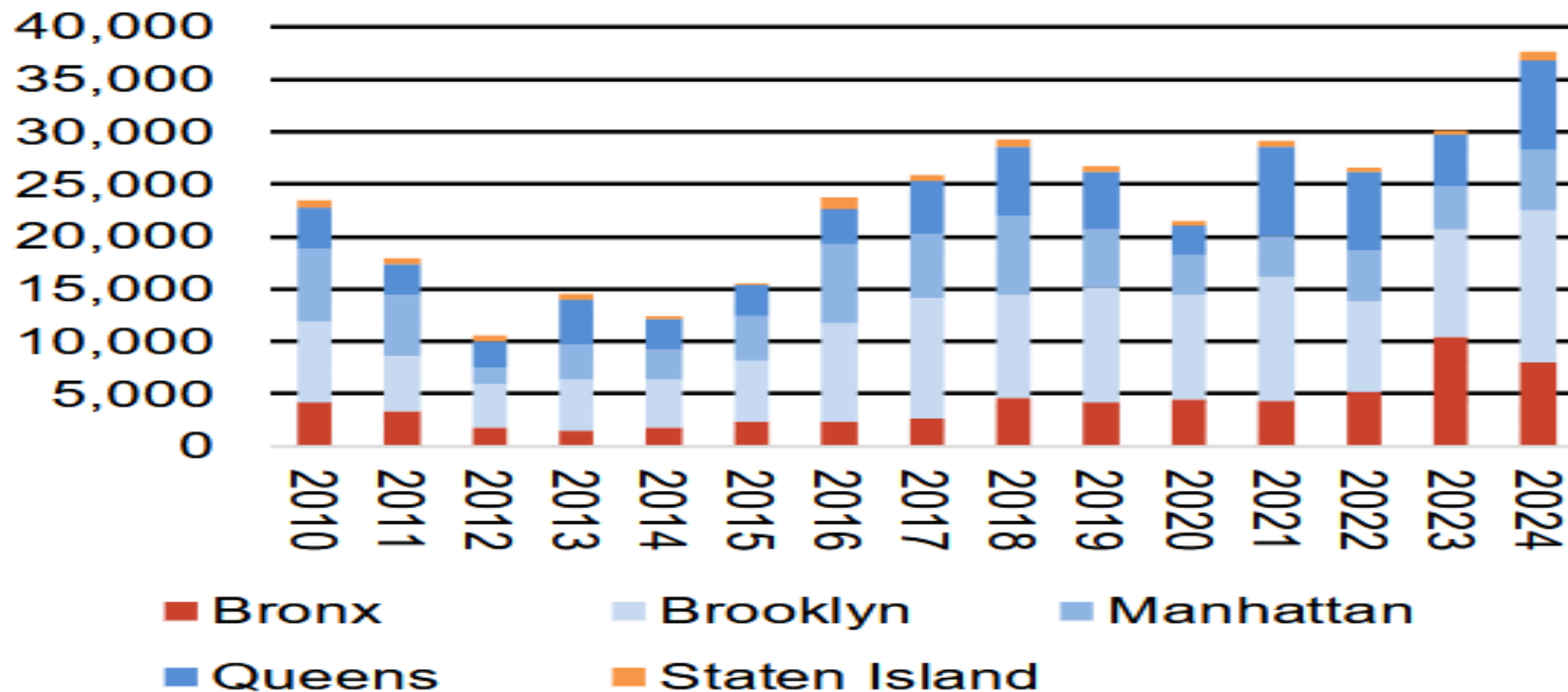
- According to DOE, there are 266 elementary schools that are too overcrowded to meet class size caps, yet 54% of them have PreK and/or 3K classes.
- In D 15, there are 9 elementary schools that are too overcrowded to meet class size caps, yet 89% of these schools have PreK and/or 3K classes.
- In many cases, there are nearby CBOs struggling to fill their PreK/3K seats even as DOE has threatened that any CBO without 95% enrollment may lose funding
- CBOs can offer extended day and year programs unlike public schools & their PreK programs are on average rated higher in quality

Other recommendations in CSWG report to create more space

- Merge more co-located schools which could create more space for smaller classes.
- Revive Ed Construction Fund to build new public schools as part of mixed-use developments,
- Acquire closing parochial school buildings and analyze all city, state and federally owned buildings that may be available or likely to become available in near future
- District planning should consider class size in their proposals for school closures, expansions, co-locations and rezonings – and that analysis should be included in all Ed Impact Statements

NYC is experiencing rapid growth in housing – with no clear plan to build enough schools in these communities
2024 saw the highest rate of increase of units since 1965

Net New Housing Units Produced Yearly in New York City



Data source: NYS Comptroller, [Housing Production in New York City](#), March 2025

How could CEC 15 help?

- Testify at the May 20 NYC Council budget hearings; sign up here: <https://council.nyc.gov/testify/>
- Send an email, urging Council not to pass the capital plan unless it provides sufficient space to allow schools to lower class size <https://tinyurl.com/schoolcapplan>
- The DOE is obligated to post the updated class size plan on May 25, and public hearings will start within 15 days after that.
- Sign up for the Class Size Matters newsletter for updates at <https://classsizematters.org/what-you-can-do/subscribe/>
- Questions? Email us at info@classsizematters.org