



Class Size Matters  
 124 Waverly Pl., New York, NY 10011  
 Phone: 917-435-9329  
[info@classsizematters.org](mailto:info@classsizematters.org)  
[www.classsizematters.org](http://www.classsizematters.org)

## Testimony before the State Legislature on the Education budget

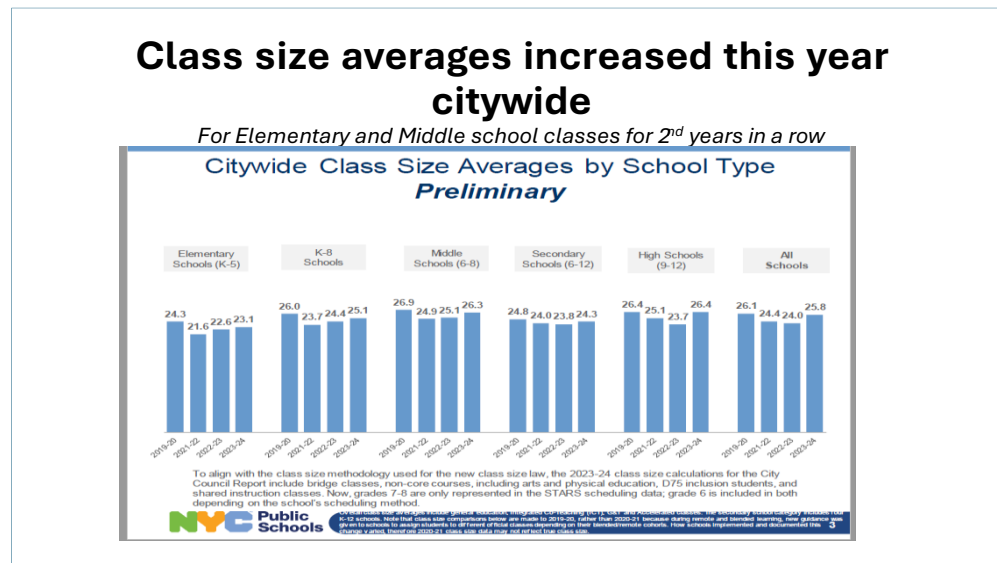
Feb. 1, 2024

My name is Leonie Haimson, and I am the Executive Director of Class Size Matters.

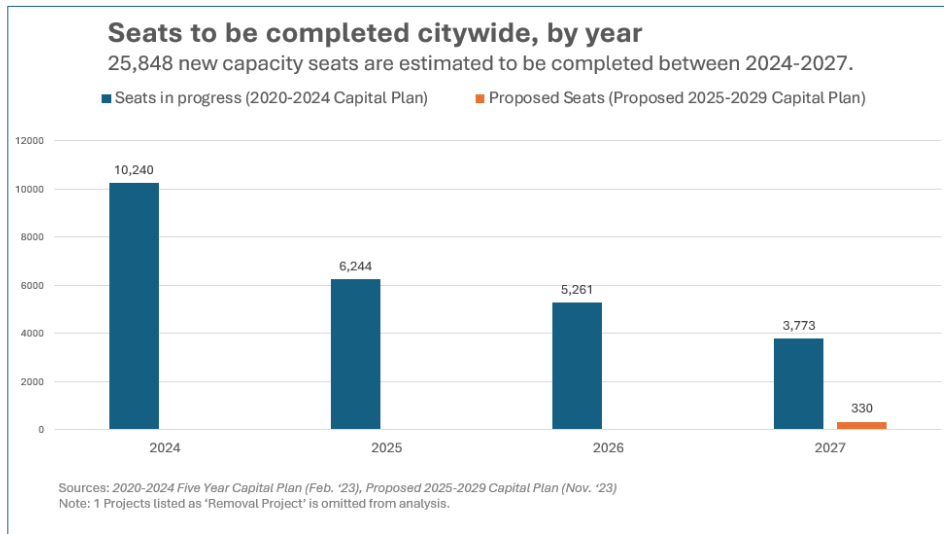
First of all, we urge the Legislature to reject Gov. Hochul's education cuts of \$123 million to NYC, and instead ensure that the current Foundation formula will be followed that would provide an additional \$345 million rather than the \$222 million she proposed.

Secondly, we appreciate all the questions from the Legislators to Chancellor Banks about his failure to implement the class size law. This law was passed overwhelmingly originally in June 2022, and signed into law by the Governor in Sept. 2022, with the condition that the phase-in of smaller classes starting one year later, the fall of 2023 instead. Thus, the DOE has had more than a year and a half to start taking specific actions to implement the law, and has done absolutely nothing, and instead is moving in the opposite direction.

Sadly, Mayor Adams is doing everything he can to oppose the law, has increased class size for the last two years according to their own data, and is making it impossible for the city to comply with the law by continuing to cut school budgets. Only 60 schools citywide fully complied with the caps this year, out of more than 1500 schools, compared to 89 two years ago.



As the letter Class Size Matters sent to the State Education Department along with AQE pointed out, instead of providing more space for smaller classes in overcrowded schools and communities, the DOE has also cut the new proposed capital plan.<sup>1</sup> Rather than ramp up the creation of new seats as soon as the bill passed, they have cut the number of new seats by over \$2.5 billion to be funded every year since then.<sup>2</sup>



Because it takes at least four to five years to site and build a school, if this capital plan is adopted it is unlikely that there will be enough space to lower class size in the most overcrowded communities.

It is also a great concern to us that 77% of seats in the new proposed five-year plan for 2025-2029 lack any identification as to borough, district or grade level, and the plan asserts that this information will never be provided in the future in the Capital plan until *“the identification of a suitable site and the commencement of the school facility’s design process.”*

This lack of transparency not only leaves the public and elected officials out of the potential siting of schools and their input as to where new schools may be needed, it also appears to violate two state laws. First, EDN § 2590-o requires 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 therefor.”*<sup>3</sup>

It also appears to violate [the class size law](#), now known as Chapter 556 of the Laws of 2022. which states that the annual class size plan submitted to the state must include *“the annual capital plan for school*

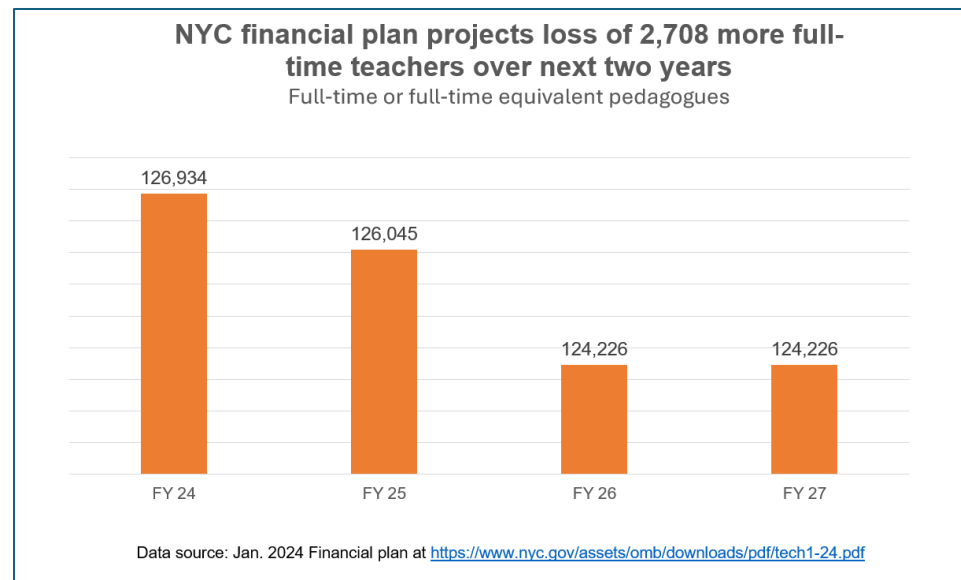
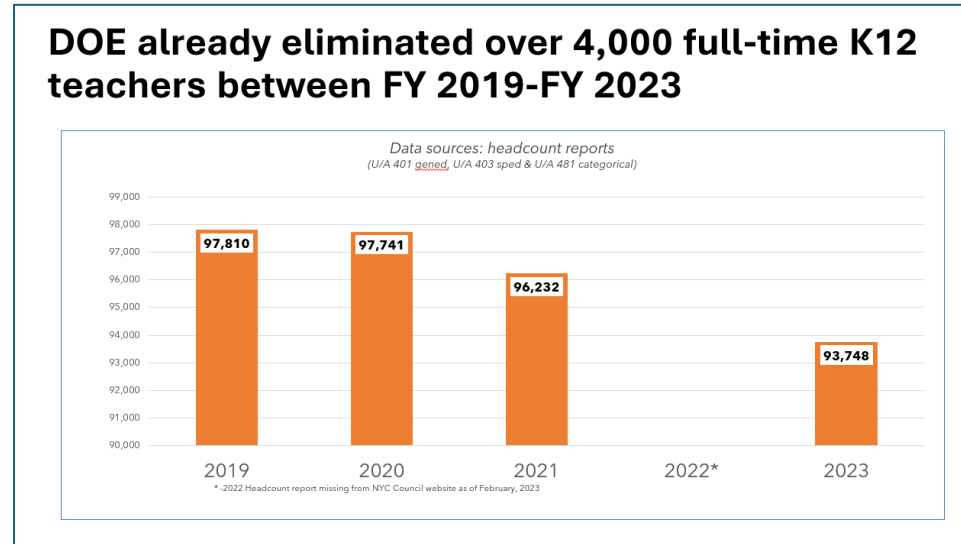
<sup>1</sup> See Class Size Matters & AQE letter to NYSED, Asking for a DOE to produce a Class Size Corrective Action Plan Nov. 2023, <https://classsizematters.org/class-size-matters-aqe-urges-state-education-department-to-require-doe-submit-a-class-size-corrective-action-plan/>

<sup>2</sup> When the Chancellor and Deputy Chancellor was asked about these radical cuts at a meeting on Nov. 10, they insisted that this was a decision made not by them but by the NYC Office of Management and Budget. See: <https://vimeo.com/manage/videos/883381018>

<sup>3</sup> <https://codes.findlaw.com/ny/education-law/edn-sect-2590-o/>

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.”<sup>4</sup>

Similarly, rather than adding to the teaching force as will be necessary to lower class size, the DOE has contracted the K12 teaching force by over 4000 teachers since 2020. According to the just-released NYC Financial plan, they intend to shrink the full time teaching force by another 2000 full-time teachers over the next two years. Obviously, the more they contract the teaching force, the more difficult it will be to hire the number of teachers necessary to staff smaller classes, starting next year and beyond.



We need the Legislature to provide sufficient oversight so that DOE actually lowers class size to the mandated levels, which can only occur if they allocate sufficient additional funding to schools for staffing and for more school construction. On December 11, the Class Size Working Group appointed by the

<sup>4</sup> <https://www.nysenate.gov/legislation/laws/EDN/211-D>

Chancellor released these and many more detailed recommendations to implement the law, and yet so far, the DOE has refused to say if they will implement any of them.<sup>5</sup>

We also urge the Legislature to eliminate the requirement that NYC must subsidize charter school rent – the only district in the state and indeed the nation which is required to do so. Class Size Matters has written two reports showing how in many cases, these rents are inflated by Charter Management Organizations, and the cost to NYC is estimated to be about \$100 million this year, an amount that is rising fast.<sup>6</sup> Overall, charter schools are costing the city nearly \$3 billion a year currently.

We also ask that NYC be provided with state charter transition aid, especially as we are the only school district in the state that does not receive this aid, designed to help districts pay for part of the cost of charter school expansion. The Education Law Center estimates that the city has lost out on \$2.81 billion in this aid since 2011 and would receive about \$93 million this year if they were eligible this fiscal year.<sup>7</sup>

We also urge the Legislature to raise the capital reimbursement for new school construction to 50%, where it was previously, and this could potentially yield billions more in capital expenses. According to SCA/DOE, NYC currently receives only 25% reimbursement for new school construction, while still receiving 50% for other capital improvements.

Finally, we also have detailed testimony on mayoral control and what should replace it that we have submitted to the State Education Department, which I hope you will take a look at. To summarize, contrary to the myths propounded by the Mayor and Chancellor, this governance system has yielded minimal accountability, transparency, and efficiency, and instead, excessive waste and corruption.<sup>8</sup>

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<sup>5</sup> [https://drive.google.com/file/d/1gSiFUcuLOj49PLCMptkroFjXBHow2b\\_/view](https://drive.google.com/file/d/1gSiFUcuLOj49PLCMptkroFjXBHow2b_/view)

<sup>6</sup> <https://www.classsizematters.org/wp-content/uploads/2019/10/Charter-School-Facility-Costs-10.21.19.pdf>; <https://classsizematters.org/new-report-finds-doe-overspent-by-many-millions-on-charter-school-rental-subsidies-for-charter-schools-and-owed-millions-to-co-located-public-schools-for-facility-upgrades/>

<sup>7</sup> <https://edlawcenter.org/the-unsustainable-cost-to-new-york-city-schools-of-charter-school-growth/>

<sup>8</sup> <https://classsizematters.org/the-myths-surrounding-mayoral-control-and-what-we-need-instead/>