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Resolution 7
(SY23-24)

Resolution Calling for the State Legislature to Amend the Class Size Law

Approved by a vote of 8-1 on January 10, 2023

- | | |
|---------------------------------------|--------------------------------------|
| 1. Stephen Stowe - Yes | 6. Wenming (Angie) Chen - Yes |
| 2. John Ricottone - Yes | 7. Yanqing (Angi) Chen - Yes |
| 3. Elizabeth Chan - Yes | 8. Maya Rozenblat - Excused |
| 4. Xiaoqiong (Joyce) Xie - Yes | 9. Tamara Stern - No |
| 5. Meifang (Junmi) Chen - Yes | 10. Kevin Zhao - Yes |

Sponsor: Stephen Stowe

Co-sponsor(s): John Ricottone, Xiaoqiong (Joyce) Xie

WHEREAS, in June 2022, the New York State Legislature passed Chapter 556 of the Laws of 2022, legislated as Senate Bill 9460 and otherwise known as the Class Size Law (“The Law”) which would require that New York City Public Schools (NYCPS) cap class sizes in all K-12 schools in New York City. In September 2022, Governor Hochul signed the bill into law.

WHEREAS, parents (including those who vote in support of this resolution) want smaller class sizes and recognize the potentially improved classroom environment that can result. However, it is a mistake to impose an unfunded mandate across NYCPS as done by the Law. Resources are limited and trade-offs will have to be made to implement the Law as currently written. These trade-offs will have many negative unintended consequences for District 20 families.

WHEREAS, the law is to be implemented over a 5 year period, beginning this School Year 2023 - 2024 and ending in School Year 2027 - 2028 when the NYCPS is supposed to be fully compliant with the law.

WHEREAS, the NYCPS established a working group to deliver recommendations on implementing the Law. That group’s report can be found [here](#)¹. Nine individuals in the working group dissented from the report. Six parent dissenters published their own report with recommendations which can be found [here](#)².

WHEREAS, the cost of non-compliance with the law is suspension of some or all of the Contract For Excellence (C4E) annual funding received from the State of New York. C4E funding is authorized at a maximum of \$756 million which represents approximately 2% of the NYCPS Fiscal 2023 - 2024 budget.

WHEREAS, the vast majority of class size reduction (CSR) efforts have shown limited or no impact on student learning. This is supported both by empirical evidence and academic research.

WHEREAS, Large scale class size reduction efforts in California and Florida suggest that class size does not have a strong predictive impact on academic outcomes. In New York City, the most over-crowded classes have the highest rates of proficiency on State ELA and Math exams. And the least crowded classes have the lowest rates of proficiency.

- In California, the state commissioned a research consortium to evaluate the effectiveness of the CSR effort in that state. The commission found that “analysis of the relationship of CSR to student achievement were inconclusive”, “CSR was associated with a decline in teacher qualifications and a more inequitable distribution of credentialed teachers”, “Classroom space and dollars were taken from other programs to support CSR”³. The Public Policy Institute of California found that any gains from smaller class sizes were offset by the decline in teacher quality⁴ and the entire initiative was ultimately abandoned due partly to increasing costs⁵.
- In Florida, an analysis published in the [Economics of Education Review](#) found that “The results from both the district- and school-level analyses indicate that mandated CSR in Florida had little, if any, effect on student achievement”⁶.
- In New York City, the most over-crowded classes have the highest rates of proficiency on State ELA and Math exams. And the least crowded classes have the lowest rates of proficiency. This strongly suggests that class size does not have a strong predictive impact on academic outcomes⁷.

WHEREAS, numerous academic studies and policy commentaries have concluded that class size is a relatively weak type of academic intervention.

- A meta-analysis of 127 studies examining the impact of smaller classes on learning outcomes found that “Overall, the evidence suggests at best a small effect on reading achievement. There is a negative, but statistically insignificant, effect on mathematics”⁸.
- Stanford University’s Eric Hanushek finds that “the surprising finding is that the evidence does not offer much reason to expect a systematic effect from overall class size reduction policies”⁹
- The Brookings Institute writes that “Class-size reduction has been shown to work for some students in some grades in some states and countries, but its impact has been found to be mixed or not discernable

¹ [Class Size Working Group Report_Final.docx.pdf - Google Drive](#)

² [Class Size WG Minority Report.pdf - Google Drive](#)

³ <https://edsource.org/wp-content/publications/CSRSummaryFinal.pdf>

⁴ <https://www.ppic.org/publication/class-size-reduction-teacher-quality-and-academic-achievement-in-california-public-elementary-schools/>

⁵ <https://edsource.org/2012/class-size-reduction-program-continues-to-unravel/8730>

⁶ <https://www.sciencedirect.com/science/article/abs/pii/S0272775712000271#:~:text=Highlights,any%2C%20effect%20on%20 student%20 achievement>

⁷ [2022-23 Class Size Cap Analysis Data - wMetrics - toWorking Group - 9.6.23.xlsx - Google Sheets](#)

⁸ [Small class sizes for improving student achievement in primary and secondary schools: a systematic review - Filges - 2018 - Campbell Systematic Reviews - Wiley Online Library](#)

⁹ [Some Findings from an Independent Investigation of the Tennessee STAR Experiment and from Other Investigations of Class Size Effects \(stanford.edu\)](#)

in other settings and circumstances that seem similar. It is very expensive. The costs and benefits of class-size mandates need to be carefully weighed against all of the alternatives when difficult decisions must be made”¹⁰.

WHEREAS, there has been almost no research conducted on the impact of class size at the middle and high school levels.

WHEREAS, the law will be very expensive to implement and there is no additional funding provided by either the State or City to implement the law. Estimates have been provided by Independent Budget Office (\$1.6 - 1.9 billion annual cost)¹¹, the NYCPS (\$1.3 - 1.9 billion annual cost)¹² and a dissenting group of members from the NYCPS Class Size Working Group (\$2.2 billion annual cost; \$17 - 22 billion capital costs)¹³. The NYCPS annual total budget is \$37.5 billion this year. The final phase-in of Foundation Aid funding was completed in the current school year 2023-2024¹⁴ and the NYCPS has not yet started implementing the Law.

WHEREAS, the School Construction Authority is currently planning to complete 24 new schools to be ready for the Fall of 2024. In the Fall of 2025, there are 10 schools planned to open¹⁵. However, the NYCPS estimates that approximately 160 - 200 new schools will need to be built to meet compliance with the law¹⁶. This implies the construction of 32 - 40 new schools a year, a rate of construction significantly above the current rate.

WHEREAS, the Law will require hiring approximately 10,000 - 12,000 additional teachers. NYCPS currently employs 76,000 teachers so the additional hiring would represent a 13 - 16% increase in the current teacher workforce. This does not include replacing the 4,000 - 4,500 who annually retire or leave the NYCPS¹⁷. This amount of new hiring will be especially difficult given the nationwide shortage of qualified teachers¹⁸.

WHEREAS, the Law will reduce equity in the NYCPS. The Law requires the class size caps to be implemented at all schools regardless of the economic need or academic performance. As NYCPS data shows, 40% of the classes over the mandated caps are in the wealthiest quartile. Conversely, only 11% of the classes which exceed the caps are in the lowest income quartile. Likewise, 38% of classes over the caps are in the highest performing academic quartile. And only 11% of classes exceeding the caps are in the lowest performing academic quartile¹⁹. Therefore, the majority of new teaching hires and new school buildings to achieve compliance with the Law will be done in Districts which are wealthier and have higher rates of academic proficiency. The Urban Institute has noted this in a recent report, citing that most of the reductions would occur in higher income and predominantly white and Asian schools²⁰.

WHEREAS, the Law will likely lead to increased travel times for many NYCPS families. The NYCPS Class Size Working Group has recommended limiting enrollment at schools that can not meet the Law’s mandate²¹.

¹⁰ [Class Size: What Research Says and What it Means for State Policy | Brookings](#)

¹¹ [how-would-the-new-limits-to-class-sizes-affect-new-york-city-schools-july-2023.pdf \(nyc.ny.us\)](#)

¹² [CSWG - Meeting #9 11.2.23 Public.pdf - Google Drive](#)

¹³ [Class Size Law Financial Forecast \(Final\).xlsx - Google Sheets](#)

¹⁴ [Education Department, State | Agency Appropriations | FY 2024 Executive Budget \(ny.gov\)](#)

¹⁵ [11012023_25_29_CapitalPlan.pdf \(windows.net\)](#)

¹⁶ [CSWG - Meeting #5 08.09.23 PUBLIC.pdf - Google Drive](#)

¹⁷ [CSWG - Meeting #4 07.12.23_for public posting.pdf - Google Drive](#)

¹⁸ [Teacher shortages sweep nation as 86% of schools struggle with hiring \(usatoday.com\)](#)

¹⁹ [2022-23 Class Size Cap Analysis Data - wMetrics - toWorking Group - 9.6.23.xlsx - Google Sheets](#)

²⁰ <https://www.urban.org/research/publication/class-size-reductions-may-be-inequitably-distributed-under-new-mandate-nyc>

²¹ [Class Size Working Group Report_Final.docx.pdf - Google Drive](#)

For schools which are very popular, this will mean a large number of families would be forced to attend another school, likely outside of their current zone. In Districts with many over-enrolled schools, this will mean significantly increased travel times as there may be no under-enrolled schools in close proximity and many other over-enrolled schools all trying to place students at new schools. In the case of District 20, there are a significant percentage of Elementary Schools in which between 75-100% of the classes are over the caps, especially in the south-central part of our District (Appendix 1).

WHEREAS, the Law will likely reduce the number of specialized academic offerings in many schools. For example, if a school has 125 third graders, they can now be in 4 classrooms with 4 teachers. However, under the new Law, they would need to be distributed into 7 classrooms, a 75% increase in the number of classrooms required. Many schools may consider reducing dedicated specialty classroom spaces currently serving arts, music, science lab and dance, to name a few. In addition, if the number of general education classes is increasing in a school, there will be fewer specialized classes such as Advanced Placement or Bilingual classes, as well as fewer seats in Integrated Co-Teaching (ICT) classes for students with disabilities. While it might be possible to retain some of these specialized classes, the number of students attending each class would decrease in line with the cap. And it is unlikely the school would be able to create a second class given the difficulty finding teachers in many specialized fields and the need to maximize all available space for general education classes.

WHEREAS, the Law represents a shift in governing power toward the United Federation of Teachers (UFT) and to a lesser extent, the Council of School Administrators and Supervisors (CSA). Exemptions to the Law are permitted for the following conditions: “(1) space; (2) over-enrolled students; (3) license area shortages; and (4) severe economic distress,”²² but require the NYCPS and the Presidents of the UFT and CSA to agree to the exemptions. In addition, higher class sizes at individual schools may be negotiated by the school’s UFT membership for elective and specialty classes. While the inclusion of exemptions in the Law is favorable, the exclusion of parents from the process of requesting and approving exemptions is unacceptable.

THEREFORE, the Community Education Council of District 20 calls on the New York State Senate and Assembly to amend the Law as follows:

- Apply the Law only to grades K-3 in line with the research on class size impact on learning outcome.
- Apply the Law only to schools in the lowest performing quartile academically and also in the highest quartile of economic need.
- Extend the period to implement the Law to 10 years from 5 years.
- Condition future expansion of the Law on learning outcomes from NYCPS.
- Prohibit school-based enrollment caps.
- Eliminate the suspension of C4E funding as a penalty for non-compliance with the Law.
- Remove the requirement that the UFT and CSA approve exemptions to the Law.

²² [NY State Senate Bill 2021-S9460 \(nysenate.gov\)](https://www.nysenate.gov/legislation/bills/2021/S9460)

Appendix 1 - District 20 Elementary Schools - Percentage of Classes over the Class Size Law caps

