

NYC Department of Education Class Size Reduction Plan

Section 1: Introduction

In September 2022, Governor Hochul enacted Chapter 556 of the Laws of 2022, which requires the New York City school district to create a five-year class size reduction plan for all New York City K-12 community districts and high schools.

This document will lay out the current state of actual class sizes in New York City schools, our plan for meeting the mandates of this legislation next school year, strategies being considered and the next steps the City School District of the City of New York (NYCPS) will take to implement these mandates and engage communities.

This document will be updated annually for every year of the five-year plan; consistent with the requirements of Chapter 556, any updates will be approved by the Chancellor and the respective presidents of the United Federation of Teachers (UFT) and the Council of School Supervisors and Administrators (CSA).

Section 2: Summary of the Class Size Law

Chapter 556, the class size legislation, sets forth requirements that apply only to the New York City school district, including:

- 1) new class size caps for all public K-12 community district schools
- 2) a class size reduction plan, which must be approved by the Chancellor and the respective presidents of the United Federation of Teachers (UFT) and the Council of School Supervisors and Administrators (CSA) (the unions representing New York City school district teachers and principals, respectively), and submitted as part of the Contract for Excellence
- 3) a prescribed timeline for the public process for the development, posting, and submission of the Contract for Excellence
- 4) annual reports on the status of the implementation of the class size reduction plan
- 5) penalties, in the form of reduced State funding, if adequate progress to reduce class sizes is not made

Section 2.1: New Class Size Caps

The law imposes specific class size caps within the New York City school district for the first time. Prior class size legislation included in the Contracts for Excellence law, codified in Education Law section 211-d, required the City to create a plan to reduce *average* class sizes, and did not set forth specific class size caps.

Specific class size caps had previously been set subject to collective bargaining agreements between the New York City Public Schools (NYCPS) and the UFT, which could be exceeded in certain circumstances. The caps under the collective bargaining agreement, and the caps set forth under the new legislation, are shown in Figure 1 below.

Figure 1: Class Size Caps under UFT Collective Bargaining Agreement and Chapter 556

Grade Level	Class Size Caps under UFT Collective Bargaining Agreement	Class Size Caps under Chapter 556
K	25	20
1-3	32	20
4-5	32	23
6-8 (Title I Schools)	30	23
6-8 (non-Title I Schools)	33	23
9-12	34	25
Performing Groups & PE in grades 6-12	50*	40**

*nothing in this plan shall imply compliance with contractual class size limits, nor shall it change contractual class size limits that are lower than these legal class size limits

**reflects PE and required music classes in grades 6-12; no other limits were designated in this category

***legislation refers to physical education (PE) and “performing groups” at all levels, not just 7-12

The class size caps established by Chapter 556 requires the plan to begin September 2023 and be achieved by September 2028. Each year of the plan, an additional 20% of classrooms, excluding special education classes and exempted classes, must be in compliance with the targets such that NYCPS is in full compliance by 2028.

Section 2.2: Classes Not Subject to Class Size Targets

Chapter 556 notes five situations in which classes may not be subject to the class size caps, which are listed below; the first four of them are formally defined as exemptions under the law. Per Chapter 556, special education classes are also not subject to these caps.

Figure 2: When Caps Do Not Apply

Type of Class/Exemption	Requirements
Space Exemption	Approval by Chancellor and UFT and CSA presidents NYCPS must demonstrate capital budget is aligned to resolve exemption
Over-Enrolled Students Exemption	Approval by Chancellor and UFT and CSA presidents
License Area Shortage* Exemption	Approval by Chancellor and UFT and CSA presidents
Severe Economic Distress Exemption	Approval by Chancellor and UFT and CSA presidents
Elective & Specialty Classes	UFT may negotiate higher class sizes than targets if majority of school staff approve increase

*This refers to areas where there are an insufficient number of teachers in a certain license area (e.g., bilingual math).

In the event that NYCPS and the unions are unable to reach agreement on an exemption, the law mandates arbitration.

Section 2.3: Processes & Procedures for New York City Public Schools

Chapter 556 sets forth specific timelines for the public process for the development, posting, and submission of the class size reduction plan as part of Contracts for Excellence compliance activities:

- NYCPS must commence the public process no later than thirty days after the enactment of the State budget.
- NYCPS must provide notice of the commencement of the public process fifteen days prior to the first public hearing.
- The public process must conclude no later than thirty days after its commencement.
- NYCPS must submit the Contract for Excellence and class size reduction plan for State approval within two weeks following the completion of the public process.

Additionally, annually on November 15, NYCPS must submit to the New York State Education Department an implementation report on the status of its class size reduction plan. The report must be certified by the state or city comptroller that NYCPS's capital and education funding plans provide sufficient space and staffing to achieve the required class size reduction and if not, what measures and/or funding should be added. The receipt of Contracts for Excellence funding is contingent on NYCPS demonstrating, in the implementation report, sufficient progress in reducing class size. If the State Education Department determines the report does not demonstrate sufficient decreases in class size, NYCPS must submit a corrective action plan, which must be developed in collaboration with the unions and signed off on by the Chancellor and the UFT and CSA presidents.

Further, a financial impact statement is required on November 15, 2025.

Section 2.4: Penalties for Non-Compliance

Contracts for Excellence funding is withheld unless the annual implementation report "demonstrates sufficient reduction in class sizes" and, if a class size reduction plan is required, "until and unless such corrective action plan has been fully implemented." Contracts for Excellence totals \$756 million in FY 2024 and totaled \$531 million annually from FY 2012 through FY 2023. This increase is associated with an increase in overall State Foundation Aid. Contracts for Excellence funding is a set-aside from State Foundation Aid and is not, in and of itself, a new funding stream for NYCPS.

Section 3: Current State of Class Sizes In New York City

This section analyzes the existing class size data for New York City by the following:

- 1) changes in class size since before the pandemic
- 2) class size by borough, school type and district
- 3) class size by school demographics

Class size data in all figures of this section exclude performing groups and physical education; however, it does include all other classes compared to previous class size reporting and previous versions of this plan, which included core classes only, which has shifted some of the data to be more consistent with the legislation. NYCPS does not currently have sufficiently detailed data for K-5 performing group and physical education (PE) classes in order to include this data for this section. As a result, all data in Section 3 excludes performing group and PE classes. Preliminary data on performing groups and physical education is included in Section 4.

Section 3.1: Changes in class size data since before the pandemic

As of SY 2022-23, approximately 42% of all classes (not including performing groups and physical education classes) are below the class size caps set out in the law.

Previous data released as well as previous public class size reporting referred to core class sizes only. Prior to the pandemic, in SY 2019-20, approximately 31% of core classes were below the caps compared to 39% of core classes and 42% of all classes in 2022-23. Data also shows that average core class sizes over this time have declined from 26.1 to 24.0 across the system.

Figure 3: Changes in class size since the pandemic

	Percentage of Core Subject Classes* in Compliance with Caps	Percentage of All Classes In Compliance with Caps	Average Core Class Size Overall
Pre-Pandemic (SY 2019-20)	31%	*	26.1
Current (SY 2022-23)	39%	42%	24.0
Increase/(Decrease)	8%	*	(2.1)

Section 3.2: Class size data by borough, school type, and district

Data from the 2022-23 school year shows that grade 6-12 and high school classes are most likely to be in compliance with the class size caps, with 49% of classes in secondary schools (grades 6-12) and 46% of classes in high schools in compliance with the class size caps. The Bronx has the highest share of classes in compliance with the class size caps, 54%, followed by Manhattan, Brooklyn, Queens, and Staten Island in that order.

Figure 4: Percentage of classes at or below the class size caps required in the legislation by Borough and School Type

	Elementary		Middle	Secondary	High School	Total
	(K-5)	(K-8)	(6-8)	(6-12)	(9-12)	
Bronx	48%	27%	49%	53%	63%	54%
Brooklyn	42%	41%	38%	55%	44%	43%
Manhattan	53%	50%	38%	52%	54%	51%
Queens	25%	29%	23%	34%	35%	30%
Staten Island	28%	5%	16%	38%	30%	25%
Total	39%	36%	34%	49%	46%	42%

Data shows that the districts with the greatest percentage of classes at or below the class size caps are in districts 7 (Mott Haven, Melrose), 18 (East Flatbush, Canarsie) and 23 (Ocean Hill, Brownsville). Districts 25 (Flushing, College Point, Whitestone), 26 (Bayside, Glen Oaks) 31 (Staten Island) and have

the lowest percentage of classes at or below the class size caps. While this data demonstrates district-level averages, there may be schools within the comparatively higher-compliance districts that do have classes that exceed the new class size caps.

In section 4.3, beginning on page 16, we outline specific levers that discuss how we will support schools in moving towards compliance with the new class size caps. Levers include space, enrollment, teaching hiring, funding, community engagement. In addition, one cross-cutting consideration which will be implemented is a focus on higher poverty schools, consistent with the legislation’s requirement around prioritization. The data shown in figures 4 and 5 will be a foundational point of reference for us to identify our approach to support for schools.

Figure 5: FY 2023 Percentage of classes at or below class size caps required in the legislation by District

District	% of Classes At or Below Caps	Rank (1=Highest % At or Below Caps)
01 (Manhattan)	59%	8
02	47%	18
03	53%	12
04	56%	11
05	62%	7
06	52%	13
07 (Bronx)	66%	3
08	50%	16
09	63%	6
10	51%	15
11	43%	20
12	58%	9
13 (Brooklyn)	44%	19
14	47%	17
15	38%	21
16	65%	5
17	57%	10
18	67%	2
19	52%	14
20	29%	27
21	32%	26
22	26%	29
23	77%	1
24 (Queens)	33%	25

25	25%	30
26	22%	32
27	33%	23
28	28%	28
29	37%	22
30	33%	24
31 (Staten Island)	25%	31
32 (Brooklyn)	65%	4
Citywide	42%	--

Section 3.3: Class Size by School Demographics

The law requires that this plan prioritize schools serving populations of students with higher poverty levels. Data, indicated in the table below, shows that schools with the highest proportion of students facing economic need have a higher rate of compliance with the class size caps, while schools with the lowest proportion of students facing economic need have a lower rate of compliance with the class size caps.

While aggregate data, such as in the table listed below, demonstrate that many classes in such schools are in compliance with the law, there may be classes that serve populations with higher poverty levels that do not currently meet class size mandates.

Figure 6: FY 2023 Percentage of Classes at or below the class size caps required in the legislation by quartiles of school-level Economic Need Index (ENI)

2022-23 Economic Need Index (ENI) of School	% of classes at or below caps
4 - classes in the highest need quartile of schools based on ENI	64%
3 - classes in the second highest need quartile of schools	53%
2 - classes in the second lowest need quartile of schools	40%
1 - classes in the lowest need quartile of schools	26%
Total	42%

Section 4: NYCPS Class Size Plan: SY23-24 to SY27-28

NYCPS is currently early in our implementation planning for the law and is looking forward to getting feedback from families and the community, unions and other stakeholders as it refines and implements its plan, including from the Chancellor’s Class Size Working Group. This proposed plan integrates feedback from union partners and public engagement conducted through Contracts for Excellence Hearings at the Borough and District levels.

Section 4.1: Baseline Compliance Data and Analysis

Accurate data and reliable methods for measuring compliance are essential in the development of our plan. To that end, below is the baseline data that we have gathered to come to the conclusions of compliance above.

NYCPS’s baseline compliance data is complex and has required significant new analysis since the publication of the earlier drafts of this plan. Existing public class size reports, upon which much of NYCPS’s original analysis was conducted, include only core classes and subject areas, consistent with previous reporting requirements; the data has been revised to include non-core classes and subject areas, including Core Classes, plus bridge classes, additional grad requirement subjects and other subjects. Further details of the methodology are in the notes section of the plan on page 23.

Except for physical education and performing groups which are subject to higher caps, 42% of classes overall are under the caps, as detailed in Figure 7. Current estimates show that a vast majority of performing group and physical education classes are compliant with the cap, as detailed in Figure 8, but these numbers remain under review at this time. As we work to refine our calculations regarding performing groups, in particular, overall compliance numbers may change.

Figure 7: Classes Under Cap and Over Cap, not including PE and Performing Group Classes

	# Classes			Total # Classes	% of Classes Under Cap	% of Classes Over Cap	Total
	Under Cap	# Classes Over Cap					
Grades K-3	3283	6066	9349	35%	65%	100%	
Grades 4-5	2054	2445	4499	46%	54%	100%	
Grades 6-8	15222	28967	44189	34%	66%	100%	
Grades 9-12	32045	35556	67601	47%	53%	100%	
Total	52604	73034	125638	42%	58%	100%	

Figure 8: Classes Under Cap and Over Cap for PE and Performing Group Classes

	# Classes Under Cap	# Classes Over Cap	Total # Classes	% of Classes Under Cap	% of Classes Over Cap
K-5 Performing Group	*	*	*	*	*
K-5 Phys Ed	16062	1	16063	100%	0%

G6-12 Performing Group	5744	244	5988	96%	4%
G6-12 Phys Ed	12388	5723	18111	68%	32%

*As noted above, NYCPS is working to create an accurate approach to capturing Performing Group data at the K-5 level to ensure that these calculations are as accurate as possible. This work includes on-going conversations with our labor partners around the definition of “performing group.” alongside examining the approaches to capturing this data at the school level. Currently, the data included in this report include all music, theater, and dance classes in K-5, as existing data does not capture additional distinctions which will be necessary to determine which of these qualify as performing groups as opposed to arts classes. As a result, these numbers are subject to change in subsequent years of the plan. We are also considering potential changes to 6-12 Performing Group data collection in order to ensure more accurate data reporting.

As noted, each year of the plan, an additional 20% of classrooms, excluding special education and exempted classes must be in compliance. Given the above analysis, NYCPS projects that we will be in compliance with the law for school year 2023-24 and school year 2024-2025. The plan that follows thus focuses on activities in the 2023-24 school year and beyond required in order to bring 60% of classes under the caps in SY 2025-26, 80% in SY 2026-27, and 100% in SY 2027-28 and beyond.

Section 4.2: Planning for Implementation

As we analyze our current compliance data and plan pathways for implementation of the law in future years, we are examining six critical areas of work: space, enrollment, teacher hiring, funding, community engagement and a focus on high-poverty schools. All six key factors must be considered holistically in planning to meet the newly mandated caps. Additional considerations for each of the six areas are outlined below.

In addition to the steps laid out below, where there are schools that currently have classes in compliance, we will work to support them to remain in compliance.

At the forefront of our planning, we must also be mindful of any potential unintended consequences of implementation. Examples include but are not limited to the following:

- 1) Impact on other uses of space at school buildings, e.g. Administrative offices, library, SAVE rooms, guidance and conflict resolution/peer mediation/restorative practice space, teachers’ lounge, SSA office, UFT Teachers Center, etc.
- 2) Programming constraints – More traveling teachers, loss of elective courses, arts, music, etc. Available gym space for winter/inclement weather PE classes, reduction in number of students selected for selective talent classes (music, drama, art).
- 3) Loss of common planning time
- 4) Change of schools for students/families.

Further, additional resources will be needed in schools to support the hiring of substantial numbers of new teachers, including:

- a. Potential needs for new teacher training
- b. Administrator staffing needs associated with additional teacher supervision needs.

Section 4.2.1: Space

As noted above, space is one of the six key factors that we are considering as we work to implement the law.

Based on the above analysis, NYCPS has identified two sets of schools that we could consider differently as we plan for implementation. We do want to note, however, that this is based on a system-level analysis and only represents a preliminary approach to this work. As we work to analyze and better understand the factors that influence these two groups and the needs of specific schools, we are considering the variable factors that could shift these total numbers including, but not limited to, unexpected changes in enrollment in the school or co-located schools, responses from principals on school-level surveys, changes in school level programs or other issues that influence the availability of space in the school. The ranges provided are subject to change upon more in-depth analysis, but we believe create a useful framework for planning for implementation of the law.

Again, in section 4.3, beginning on page 16, we outline specific levers that discuss how we will support schools in moving towards compliance with the new class size caps. Levers include space, enrollment, teacher hiring, funding, and community engagement, and a key cross-cutting consideration, which will be taken into account in the implementation of each of these levers, is a focus on higher-poverty schools. Levers that are utilized may vary depending on the specific circumstances of the school, including the group in which it is classified below. Additionally, as mentioned above, as we work to better understand the factors that influence these two groups of schools and individual school circumstances, numbers are subject to change.

- **Group 1:** Schools that **may** be able to meet the new class size mandates in their existing space and enrollment configurations
- **Group 2:** Schools that likely **may not** be able to meet the new class size mandates in their existing space and enrollment configurations

The criteria for these schools are rough, and subject to change given additional data analysis and direct input from building-level school leaders to ensure the most up to date data on space at the school level, as well as other policy actions. With those caveats, NYCPS's preliminary estimate is that of the approximately 1,600 NYCPS schools, in approximately 1,200 school buildings, there are approximately 1,000-1,100 schools, in approximately 750-850 school buildings in Group 1 that may be able to meet class size caps from a space perspective, without the addition of new space and given their current enrollment.

With the same caveats, our preliminary estimate is that there could be as many as approximately 400-500 schools in approximately 400-500 school buildings, in Group 2 that may not be able to meet the class size caps from a space perspective, given their current space and enrollment. The table below shows the districts in which they are likely located.

Strategies for supporting schools in reaching the class size caps are outlined in the next sections.

Figure 9: Estimated Schools in School Buildings without Space to Comply by District

District	Estimated Schools in School Buildings without Sufficient Space
1	<10
2	>30
3	<10
4	<10
5	<10
6	10-20
7	<10
8	<10
9	10-20
10	20-30
11	10-20
12	<10
13	<10
14	<10
15	20-30
16	<10
17	10-20

18	<10
19	<10
20	>30
21	20-30
22	10-20
23	<10
24	20-30
25	>30
26	20-30
27	20-30
28	20-30
29	10-20
30	20-30
31	>30
32	<10

Creating additional space for the schools delineated above will likely require significant additional capital funding to become fully compliant with the new law. NYCPS is working closely with the School Construction Authority (SCA) to develop estimates for the size of the capital need. The size of the need will vary based on how this law is implemented – for example, whether schools are required to repurpose existing space; whether there are enrollment changes at certain schools; etc. When determined, the total cost will be developed in part based on the strategies and policies utilized to achieve compliance, including converting administrative or other non-instructional space to instructional space, re-siting, split-siting, co-locating schools, analyses of school zoning and enrollment patterns, and/or construction annexes or standalone schools at a different location.

In order to refine estimates for these costs, NYCPS and SCA will continue to work to assess the following:

- (1) whether schools in Group 1 can reach compliance with the law in their existing space, and where trade-offs or limitations will be necessary for them to do so;
- (2) how schools in Group 2 can reach compliance with the law, and what additional capital investments would be necessary for them to do so, along with other potential considerations, such as the possible policy changes listed below;
- (3) how other policy changes around schools’ use of space (such as any underutilized space at or non-instructional classrooms), how space is evaluated, consideration of enrollment decisions or other possibly policy changes that would impact these assessments.
- (4) principal input on current space allocations, including through a survey of schools.

NYCPS and SCA, as noted below, will work directly with principals to understand what flexibility does – and doesn't – exist in their current facilities to meet compliance with the law.

Section 4.2.2: Enrollment

As NYCPS considers the full range of levers available to reach compliance with the law, one of the potential levers is to utilize enrollment policy as a potential pathway toward becoming compliant with the law. While there are many interdependencies on and complexities with any changes to enrollment policy, these changes could be a lever to move the system towards compliance. As noted below, beyond the legally mandated public process for developing this plan, the Chancellor has committed, in alignment with his pillar of engaging families as partners, to prioritize family and community engagement as we discuss the tradeoffs around these complex decisions. through the Class Size Working Group and other continuing engagement strategies.

Some considerations that NYCPS could consider, in consultation with school and district communities include:

- Temporary changes to enrollment that support schools in meeting class size mandates until space is found/built
- Limiting enrollment at some schools that are currently substantially out of compliance with the class size mandates
- Changes in catchment zones/rezoning to align with the new class size mandates when new seats are constructed or otherwise found in a district.

Section 4.2.3: Teacher hiring

NYC Public Schools currently employs ~76,000 teachers, in the following license areas:

- 28% Elementary Education
- 24% Secondary Core Content
- 28% Special Education
- 8% Specialty Areas (Art, Music, PE)
- 12% Other (Speech, ESL, CTE)

NYCPS is still working to estimate the complete number of additional teachers that will be needed to comply with the new class size mandate. Preliminary analyses based on earlier class size data and a set of assumptions about school-based resource shifts show that, in order to meet compliance with the law, we must hire or retain an additional net of roughly 9,000 teachers in total, to reach full compliance with the law. This hiring will be in addition to the regular hiring needs for attrition and

would represent a net increase of approximately 12%, under current estimates, to the current 76,000-strong teacher workforce in NYCPS. However, as noted above, we are updating these analyses to reflect updated class size data and refined assumptions regarding implementation of the law. NYCPS expects to have a more complete analysis later this fall.

In a typical year, given the current contractual class size caps, NYCPS needs to hire 4,000 – 4,500 teachers each fall to backfill for attrition, based on approximately 6%-7% annual attrition, mostly over the summer. Approximately 3,000 of those annual hires are in teacher shortage areas including Math, Sciences, World Languages, Bilingual Education, English as a Second Language, and Special Education. As the number of classes grow, given the required reductions in class size, we anticipate increased challenges in hiring for these and potentially other teacher shortage areas. The hiring of the estimated 9,000 teachers noted above necessarily calls for an increased need of supervisory support; in order to make this plan successful, the parties agree that additional funding will be needed for that appropriate supervisory support and supervision.

NYCPS also faces challenges related to the supply of qualified teacher candidates. In recent years, NYCPS has found that there are limited graduates from teacher education programs, especially in the noted shortage subject areas and, according to New York State, overall enrollment in teacher education programs has declined by 53% since 2009 and continues to fall.

Currently, to meet the school hiring needs in these high need subject areas, NYCPS prepares ~25% of all new hires via subsidized alternative certification pathway programs like the NYC Teaching Fellows, NYC Teaching Collaborative and Ed Prep.

Finally, data shows that there tend to be fewer teaching applicants for schools in higher need neighborhoods and in shortage area subjects. For example, while 60% of teacher vacancies are typically in the Bronx and Brooklyn annually, only 33% of teacher applicants select either borough as their top choice when searching for a NYCPS teaching position. In shortage subject areas, there are typically two or fewer qualified applicants per hire for principals to consider when hiring. NYCPS made some progress in resolving staffing issues in high need neighborhoods and learned from initiatives such as the Bronx Plan. NYCPS will review those lessons learned and may utilize some of the previously used levers to resolve these issues.

Ensuring an adequate supply of teachers in these shortage subject areas and retaining them will present a challenge to NYCPS in terms of complying with the law. Below, we have laid out some of the strategies we will consider for addressing these challenges. In addition, we anticipate that additional financial investment in these areas would need to be increased in order to meet the hiring demands presented by the new class size mandates. NYCPS is in the process of analyzing these costs, alongside developing the more complete estimate of teacher hiring needs.

Section 4.2.4: Funding

NYCPS anticipates significant costs associated with complying with the law's targets in future years, in terms of hiring new staff and ensuring adequate space, even as we work to consider a range of solutions to reaching compliance with the law.

Based on current teacher hiring need estimates laid out above, which are not yet complete, NYCPS has previously projected that staffing costs alone could be roughly \$1.3 billion in expense funding annually once schools are fully in compliance with the class size mandates, given current staffing patterns and the need to hire additional staff as laid out above. This projected cost is based on the potential need to hire an additional net of 9,000 teachers, which will require additional supervisory hiring to support and train teachers while maintaining safe and secure school building environments in grades K-12 to ensure that class size requirements are met throughout the system. Like the above estimates of teacher hiring needs, these costs are not yet complete; NYCPS is still working to develop better projections of these costs. This expense is a recurring annual expense that would require a baselined funding source to maintain class sizes at or below the legal caps. These costs include estimates related to staff salaries, school budget realignments and fringe and pension costs for new staff. They do not include any non-staffing related costs.

For context, NYCPS's FY 2024 budget is approximately \$38.4 billion, 42% (\$16 billion) of which is non-discretionary spend on fringe and pension benefits for employees, debt service, and certain legal mandates, including spending on charter schools and Carter and other special education supports. Approximately \$15 billion of the budget overall covers K-12 schools and instructional costs, of which \$13 billion supports staffing. Remaining costs include non-pedagogical school operations such as transportation, safety, facilities, and food service costs (>\$4 billion), as well as early childhood education costs (>\$2 billion) and administrative and supervisory expenses necessary to the operation of the system (central staff being allocated approximately \$300 million and superintendents being allocated approximately \$300 million).

These FY 2024 budget figures include the full funding of State Foundation Aid for the first time, an approximately \$1.3 billion increase over FY 2021. New Foundation Aid since FY 2021 has been allocated to school budgets (including to raise the Fair Student Funding floor to 100%, increase Contracts for Excellence funding by \$215 million, and create new weights in Fair Student Funding to increase equity in the formula for students in temporary housing and schools with concentrations of poverty) and to State mandates such as charter schools and special education. The roll-out of this funding has been essential to the progress in reducing class sizes in the last several years (see Figure 3) as the funding percentage has increased. It is important to note that current cost estimates for full implementation are based on SY 2022-23 class sizes, which already incorporate the impact of most of this Foundation Aid increase. The continued full funding of State Foundation Aid will be critically important.

Contracts for Excellence requires 75% of funding to be allocated to the 50% neediest schools as identified by the State's need weights ranking system; accordingly, the majority of the \$215 million in new Contracts for Excellence funding was allocated to those higher-needs schools.

As NYCPS works towards compliance with the law, we will continue to investigate opportunities and methodologies by which to direct resources to schools to meet the newly mandated class size caps, while maintaining equity in our funding distribution. While NYCPS is in compliance for the 2023-24 school year, and anticipates compliance in the early years of implementation, a continued influx of additional funding will be needed in order for NYCPS to comply with the increasing targets in the later years and prevent reductions to existing services, after-school programming, or extracurricular activities.

In addition, the School Construction Authority (SCA) is working closely with NYCPS to develop estimates for the size of the capital need. The size of the need will vary based on how this law is implemented. When determined, the total cost will be developed in part based on the strategies and policies utilized to achieve compliance, including converting administrative or other non-instructional space to instructional space, re-siting, split-siting, co-locating schools, analyses of school zoning and enrollment patterns, and/or construction annexes or standalone schools at a different location.

By way of similar context, the SCA's current five-year capital plan (FY20-24, February 2023 Proposed Amendment) has a total budget of \$19.4B; that total amount covers "capacity" investments to increase capacity of NYCPS facilities through class size and other efforts, but also other areas such as accessibility projects, specific school enhancements (such as safety and security projects, gyms/playgrounds/libraries/fields, CTE-related facilities enhancements), capital improvements (such as electrification, ventilation, heating updates), mandated needs (asbestos, lead, etc.), technology work and other needs. The overall allocations include \$7.95B for Capacity (including \$5.52 B for New Capacity, \$605M for Class Size Reduction; \$267M for TCU removal, \$806 for facility replacement and \$756 M for early education initiatives); \$7.94 B for Capital investments; and \$3.47B for Mandated programs.

Section 4.2.5: Community Engagement

As written, the law provides an opportunity for public engagement through the existing Contracts for Excellence process. Beyond the legally mandated public process, the Chancellor has committed, in alignment with his Pillar of engaging families as partners, to prioritize family and community engagement as we plan for these complex class size implementation decisions. This continued community engagement, along with engagement with unions and other key stakeholders, is a central part of our implementation planning process to ensure we have transparency, input, feedback and buy-in on key implementation decisions.

NYCPS believes firmly that families are key stakeholders and play an integral role in providing recommendations for the Chancellor to consider as NYCPS implements the law.

In addition, the Chancellor has committed to developing and supporting a working group of people with diverse perspectives and experiences from across New York City to inform implementation of this law, as announced in February 2023. The Working Group will be engaging in its own analysis to develop recommendations for the Chancellor's consideration. The Working Group first convened in April 2023 and will meet and will work through October 2023, at which time we anticipate they will

share their recommendations for implementation of the law in future school years. NYCPS is committed to ensuring the Working Group’s process informs our internal planning efforts and strategy for longer-term implementation.

Section 4.2.6: Focusing on Higher Poverty Schools

As noted in Figure 6, aggregate data show that many classes within schools that serve higher-poverty students (based on ENI) are meeting the new class size caps; overall, the trends are that classes above the caps are disproportionately in schools that serve fewer high-poverty students. However, there are classes within these schools that do not meet those caps, which should be the first priority for central support and intervention. As NYCPS engages in early planning, efforts to achieve compliance mandates will center on schools that serve a higher proportion of higher-poverty students in alignment with the law’s requirement to prioritize such schools. These approaches could include identifying schools with the highest ENI and classes that historically exceed the new class size caps and prioritize engaging schools to identify paths to compliance consistent with the levers below, including considering capital considerations, staffing considerations, budget planning, enrollment planning, and engaging with school communities, with a goal of prioritizing these schools and classes for compliance in year 3 of the law’s phase-in (SY 2025-6).

This work will be further informed by the recommendations of the Working Group, given the diverse perspectives and geographies represented in that group.

Again, this plan focuses our work towards becoming compliant with the law within six primary areas – space, teacher hiring, enrollment, funding and community engagement and with a cross-cutting consideration focusing on high poverty schools across implementation of each of these levers. The following section outlines the specific levers to support our schools in moving towards compliance with the law.

Section 4.3: Levers to Support Schools in Compliance

Taking into account the six areas discussed above and the current data indicating NYCPS is in compliance for SY 2023-24 and SY 2024-25, below are some of the following levers NYCPS is considering to support schools in meeting the newly mandated caps for SY 2025-26 and subsequent years. As noted above, the specific levers may vary based on the specific situation of the school; and are interrelated in many ways – taking some actions will impact the need to take other actions, both across the system and in individual schools. The levers that follow are all critical components of this complex work; however, some levers, such as enrollment, are simply under consideration and subject to more analysis.

Section 4.3.1: Space Levers

As identified in Section 4.2.1, NYCPS estimates that roughly 400-500 schools do not currently have sufficient space in their buildings to comply with the newly mandated caps with their current enrollment. Below are current levers and associated timeline for each to address space.

<p>Lever One: Leverage the Capital Planning Process to Pro-Actively Plan for New Capacity in Needed Districts and Sub-Districts</p>	<p>Timeline: February 2023 through December 2023</p>
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Description:

The School Construction Authority’s (SCA) capital planning process is a critical aspect of our planning for meeting the new class size mandates. As we noted in Section 4.2.1, we estimate that there is a group of roughly 400-500 schools in approximately 400-500 school buildings that are currently unable to meet class size mandates given their existing space and enrollment configurations. NYCPS and the School Construction Authority will, through the capital planning process, consider how new capacity will be determined in the forthcoming FY25-29 Capital Plan, which is being developed over the course of this year.

The SCA is currently developing an analysis of enrollment projects and seat needs. These seat needs are not projected on a school-by-school basis, but rather by subdistricts, which are smaller geographic areas within our community school districts, so that seat capacity needs are analyzed based on the needs of individual neighborhoods and communities.

SCA and NYCPS will continue the capital planning process during this time and will consider how appropriate allocations for class size reductions are integrated in the new (FY25-29) Capital Plan. Under State Education Law, we are required to release the new Plan by Nov 1st.

Analysis:

Currently, the SCA has 27,826 seats in process, as outlined below.

District	School	Borough	Capacity	District	School	Borough	Capacity
2	P.S./I.S. @ WESTERN RAILYARDS	M	686	21	P.S. 253 ADDITION	K	391
2	P.S. @ 2 HUDSON SQUARE	M	433	22	P.S. 206 ADDITION	K	517
2	P.S. @ 28-42 TRINITY PLACE	M	420	24	P.S. @ 69-02 QUEENS BOULEVARD	Q	451
7	P.S. @ 639 ST ANN'S AVENUE	X	547	25	P.S. @ 23-50 WATERS EDGE DRIVE	Q	547
8	P.S. 138 ADDITION	X	500	25	P.S. 169 ADDITION	Q	627
9	P.S. @ 1302 EDWARD L GRANT HIGHWAY	X	433	25	P.S. 32 ADDITION	Q	346
9	P.S. @ 2075 WEBSTER AVENUE	X	352	26	P.S. 41 ADDITION	Q	473
10	P.S. @ 160 VAN CORTLANDT PARK SOUTH	X	696	26	J.H.S. 216 ADDITION	Q	463
10	JONAS BRONCK ACADEMY	X	380	26	P.S. 46 ADDITION	Q	435
10	P.S. @ 2355 MORRIS AVENUE	X	451	26	P.S. 26 ADDITION	Q	399
11	P.S. 108 ADDITION	X	555	27	P.S. @ 140 BEACH 112 STREET	Q	463
11	P.S. 87 ADDITION	X	397	27	P.S. @ 101-11 104TH STREET	Q	229
11	P.S. 105 ADDITION	X	344	27	P.S. 223	Q	120
12	P.S. 195/ 196 ADDITION	X	596	28	P.S. 174 ADDITION	Q	403
12	P.S. @ 1570 BOONE AVENUE	X	433	28	P.S. 160 ADDITION	Q	354
13	I.S. 653	K	806	28	PS 182 ANNEX	Q	100
13	P.S. @ 424 ALBEE SQUARE WEST	K	312	29	P.S. 116 ADDITION	Q	325
15	I.S. @ 4002 FORT HAMILTON PARKWAY	K	487	29	P.S. 95 ADDITION	Q	229
15	P.S. @ 763 PRESIDENT STREET	K	451	30	P.S. 85 ANNEX	Q	451
15	I.S. @ 21-31 & 35 DELAVAN STREET	K	557	30	P.S. @ PARCEL C	Q	547
15	P.S./H.S. @ 362 SCHERMERHORN STREET	K	367	30	I.S. @ 44-59 45 AVENUE	Q	599
15	EDUCATIONAL CAMPUS @ 500 19TH STREET	K	96	30	P.S. @ 23-10 43RD AVENUE	Q	547
20	P.S. @ 6312 13TH AVENUE	K	547	31	P.S. @ 24 SHELLEY AVENUE	R	547
20	I.S. @ 6315 14TH AVENUE	K	461	31	P.S. 13 ANNEX	R	283
20	I.S. @ 650 86TH STREET	K	475	31	P.S. 5 ADDITION	R	290
20	D75 SCHOOL @ 72ND STREET	K	132	31	P.S. 57	R	96
20	P.S. @ 6740 3RD AVENUE	K	307	31	FOREST AVENUE COMMUNITY EDUCATIONAL COMPLEX	R	46
21	JOHN DEWEY ANNEX	K	553	78K	ACORN COMMUNITY HS	K	192
21	EDUCATIONAL CAMPUS @ 2202 60TH STREET	K	640	78Q	H.S. @ 53-16 NORTHERN BOULEVARD	Q	3,066
21	P.S. 253 ADDITION	K	391	78Q	H.S. @ 165-18 HILLSIDE AVENUE	Q	876
					GRAND TOTAL:		27,826

Taking into account seats that are in process, along with the forthcoming projects, NYCPS and SCA will continue to engage in strategic planning about where new seats must be built, within subdistricts, to meet the demands of the new class size mandates. SCA is in the process of conducting broad analyses to identify the number of new seats that would be needed to comply with the law. As noted above, the actual numbers will be contingent upon other policy decisions to be developed, such as those related to enrollment and use of space.

<p>Lever Two: Analyze existing space across all NYCPS schools to consider approaches to utilizing existing space differently to accommodate the new class size caps, with a focus on school and building-level survey to gather feedback and verify/respond to central-level data analysis. NYCPS will complete this school and building-level engagement by the end of December 2023.</p>	<p>Timeline: September 2023- June 2024</p>
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Description:

NYCPS will examine schools’ existing space allocations, building utilization and enrollment (current and projected) to consider broader strategies for utilizing space in buildings more efficiently to accommodate new class size caps. This may include an analysis of unused classrooms, as well as any underutilized space, taking into account the principal's perspective, in consultation where appropriate with the SLT, on underutilized space, that could be repurposed for instructional spaces, and also, examination of opportunities that would otherwise need to go before the PEP like split-siting schools, co-locations or other interventions that could take place as a precursor to capital-level interventions

for space. Nothing here is intended to diminish the discretion principals have traditionally had over space.

As part of this process, and on the above-noted timeline, NYCPS will determine the best approach to notify principals and schools (including schools in both Group One and Group Two, as outlined earlier in the plan) of this data analysis along with a clear process for school and building-level engagement. This process will allow principals and school communities to provide direct feedback on the data analysis, to help determine individual schools’ best path to compliance. Principal input will be a central part of the survey process and NYCPS will continue to engage in on-going discussions with principals about space allocations throughout the phase-in process. NYCPS will also ensure superintendent-level engagement as a part of the process.

Analysis:

Our preliminary examination of building utilization data shows that there is a range of building utilization across the city, with about 1,000 – 1,100 schools possibly able to accommodate reduced class sizes in their current space and enrollment configurations. This leaves 400-500 schools in approximately 400-500 school buildings needing additional interventions to identify additional space to maintain their current enrollment while also meeting the new class size caps. While NYCPS is gathering a robust set of data centrally, we do recognize that there are local decisions that can be made that will impact our preliminary analysis; and local input from principals and school communities that should impact that analysis. To that end, we plan to conduct a school and building-level survey to better understand existing space at the school level, and where flexibility exists. In order to find the most financially efficient approach to finding space, this lever will focus on understanding how we are utilizing existing space, through more expedient and less costly methods to determine how NYCPS can meet the new class size caps.

<u>Lever Three:</u> In partnership with the UFT’s Virtual Learning Labor-Management Committee, we will consider ways that virtual learning can serve as a strategy to address potential space constraints in schools.	<u>Timeline:</u> September 2023 – June 2024
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Description:

As a part of the newly negotiated teachers’ contract, virtual learning initiatives can allow students to receive regular remote instruction, potentially reducing the overall impacts on space in schools. In partnership with the Virtual Learning Labor Management Committee, NYCPS, UFT and CSA would explore how Virtual Learning Programs could serve as an opportunity to reduce space constraints in schools that have challenges in meeting the new class size caps, given their current enrollment and space configurations.

Analysis:

As shared in Section 4.1, our data show that there are approximately 400-500 schools that may not be able to meet the class size mandates given their current space and enrollment configurations. The Virtual Learning program may offer opportunities for students to take classes remotely, thereby reducing schools’ needs for space-related interventions.

Lever Four: Begin internal planning to identify and develop guidance and resources for schools to reprogram current students to allow for more efficient use of existing space configurations	Timeline: September 2023 – April 2024
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Description:

NYCPS will begin the process of identifying and developing guidance and resources to support schools in transitioning their programs from current class size configurations to smaller class sizes consistent with the law. These resources may include best practices for how to phase in smaller class sizes and how to leverage existing spaces across school buildings more efficiently. This guidance will include considerations for co-located schools, including approaches to sharing resources across schools on the same campus. NYCPS may also conduct direct outreach to principals to solicit their school-level input on space opportunities and challenges in each of their buildings as a part of this process and broadly share best practices from principals and schools in how to maximize the use of existing spaces.

Analysis:

As detailed in Section 4.2.1, we have identified approximately 1000-1100 schools that may be able to meet the new class size mandates, given their current space and enrollment. For some but not all of these schools, this may require reprogramming or space reconfigurations.

4.3.2: Enrollment Levers

Lever One: Analyze enrollment patterns within districts to inform longer term planning for implementation of the law.	Timeline: September 2023 – June 2024
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Description:

NYCPS will analyze current enrollment patterns across all districts to understand broad enrollment trends, as well as enrollment disparities across schools within the same districts. NYCPS will also gather feedback from principals on the enrollment process and will consider approaches to shift enrollment trends within districts.

Analysis:

Our preliminary analysis shows that enrollment patterns at schools vary by district and within districts. To better understand the role that enrollment policy can play in meeting the class size law, it is necessary to consider a deeper analysis of broad enrollment trends and patterns as a part of our long-term planning process. Further, it is evident that, based on our analysis, there are trends in some districts that families consistently prefer to attend some schools over others. This results in uneven distribution of students, with some schools able to meet class size caps within their current space and others unable to do so. This analysis is not intended to create new impediments to students and families from enrolling in the school of their choice.

4.3.3: Teacher Hiring Levers

Lever One: Investigate shortage areas and hiring challenges in order to support principals and school leaders through long-term hiring strategies.	Timeline: September 2023 – June 2024
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Description:

NYCPS has been consistently working to improve our teacher recruitment and retention efforts from both traditional and alternative programs, as we continue to face shortages in certain areas and geographies, and the new legislation will increase the urgency of this work. NYCPS will continue to engage in deeper analysis of the teacher recruitment and retention landscape including potential partnerships, pathways, data and policies that influence the scale of available teachers. NYCPS will also conduct a deeper dive on hiring patterns and vacancies to project future hiring and better understand the hiring and retention needs at full implementation of the law, with attention paid to shortage license areas; this fuller analysis is in process. Based on the analysis, NYCPS will consider which on existing strategies to build on for specific hiring needs and areas, including continuing to focus on recruitment efforts that create a diverse pool of qualified candidates, especially in known shortage areas, such as the alternative certification pathways noted earlier in the report. NYCPS will also begin to map out operational and financial needs associated with increased teacher recruitment and hiring, with a focus on schools with high levels of economic need.

Analysis:

We are in the process of conducting a robust analysis of teacher projections, which are complex and dependent on many variables. As more data becomes available, NYCPS will work to update the plan as necessary.

Lever Two: Consider internal hiring and funding policies to support schools in the approach to scale hiring practices to ensure all schools can staff to meet the new class size caps.	Timeline: September 2023- June 2024
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Description:

As NYCPS analyzes hiring and retention data, as outlined in the section above, it will consider how to further develop policies and guidelines for best hiring and retention practices to support implementation of the law.

Analysis:

While current data reflect that we will meet the class size targets in the 2023-2024 and 2024-2025 school years, strategic hiring and retention for compliance in future school years requires advance

planning at the school level. Guidance will need to address school-level hiring and retention strategy and ensure that principals have adequate time to prepare for compliance.

4.3.4: Funding Levers

Lever One: Continue to analyze how to equitably fund schools in the context of the new law	Timeline: September 2023 - June 2024
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Description:

The law requires that this plan prioritize schools serving populations of students with higher poverty levels. As NYCPS considers routes for implementation of this law and the distribution of additional resources, we will prioritize high poverty schools.

Analysis: Extensive equity data is provided in Section 3.3 above. As fewer classes in lower-poverty schools are in compliance with the class size caps, targeted solutions will be required in order to comply with the law’s requirement to prioritize high poverty schools. To ensure this, NYCPS will perform equity analyses of all proposals being considered as part of implementation and look closely at proposed resource distribution models to ensure high poverty schools are targeted as we reduce the number of classes above the class size caps.

Lever Two: Improving data reporting to better support large scale strategic planning	Timeline: September 2023 - June 2024
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Description:

To ensure that the analysis that informs our broader strategy for reaching compliance is accurate, we will continue to refine our internal systems and data gathering. Utilizing internal programming data platforms, as well as working in partnership with our UFT, CSA and NYSED partners, we will continue to refine our reporting metrics. This data will include engaging with school communities and school leaders during the budget process about budgetary adjustments necessary for full compliance, as NYCPS continues to work closely with individual schools in the early years.

4.3.4. Community Engagement Levers

Lever One: Convene and engage a Working Group to advise NYCPS leadership on implementation	Timeline: September 2023 - June 2024
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Description:

The working group will play a key role in developing recommendations for NYCPS to consider as it implements the law and develops plans for future years, in collaboration with the UFT and the CSA. In late February, a survey went out citywide to solicit potential participants for the working group, with volunteers from all five boroughs expressing interest in joining the group. In selecting members, NYCPS took into account individuals’ geographic representation, experience as a parent or guardian of a NYCPS student, educator, advocate, researcher or other stakeholder, and organizational affiliation as applicable, while also seeking representation of different school levels and sizes. The group began meeting in mid-April and will continue to meet through October 2023 to develop a proposal for the Chancellor to consider as NYCPS implements the law. The Working Group has organized the following subcommittees: Special education/ICT (including related services); Enrollment planning: all grades, programs and school models; Budgeting and finance; Instructional implications and programming options; Staffing and hiring; Capital planning: construction, space planning and consolidation.

This working group is a critical part of our efforts to comply with the law, while also ensuring that community feedback is integrated into future Class Size Reduction Plans. With monthly meetings planned from mid-April 2023 through October 2023, NYCPS aims to work with our working group members, led by the group’s Co-Chairs, to gather their feedback and recommendations for consideration as NYCPS implements the statutory class size requirements. We also anticipate that, as appropriate, we will reconvene the working group to gather their perspectives on the approach, once NYCPS has identified a formal path forward towards compliance.

Once the working group develops the final report, NYCPS will consider the group’s recommendations as it determines an approach for implementation for SY24-25 to SY27-28. This approach will inform NYCPS’s development of the Class Size Reduction Plan that will be included in the Contract for Excellence for the 2024-2025 school year.

Lever Two: Continue Regular Union Partner Engagement	Timeline: September 2023- June 2024
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Description:

NYCPS will continue to engage with UFT and CSA monthly on implementation of the law, including but not limited to: prioritizing the identification of classes that exceed new class size caps where students have high economic need and considering approaches to reducing those class sizes or identifying schools where additional space is required and considering potential solutions. As required by the law, NYCPS will continue to collaborate with union partners on future iterations of this Class Size Reduction Plan.

Section 5: Summary

NYCPS expects to be in compliance with the class size legislation in SY 2023-24, without further policy action and is committed to complying with the law in SY 2024-25 and beyond. NYCPS is committed to robust public engagement in connection with future implementation of the law in SY 2024-25 and beyond to ensure families, educators and other stakeholders are giving input on further implementation and the tradeoffs ahead.

Further, as NYCPS works to ensure citywide compliance with the law, it will explore changes to policies, funding, and programming as appropriate in order to meet the mandates.

Notes

All parties to this plan agree that this class size plan will not be introduced for any purposes in the class size grievance process.

Overall methodology follows current class size reporting (<https://infohub.nyced.org/docs/default-source/default-document-library/class-size-reporting-methodology---web.pdf>) and for grades K-5 includes bridge classes, which span multiple grades, for grades 6-12 includes all courses in subjects that can appear on a student's transcript, and for all grades includes performing groups and physical education.

- Data include all students enrolled as of 10/31/22, excluding: District 75, 79, 88, Home & Hospital, charter, 3K & UPK students.
- For grades K-5, class size is determined by number of students as of the audited register date (10/31/22) assigned to a student's official class, (i.e., the primary class to which students are assigned to receive their core instruction throughout the day), from the Automate the Schools (ATS) system. Classes include general education, Integrated Co-Teaching (ICT), and Gifted & Talented (G&T).
- For Grades 6-12, class size is determined by the number of students as of the audited register date in each section of courses in Term 1 in the included subjects according to the STARS scheduling system. Classes include general education, Integrated Co-Teaching (ICT), Gifted & Talented (G&T) and Accelerated classes.
- K-12 Physical Education (PE) and Performing Groups classes are identified by classes tagged as PE or performing arts that have the same Day, Period, and Teacher assigned. Note that for 6-12, within the areas of Music, Theater and Dance, NYCPS identified those courses that could be considered a "performing group" (Band, Choir, Musical Theater, etc.). However, for K-5, NYCPS is only able to identify classes that are tagged with either Music, Theater and Dance and is not able to identify subcategories.

Notes to "Figure 6: FY 2023 Percentage of Classes at or below the class size caps required in the legislation by quartiles of school-level Economic Need Index (ENI)"

The Economic Need Index (ENI) estimates the percentage of students facing economic hardship. The metric is calculated as follows:

- The student's Economic Need Value is 1.0 if:
 - The student is eligible for public assistance from the NYC Human Resources Administration (HRA);
 - The student lived in temporary housing in the past four years; or
 - The student is in high school, has a home language other than English, and entered the NYC NYCPS for the first time within the last four years.

- Otherwise, the student's Economic Need Value is based on the percentage of families (with school-age children) in the student's census tract whose income is below the poverty level, as estimated by the American Community Survey 5-Year estimate (2020 ACS estimates were used in calculations for 2021-22 ENI). The student's Economic Need Value equals this percentage divided by 100.



David C. Banks, Chancellor
City School District of the City of New York

Date: 09/29/2023



Michael Mulgrew, President
United Federation of Teachers
Local 2, AFL, AFL-CIO

Date: 09/29/2023



Henry Rubio, President
Council of School Supervisors and Administrators

Date: 09/29/2023