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COMMUNITY BOARD NO. 2, MANHATTAN

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February 25, 2025

Hon. Eric Adams
Mayor of New York City
City Hall
New York, NY 10007

Hon. Melissa Aviles-Ramos
Chancellor, NYC Public Schools
65 Court Street
New York, NY 11201

Michael Mulgrew
President, United Federation of Teachers
52 Broadway
New York, NY 10004

Henry D. Rubio
President, Council of School Supervisors & Administrators
40 Rector Street, Floor 12
New York, NY 10006

Hon. Dr. Betty A. Rosa
Commissioner of Education and President
New York State Education Building
89 Washington Ave.
Albany, NY 12234

Dear Honorable Mayor Adams, Chancellor Aviles-Ramos, President Mulgrew and President Rubio and Commissioner Rosa:

At its Full Board meeting on February 20, 2025, Community Board #2, adopted the following resolution:

Resolution Urging the DOE to Implement a Multi-year Plan that will Provide All NYC Students with the Benefits of Smaller Classes

1. **Whereas**, in June 2022, the state passed a law[1] requiring NYC to phase in class size caps over five years to no more than 20 students per class in grades K-3, no more than 23 students per class in grades 4th – 8th, and no more than 25 students in high school

[1] https://www.nysenate.gov/legislation/laws/EDN/211-D

classes, except for physical education and performing art classes to be capped at forty students per class;

2. **Whereas**, only 22% of classes in grades K-3 students in District 2 schools are in classes that comply with the caps in the law this year, tied for second lowest of any district, according to DOE data;

3. **Whereas** 32% of students classes in grades 4th – 8th grade are in classes that comply with the caps, the 7th lowest of any district;

4. **Whereas**, the DOE has now put forward a proposal for the third year of this phase-in, in which 60% of classes must meet these limits;

5. **Whereas**, the law calls for allowing principals, in consultation with their School Leadership Teams, to apply for funds for more teachers, but only if they have the space for smaller classes;

6. **Whereas**, no specific total funding is mentioned in this proposal that would allow schools to hire more teachers, and none is provided for the creation of more classroom space;

7. **Whereas,** the DOE has informed principals that they are not permitted to request lower enrollments, even in cases where it would be necessary to meet the mandated class size limits;

8. **Whereas**, 324,000 students were enrolled in overcrowded schools last school year, about 6,000 more students than the year before, according to data in the School Construction Authority (SCA) Blue Book[2];

9. **Whereas,** more than half or 56% of districts saw an increase in their average elementary school utilization rate in 2022-2023 and 2023-2024, including in District 2;

10. **Whereas,** more than half of the principals who responded to a DOE survey last year said they did not have enough space to lower class size to mandated levels (650 out of 1280 respondents);

11. **Whereas,** according to the estimation of DOE officials, nearly 500 schools that enroll nearly half of all students do not currently have the space to lower class size, including 45 schools in School District 2;

12. **Whereas,** the DOE and SCA has made little or no effort to accelerate the construction of schools even in the most overcrowded areas, and actually cut the budget for new capacity by $2.5 billion in their five-year capital plan after the class size law was passed;

13. **Whereas,** the DOE and SCA restored funding for new school capacity in July 2024 by $2B due to the insistence of the state legislature, but because of past cuts, a declining number of new seats are planned over the next three years, with only 233 school seats in District 2;

14. **Whereas**, the DOE and SCA also refuse to disclose where 46% of school seats that are currently funded will be sited as to district, subdistrict or grade level, and has adopted none

[2] https://council.nyc.gov/budget/wp-content/uploads/sites/54/2024/03/SCA-1.pdf

of the proposals made by the Class Size Working Group[3] to accelerate the plan for school expansion and construction;

15. **Whereas**, the lack of transparency in the capital plan violates three laws, including state education law EDN[4] § 2590-o[5], requiring the Chancellor to annually prepare an "educational facilities master plan…including a list of prioritized projects to the extent ascertainable and [to] list each proposed new educational facility and set forth a justification, including demographic data, documenting the long term need;"

16. **Whereas**, the lack of transparency also 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;"

17. **Whereas**, the lack of transparency also violates Local Law 167[6], that requires the DOE and SCA to provide data to explain where seats are needed, based on demographic and other trends, by district, subdistrict, and grade level, to eliminate overcrowding.

18. **Whereas**, if DOE were to more evenly distribute enrollment between nearby schools, as recommended by the Class Size Working Group, this would benefit students at all schools, so that those attending currently over-enrolled schools would be better able to be provided with smaller classes and eat lunch at more appropriate times, while those at currently underutilized schools would be able to provide a well-rounded education, complete with art, music, advanced courses and more extracurricular opportunities as a result of more funding;

19. **Whereas**, the DOE has now proposed instead that a permanent exemption be granted to all overcrowded and overenrolled schools, which could deprive half or more of all NYC students from ever receiving the benefits of the smaller classes required by law;

Be It Resolved that Community Board 2 (CB2) urges the DOE to allocate at least one-third of the funding needed next year to meet the class size caps over the next three years so that the ramping up of hiring and recruiting of teachers can proceed in an orderly and rational way;

Be it further resolved that CB2 urges the DOE to accelerate school construction to alleviate overcrowding in District 2 and elsewhere, and adopt the recommendations of the Class Size Working Group to allow more schools to have the space to attain the smaller classes required by the law;

Be it further resolved that CB2 asks that the DOE should take the class law into account when implementing their enrollment policies;

Be it further resolved that the DOE, the United Federation of Teachers[7] (UFT), and the Council of School Supervisors and Administrators[8] (CSA) should not grant permanent exemptions to

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[3] https://drive.google.com/file/d/1gSiFUcuLOjJ49PLCMptkroFjXBHow2b_/view

[4] https://www.nysenate.gov/legislation/laws/EDN/211-D

[5] https://codes.findlaw.com/ny/education-law/edn-sect-2590-o/

[6] https://intro.nyc/local-laws/2016-167

[7] https://www.uft.org

[8] https://csa-nyc.org/about/what-is-csa/#:~:text=WHAT%20WE%20DO,fights%20for%20members'%20legal%20rights.

overcrowded schools, but that the DOE must produce a plan so that all schools can be provided with the space required for smaller classes, by expanding and accelerating new school construction and by adjusting enrollment between nearby schools;

Be it further resolved that the State Education Commissioner should require the DOE to produce an actual multi-year class size plan, demonstrating how sufficient funding and space will be provided over the next three years to allow all NYC schools and all students to benefit from the smaller classes they need and deserve and that are required by law.

Vote: Unanimous, 35 Board Members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,

Susan Kent, Chair
Community Board #2, Manhattan

Patricia Laraia, Chair
Schools and Education Committee
Community Board #2, Manhattan

SK/em

cc: Hon. Brian Kavanagh, NYS Senator
Hon. Brad Hoylman-Sigal, NYS Senator
Hon. Deborah Glick, Assembly Member
Hon. Grace Lee. Assembly Member
Hon. Adrienna Adams, Speaker
Hon. Erik Bottcher, Council Member
Hon. Christopher Marte, Council Member
Hon. Carlina Rivera, Council Member
Council District 2