



January 13, 2022

To the NYC Department of Education and NY State Education Department officials in charge of NYC's proposed Contracts for Excellence plan for the 2021-2022 school year:

We have great concerns about DOE's failure to allocate a single penny out of its targeted funds towards class size reduction in their proposed plan, even though in 2003, the State's highest court in the Campaign for Fiscal Equity case said that class sizes in NYC schools were a systemic problem that robbed NYC students of their constitutional right to a sound, basic education. [Class size reduction](#) is one of only a handful of reforms proven to provide real equity by narrowing the achievement/opportunity gap between racial and economic groups. Smaller classes have been shown to result in higher test scores, better grades, more engaged students, and fewer disciplinary referrals – especially for those students who need help the most. *And yet class sizes in the NYC public schools have increased since the Court of Appeals issued this decision.*

We also question why the DOE claims that they received no more C4E funds this year, given that NYC schools are receiving \$530 million in additional state foundation aid during SY 2021-22, increasing to \$1.3 billion annually over next three years, to fulfill the goals of the CFE lawsuit.

We oppose the fact that DOE has informed principals that if they choose to use these funds in the category of class size reduction, they can be used to maintain current class sizes or limit class size increases. Maintaining and/or minimizing increases in class size would not provide any progress towards the smaller classes that NYC students need and deserve, according to the state's highest court.

Another persistent problem with the DOE's plan is their insistence that they can use these funds to supplant or fill in holes created by the city's own tax levy cuts, as stated in their [proposed plan](#) and their [budget allocation memo](#), even though supplanting is specifically prohibited in the C4E law. Again, it would make no sense to allow state funds to be used where the city itself has made budget cuts, which would also mean no progress or improvement in terms of providing equitable learning conditions for NYC students. If the State is allowing the city to use these funds to supplant its own support for staffing or for other critical programs, the State should specify the language in the C4E law or the regulations which would allow this.

Finally, the timing of public hearings and comments occurs too late in the year to make any difference, and the state's approval process of the proposed plan is meaningless since these funds have long been spent. The DOE must be required to hold hearings and schedule the public comment period in the spring, with the submission of the plan by July 1, to ensure that there is meaningful public input into the spending of these funds, and that the plan complies with the language and the intent of the C4E law.

As it stands, year after year, the DOE has ignored the input of parents and teachers on this issue. Every year that the DOE's surveys have been administered, smaller classes have been the top priority of K12 parents when asked what changes they would like to see in their children's schools. According to a UFT teacher survey, 99% NYC teachers responded that class size reduction would be an effective reform to improve NYC schools, far outstripping any other proposal. And yet DOE refuses to follow through on a critical reform that we know for sure would lead to improved student outcomes, especially for children of color, English Language Learners, students with disabilities and those from low-income families.

Yours sincerely,

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