



Community Education Council 24

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Resolution on Amending the Class Size Reduction Law to Prioritize the Earliest Grade Levels

Resolution No. 198

Sponsored by: Matthew Crescio

WHEREAS, the New York State Legislature enacted Chapter 556 of the Laws of 2022, amending Education Law § 211-D, to establish mandatory maximum class size limits of 20 students for Kindergarten through Grade 3, 23 students for Grades 4 through 8, and 25 students for high school(i); and

WHEREAS, the statutory implementation plan mandates an incremental 20% annual increase in compliant classrooms without regard to grade levels, targeting 60% in September 2025, 80% in September 2026, and 100% by the 2027-2028 school year, with failure to comply risking the loss of around a billion dollars in state Contracts for Excellence funds(ii); the law also requires New York City Public Schools (NYCPS) to publicly post an annual report by November 15th and mandates a corrective action plan if the State determines the report does not show sufficient class-size decreases; and

WHEREAS, the law restricts exemptions to four narrow categories—space constraints, over-enrolled students, teacher license shortages, and severe economic distress—all of which must be jointly approved by the Chancellor and the presidents of the United Federation of Teachers (UFT) and Council of School Supervisors and Administrators (CSA)(iii); and

WHEREAS, the New York City Department of Education (NYCPS) announced a 64 percent compliance rate for the 2025-2026 school year, yet analysis of publicly reported NYCPS class size data indicates that this target was only achieved through the approval of approximately 10,500 exemptions for classes exceeding statutory limits, meaning actual compliance without these administrative passes stands at only 59.5 percent(iv); and

WHEREAS, state and city education leaders have testified that the NYC school system will face extreme difficulty meeting the next statutory deadline of 80 percent compliance in September 2026, as the "September Cliff" would require an estimated \$602 million in additional annual funding and the hiring of approximately 6,000 new teachers for which no workforce pipeline currently exists(v); and

WHEREAS, without targeted statutory adjustments to the implementation timeline and compliance methodology, the City of New York may be unable to meet mandated class size thresholds, risking both widespread exemptions and the potential loss of significant state education funding; and

WHEREAS, the Class Size Working Group Minority Report, issued in 2023, accurately predicted this impending failure and proposed amendments two years ago—such as implementing a phased-in approach by grade levels and extending the full implementation timeline to 20 years—that would have allowed the city to avoid the current fiscal and spatial crisis(vi); and

WHEREAS, the Department of Education, in partnership with the UFT and CSA, has successfully implemented a “school-based approach” that invites individual schools to develop their own compliance plans matched to specific building configurations and student needs; early implementation data shows this approach has accelerated compliance by 27 points in schools that received dedicated staffing funding, demonstrating that full compliance can likely be achieved citywide within a timeframe shorter than the 20 years originally proposed in the Minority Report(vii); and

WHEREAS, the opaque exemption process is decided at the centralized level by union and city officials without the knowledge or formal request of individual school principals and serves to skirt the fundamental intent of the law — underscoring the urgent need for a structural fix that returns

decision-making authority to the communities closest to each building(viii); and

WHEREAS, testimony from the New York State Education Department (NYSED) hearings on mayoral control confirms that school stakeholders are demanding precisely that kind of democratic community input into school governance, a standard that the integration of School Leadership Teams (SLTs) into the "school-based approach" for class size planning effectively models(ix); and

WHEREAS, School Leadership Teams (referred to as "school-based management teams" in Education Law § 2590-h) are the legally mandated governance body for every school and must consist of an equal number of parents and staff, including the Principal, the PA/PTA President, and the United Federation of Teachers (UFT) Chapter Leader(x); because these teams are responsible for the school's Comprehensive Educational Plan (CEP) and possess the most intimate knowledge of their specific building's space constraints, the SLT is the only appropriate body for making informed decisions about school configuration, including determining whether to seek exemptions from the class size law(xi); and

WHEREAS, the UFT and CSA have already demonstrated constructive partnership in implementing the school-based approach citywide; transferring exemption authority for space constraints and over-enrollment to School Leadership Teams extends that collaboration to the school level, where UFT Chapter Leaders and CSA-represented principals – both required SLT members – are best positioned to weigh building-specific conditions alongside parent representatives in the interest of students; and

WHEREAS, decades of educational research—including the Tennessee STAR study and subsequent national analyses—demonstrate that class size reduction produces the greatest academic benefits in the earliest grades, particularly kindergarten through grade two, where smaller cohorts facilitate individualized attention, critical early literacy development, and stronger teacher-student relationships(xii); and

WHEREAS, both publicly reported and internal data confirm that compliance deficits are concentrated in the earliest grades: the NYC Public Schools FY26 Class Size Reduction Plan (Figure 3) (xiii) shows below-average compliance rates within the K–3 grade band, and school-year 2025–26 data illustrated in Exhibit 1 shows that the highest

frequency of non-exempt classes exceeding statutory caps occurs in Kindergarten, followed in descending order by grades 1 through 5; and

WHEREAS, prioritizing compliance with class size limits in the earliest grades would align statutory implementation with the strongest body of educational research, ensuring that the students who benefit most from smaller classes receive those benefits first while NYCPS continues to expand classroom capacity for upper grades;

WHEREAS, NYCPS has identified 495 schools as “Group Two” schools—defined in the FY26 Class Size Reduction Plan as schools requiring targeted capacity interventions to meet statutory class size limits—highlighting a widespread, systemic challenge across the district(xiv); and

WHEREAS, while NYCPS is actively utilizing “Non-Instructional Room Conversion” to reclaim space, this measure provides only a temporary stopgap and is insufficient to meet the long-term mandate; furthermore, the New York City School Construction Authority (SCA) typically requires five or more years to design, approve, and complete new school construction or major building expansions(xv), which is necessary for long-term capacity; and

WHEREAS, large-scale public infrastructure and workforce expansion initiatives rarely progress at a constant linear rate; instead, project management research demonstrates that implementation typically follows an “S-curve,” in which early progress is slower due to planning and capacity constraints before accelerating during full execution(xvi); applying this framework to the NYC Public Schools class size reduction effort suggests that achieving full compliance will require a longer implementation timeline aligned with realistic workforce and construction capacity (see Exhibit 2);

WHEREAS, the current law’s focus on “actual” classroom caps rather than “average” class sizes severely restricts the ability of school leaders to optimally allocate instructional resources across grades and makes it mathematically more likely that schools will be forced to seek exemptions for even minor fluctuations in enrollment and scheduling constraints(xvii);

THEREFORE, BE IT RESOLVED, Community Education Council 24 (CEC24) formally urges the New York State Legislature to amend Education Law § 211-d to ensure its successful and sustainable implementation across the New York City school system by aligning statutory requirements with

workforce, infrastructure, and enrollment realities:

- 1. Amend the Timeline for Compliance: The statutory compliance timeline should be revised to prioritize early grades, ensuring that the youngest students—who benefit most from smaller classes—receive the earliest reductions while still committing to full systemwide compliance as the school system expands staffing and classroom capacity for higher grade levels (see Exhibit 3 for justification of revised timeline):**
- 2. • K-3: Full compliance by September 2031
• 4-5: Full compliance by September 2033
• 6-8 and 9-12: Full compliance by September 2037;**
- 3. Decentralize Exemption Authority: Amend § 211-d(4) to authorize School Leadership Teams (SLTs), which includes union representatives—the bodies most familiar with the unique space constraints and programmatic needs of their respective schools—to determine whether class size exemptions based on space constraints and over-enrolled students are necessary, replacing the current centralized DOE/UFT/CSA oversight process only for these two types of exemptions, while leaving the exemption approval process unchanged for the system-wide problems of teacher license shortages and severe economic distress;**
- 4. Adopt an Averages-Based Metric: Shift the method for calculating class size compliance to use the average class size within a grade level for each school, rather than requiring rigid, per-class caps. This approach preserves the law’s objective of reducing overall class size while allowing school leaders to allocate teachers and classrooms more efficiently across grade levels and respond to normal enrollment fluctuations;**

BE IT FURTHER RESOLVED, CEC24 urges the New York State Education Department to adopt grade-differentiated compliance reporting in its annual review of NYCPS class size data, specifically tracking and publicly disclosing K–3 compliance rates as a distinct metric separate from Grades 4–12, beginning with the annual report due November 15, 2026, so that progress for the youngest and most research-supported grade band is transparent, measurable, and prioritized in any corrective action plan issued to NYCPS. The annual report must also demonstrate year-to-year progress in each of the grade levels.

Vote: (CEC 24) – Roll Call (Check One Per Member)

Matthew Crescio: Support Does Not Support Absent Abstain

Gina Liberta: Support Does Not Support Absent Abstain

Anna Karwowska: Support Does Not Support Absent Abstain

Felicia McHugh: Support Does Not Support Absent Abstain

Kate Barvels: Support Does Not Support Absent Abstain

Aliya Bonar: Support Does Not Support Absent Abstain

Brian Augustine: Support Does Not Support Absent Abstain

Manisha Jain: Support Does Not Support Absent Abstain



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