

**REDUCING CLASS SIZE IN NEW YORK CITY:
PROMISE VS. PRACTICE****DANIELLE FARRIE, MONETE JOHNSON,
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In the landmark school funding litigation, *Campaign for Fiscal Equity v. State (CFE)*, the highest Court in New York recognized that reasonable class sizes are an essential element of a constitutional “sound basic education.” In response to the rulings in the case, in 2007, the Legislature adopted a law mandating that New York City develop and implement a class size reduction plan for all grade levels. Unfortunately, as the policy brief explains in detail, little progress has been made. The Department of Education’s (DOE) own class size reports show that the district is actually losing ground. Given the well known benefits of reduced class sizes, particularly for low-income students, there needs to be a renewed effort to get the policy back on track.

Background: The Mandate for Smaller Class Sizes in NYC

In the CFE litigation, the Court ruled that the State’s school funding system violated New York City schoolchildren’s constitutional right to a “sound basic education,” defined as the “opportunity for a meaningful high school education, one which prepares them to function productively as civic participants.” The Court also found that the school district lacked certain “inputs,” or resources, essential for a sound basic education.

Class size was among the essential resources identified by the Court. In its 2003 CFE II ruling, the Court found that class sizes in New York City public schools were excessive, and that small class size improves student outcomes. The Court further found that the State’s failure to provide sufficient school funding impeded the ability to maintain reasonable class sizes in many city schools.

The Court ultimately ordered the State to ascertain the cost of providing a sound basic education to New York City school children, and develop an accountability system to measure whether the funding reforms actually provided the opportunity for a constitutional education.

In response to CFE, the Legislature enacted sweeping school funding reforms in 2007. The reforms included a new Foundation Aid Formula to increase state school aid by \$5.5 billion over four years. The Legislature also enacted the *Contract for Excellence (C4E)* law, responding to the Court’s call to establish an accountability system to ensure that the funding reform would bring essential resources to school districts.

Under C4E, struggling school districts receiving additional funding under the Foundation Aid Formula are required to develop a spending plan – with public input – to ensure that the aid received is spent on resources proven to improve learning. First on the C4E law’s list of “allowable programs,” i.e. resources proven to improve student achievement, is “reduction of class size.”

For New York City, C4E imposed a special requirement regarding class size. The law mandates that New York City’s Contract for Excellence include a class size reduction plan for all grade levels, including the methods by which the City DOE intends to reduce class size, such as construction of new facilities. The law also requires DOE to prepare an annual report to the State Education Commissioner regarding the status and implementation of the class size reduction plan.

When first enacted in 2007, the C4E law established five-year goals to be met by the 2011-12 school year. The New York City DOE submitted a five year class size reduction plan with annual targets that was approved by the state in the fall of 2007. The city’s plan required reducing average class sizes over five years to the following levels:

- 19.9 for Kindergarten through Grade 3;
- 22.9 for Grades 4 through 8;
- 24.5 for Grades 9 through 12 (in core classes).

Why Class Size Matters

The Institute of Education Sciences, a division of the U.S. Department of Education, highlighted class size reduction in the early grades as a reform strategy that meets research’s “gold standard” for establishing what works – it has proven effective in scientifically-rigorous, randomized controlled trials.¹

Among the proven benefits of smaller classes are increased test scores and grades, improved discipline, higher graduation rates, and higher rates of college attendance. Smaller classes have also been shown to encourage the development of non-cognitive skills like greater motivation, persistence, and self esteem.

While much of the research on class size reduction focuses on the early grades, many other studies demonstrate that smaller classes in middle and high school can improve performance and engagement as well. Class size reduction has also proven to significantly narrow the achievement gap by improving outcomes for racial minorities and low-income students.

In addition, reductions in class sizes may improve the teaching force by improving working conditions, and reducing turnover, thus leading to a more experienced workforce. In fact, in 2003, NYC DOE interviews showed that teachers who left after one year cited class size as a top reason for their decision.

For a more detailed summary of the class size research reviewed here, see A+ NYC’s policy brief at aplusnyc.org/class-size.

Failure to Reduce Size of NYC Classrooms

In 2007-08, the city failed to make its first year targets, though class sizes were reduced slightly. The state imposed a corrective action plan for the following year. Despite this effort, beginning in 2008-09, class sizes began increasing sharply, initially because of city budget cuts. Blaming fiscal conditions and a lack of state funding, the city proposed focusing its efforts solely on 75 low-achieving schools with large class sizes – out of more than 1,000 NYC public schools – while “monitoring” class size elsewhere. In February 2010, then Commissioner David Steiner gave DOE a temporary reprieve on its citywide class size commitments, “due to the current economic climate.”

Since 2007-08 the annual change in class size was much more likely to be an increase than a reduction.

However, even in many of the 75 “focus” schools, class sizes increased rather than decreased, and several of these schools closed for low-performance without ever reducing class size. By the fall of 2015, in nearly every grade, class sizes had grown far above the city’s original goals, and substantially above the levels that existed in 2007 when the law was first passed. In 2013, class sizes in grades K-3 reached a fifteen year high, at 24.9 students per class, and the average in these grades has only decreased slightly since then. Worse yet, in 2015, the number of children in grades K-3 in classes of at least thirty had nearly doubled since 2011.²

Our analysis of the DOE’s most recent class size reports shows that New York City continues to lose ground instead of making progress in reducing class sizes.³ Table 1 shows that since 2007-08 the annual change in class size was much more likely to be an increase than a reduction. In the four grade groupings reported between 2007-08 and 2015-16 there were 23 instances of annual increases in class size (shaded red) and only 6 instances of annual reductions (shaded blue). In fact, each of the four grade groupings report significantly higher class sizes in 2015-16 compared to 2007-08, and each are well above the C4E goals (see Figure 1).

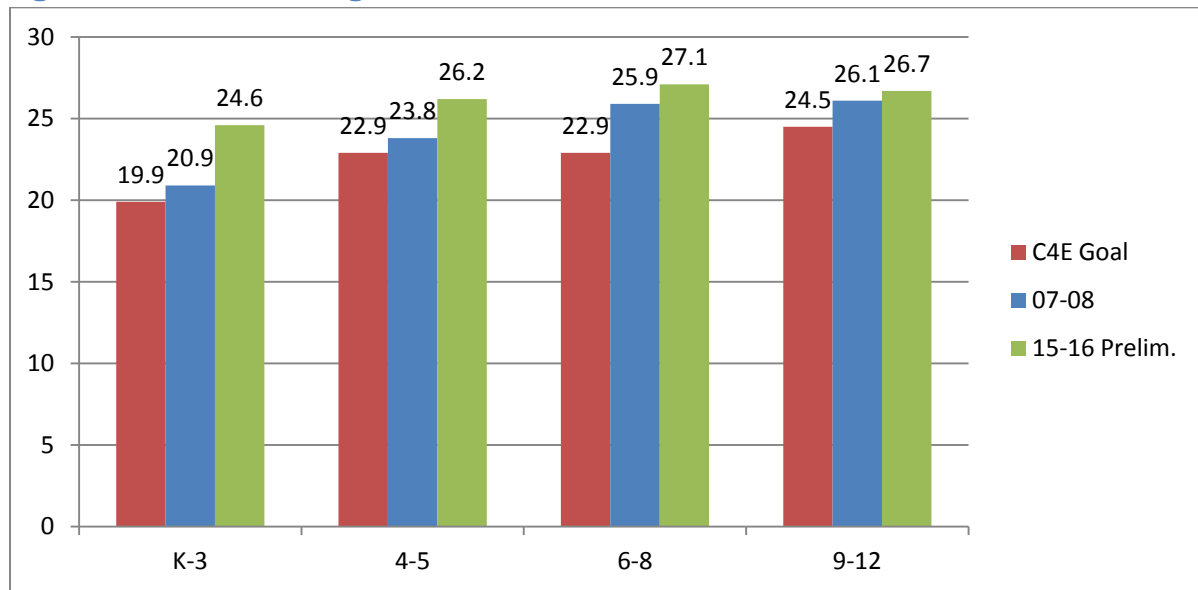
Over 800,000 students in New York City are in schools with average class sizes above the CFE class size goals, and only a very few students are benefiting from the smaller class size promised to them in 2007.

Table 1. Average Class Size by Year and Grade Span

	Grade Span			
	K-3	4-5	6-8	9-12
C4E Goal	19.9	22.9	22.9	24.5
2007-08	20.9	23.8	25.9	26.1
2008-09	21.3	23.8	26.3	26.2
2009-10	22.1	24.6	26.3	26.6
2010-11	22.9	25.2	26.9	26.5
2011-12	23.9	25.5	27.2	26.4
2012-13	24.4	25.7	27.3	26.3
2013-14	24.7	26.0	27.1	26.4
2014-15	24.6	26.1	27.0	26.6
2015-16 (prelim.)	24.6	26.2	27.1	26.7

Source: NYCDOE Class Size Report Presentations, reported average class size in General Education and Integrated Co-Teaching classes. The final report presentation for 2015-16 did not include these statistics, so the preliminary data are used.

Figure 1. Class Size Changes Relative to C4E Goals



Source: NYCDOE Class Size Report Presentations, reported average class size in General Education and Integrated Co-Teaching classes. Final data presentation for 2015-16 did not include these statistics, so the preliminary data are used.

The maps below provide geographical and socioeconomic context for the distribution of average class sizes in New York City communities. Class size is calculated using the reported number of students divided by the number of class sections for all reported program areas within each grade span (general education, integrated co-teaching (ICT) classes, and gifted and talented) from the 2015-16 updated class size report. On the map, each dot represents one school, blue dots have average class sizes for applicable grades that are above the C4E goals for that grade range and

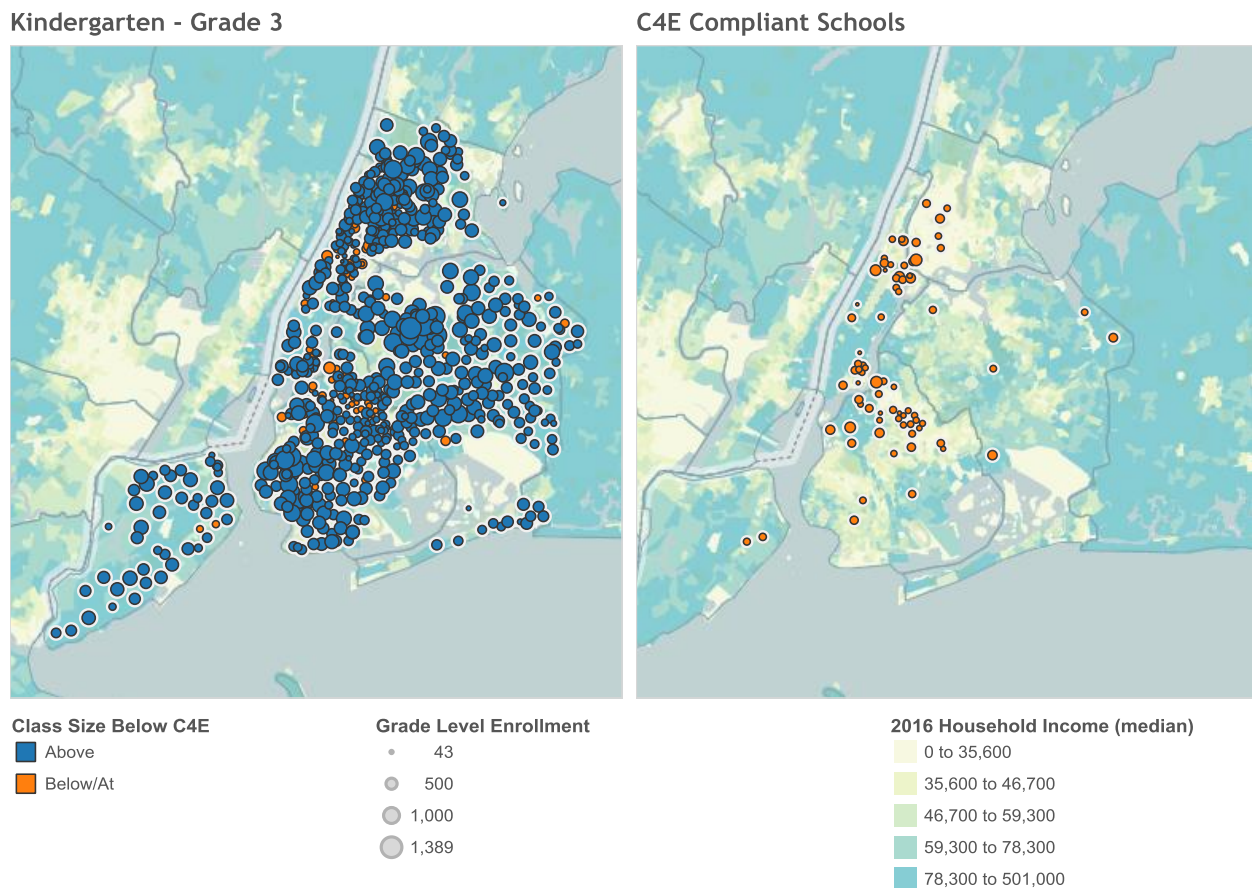
orange dots are below; the size of the dot represents the enrollment for the applicable grades. The background map shows the 2016 median household income by zip code with the lighter yellow representing lower income areas and the blue shades representing higher income areas.

Grades K – 3

In Figure 2, the map on the left includes all schools enrolling students in kindergarten through third grade. The overwhelming number of blue dots indicates that most schools failed to meet the C4E class size goals. The map on the right highlights the few schools – only 82 out of 795 – whose average class sizes were below the C4E goal. Citywide, only 5% of kindergarten through third graders were in schools with average class sizes below the C4E goals.

Despite the overwhelming noncompliance with the class size reduction goals, there are some geographic differences. Fourteen percent of early elementary students in Manhattan were in schools with an appropriate average class size compared to 6% in Brooklyn, 3% in the Bronx, 2% in Staten Island, and 1% in Queens.

Figure 2. Kindergarten – Grade 3 Average Class Size Compliance

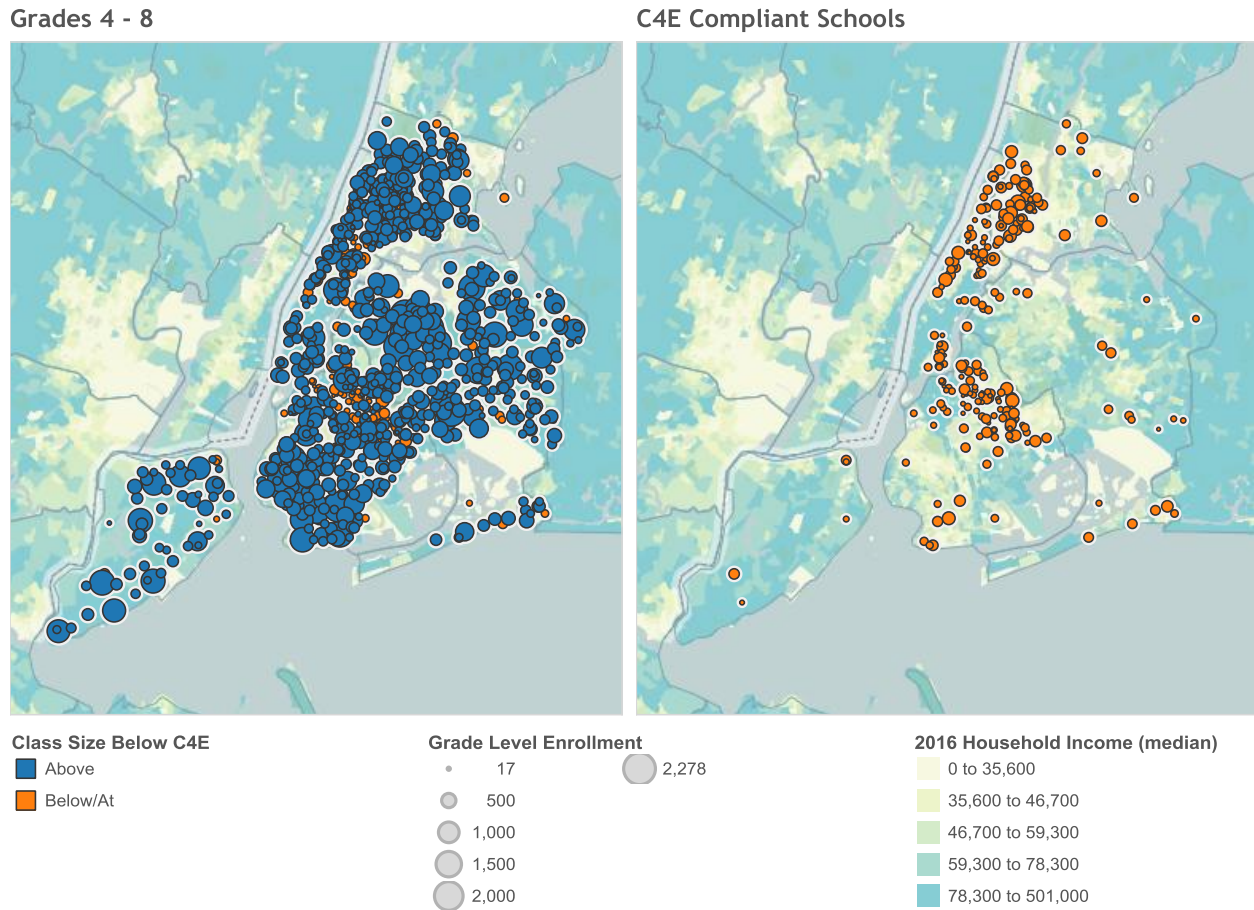


Source: 2015-16 NYCDOE Class Size Report

Grades 4 - 8

Figure 3 shows only 261 of the 1,116 schools enrolling students in grades four through eight had average class sizes that met the C4E goals and only 12% of students in these grades were in schools with appropriate class sizes. Twenty-two percent of students in Manhattan were in schools with an appropriate average class size averages compared to 16% in the Bronx, 14% in Brooklyn, 4% in Queens and 4% in Staten Island.

Figure 3. Grade 4 to 8 Average Class Size Compliance



Source: 2015-16 NYCDOE Class Size Report

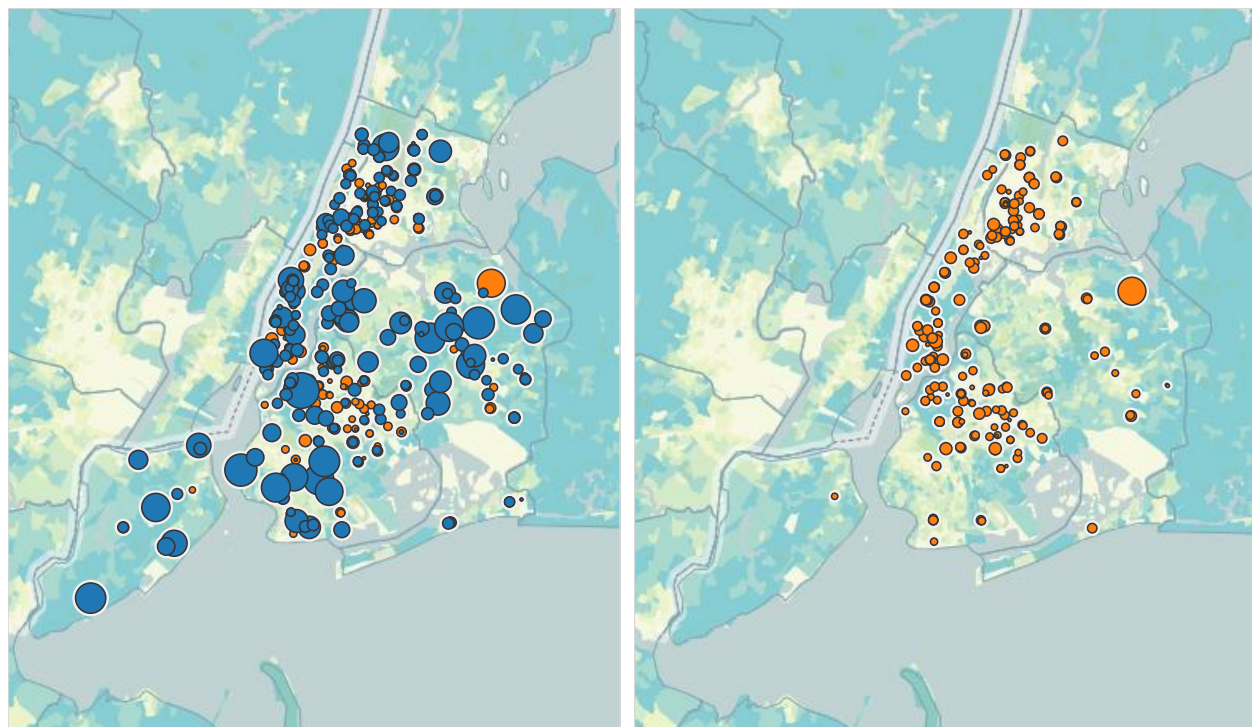
Grades 9 – 12

High school students were the most likely to report appropriate class sizes, though most schools are out of compliance. Figure 4 shows 233 of the 496 high schools, or nearly half, met the C4E average class size goal of 24.5, but these 200 schools enrolled only 25% of all high school students. In fact, more than half of the students enrolled in high school courses in English, Math, Science and Social Studies were in classes with 30 students or more.⁴ The map makes clear that the city's largest high schools were much less likely to be within the class size limitations. Forty-three percent of students in the Bronx, 32% in Manhattan, and 27% in Brooklyn are in schools with an appropriate average class size compared to 12% in Queens and 1% in Staten Island.

Figure 4. Grade 9 to 12 Average Class Size Compliance

Grades 9 - 12

C4E Compliant Schools



Class Size Below C4E

- Above
- Below/At

Grade Level Enrollment

- 0
- 1,000
- 2,000
- 3,000
- 4,000
- ≥ 5,447

2016 Household Income (median)

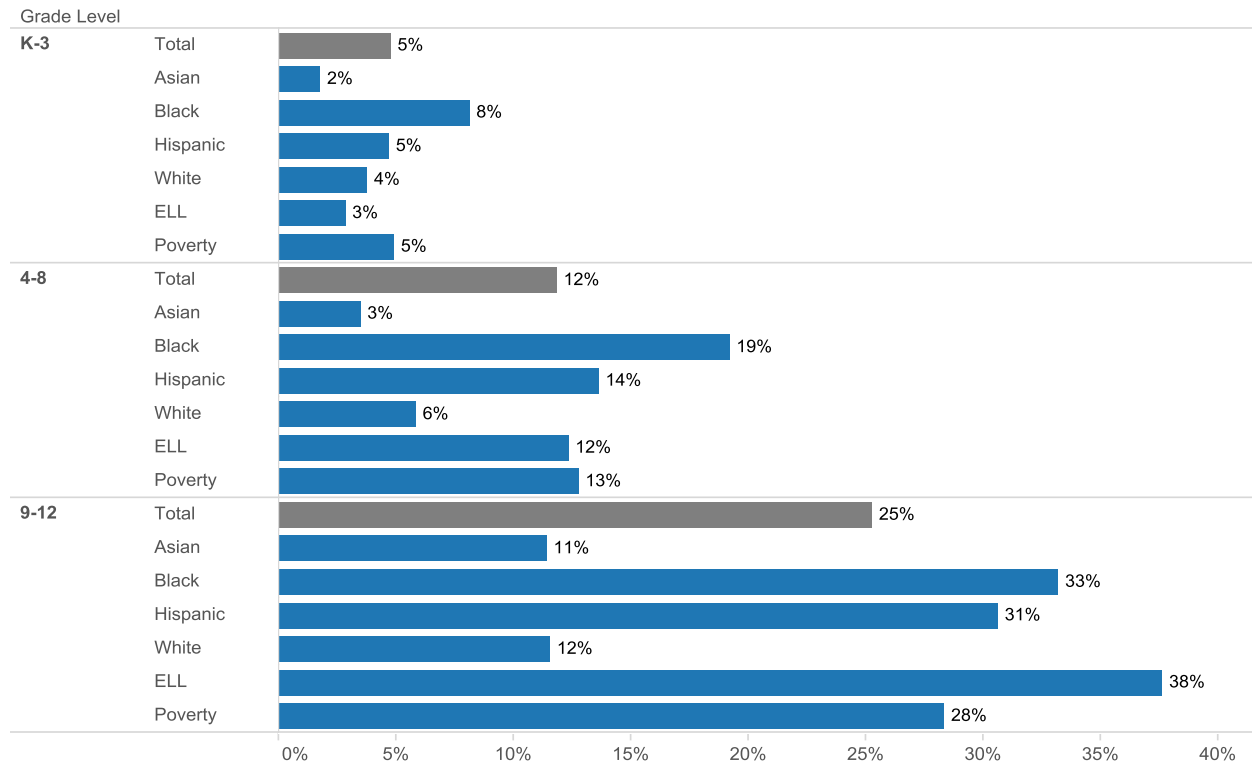
- 0 to 35,600
- 35,600 to 46,700
- 46,700 to 59,300
- 59,300 to 78,300
- 78,300 to 501,000

Source: 2015-16 NYCDOE Class Size Report

Student Characteristics

To determine whether there were any differences in compliance for different student subgroups, we examine the percentage of students attending schools that met the C4E guidelines by race, income, and English language learner (ELL) status (see Figure 5).⁵ With nearly all schools enrolling early elementary grades not in compliance with C4E, there was little variation by student characteristics, though black students were slightly more likely to be C4E compliant schools and Asian and white students are somewhat less likely. In the middle grades we begin to see variation by race; black and Hispanic students are more likely than their white and Asian peers to be in compliant schools. This trend continues and becomes more pronounced in grades 9 – 12 with about a third of black and Hispanic students in compliant schools compared to a tenth of white and Asian students. We find no real differences by poverty and ELL status, except that high school ELL students are more likely to be in compliant schools. However, it should be noted that the methodology for calculating high school ELL class sizes may count one ELL ICT course as two separate sections for the ELL and general education students, thus underreporting class sizes for both groups.⁶ Therefore, it is possible that the small class sizes for ELL students are reported in error.

Figure 5. Percentage of Students in Schools Meeting the C4E Goals by Student Characteristics

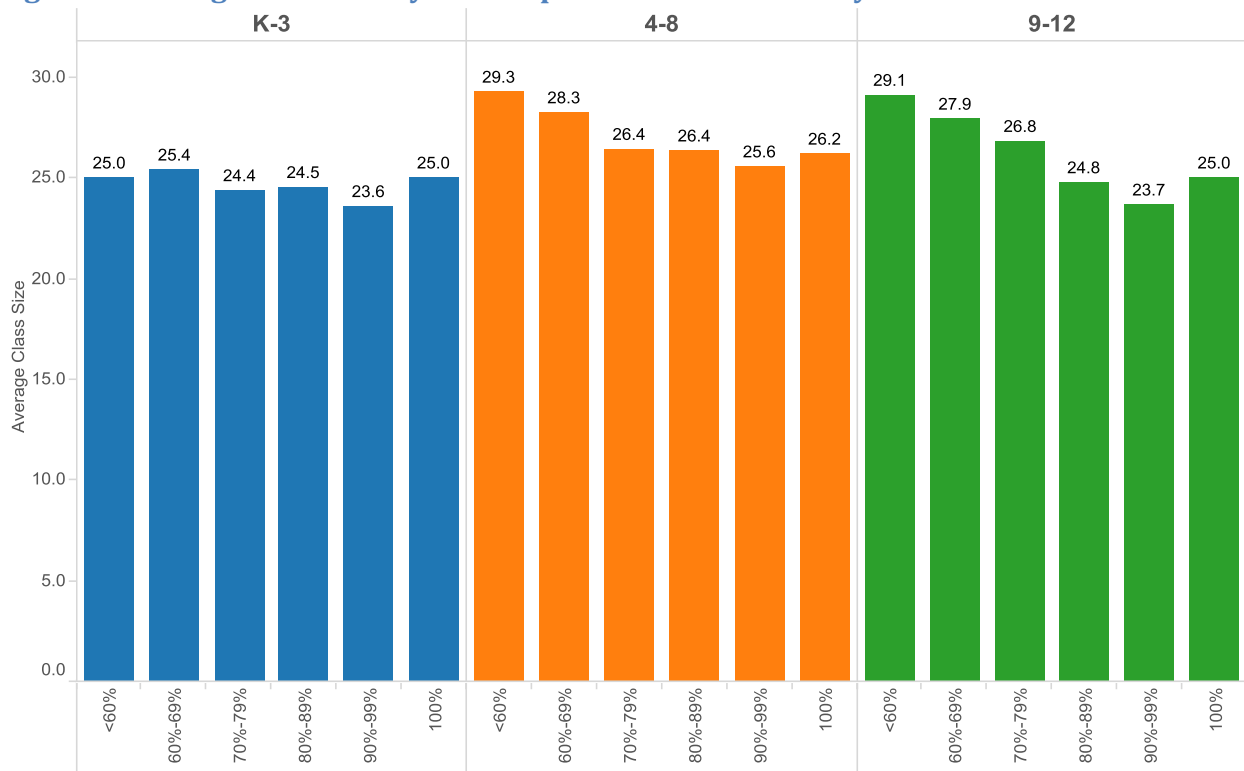


Source: 2015-16 NYCDOE Class Size Report, 2015-16 NYCDOE Demographic Snapshot

School Poverty

We also examine compliance with C4E goals based on the overall poverty concentration of schools (see Figure 6). Because small class sizes can be especially effective in improving outcomes in schools with high poverty concentrations, we would hope to find that class sizes decline as poverty rates increase. With the exception of the city’s highest poverty schools, we find this to be generally true, especially in middle and high schools. Class sizes are highest in schools with lower poverty rates and then generally decline as poverty increases, though in all cases class sizes rise slightly for schools with 100% poverty. Schools with poverty rates between 90% and 99% have the lowest class sizes in all three grade spans. In grades K-3, the difference between these schools and the lowest poverty schools is minimal, an average of only 1.4 fewer student per class. However for 4th to 8th grade, with 3.7 fewer students, and 9th to 12th grade, with 5.4 fewer students, the differences are more substantial.

Figure 6. Average Class Size by Grade Span and School Poverty Rate



Source: 2015-16 NYCDOE Class Size Report, 2015-16 NYCDOE Demographic Snapshot

Conclusion and Recommendations

Our analysis of the available data shows that over the course of eight years since the C4E class size reduction requirements were imposed by the C4E law, there has been no progress in relieving overcrowded classes in the city's public schools. In fact, conditions are actually worse. Class sizes are not only off track to meet these goals, but in the fall of 2015, thousands of classes violated the caps set in the teacher contract of 25 students per class in Kindergarten, 32 students in grades 1-5, 30-33 students in grades 6-8 (depending on whether they attended a Title I school), and 34 students in academic high school classes.⁷

For years, elected officials have used the lagging economy as an excuse for their failure to enforce the class size reduction law. Now that there is a healthy fiscal environment, with both the city and state enjoying substantial budget surpluses, the time to recommit and reduce class size is here. A framework for moving the issue forward includes the following action steps.

- DOE needs to issue a five-year class size reduction plan with specific annual class size targets along with sufficient funding to achieve those goals. The plan should first focus on lower grades, and schools with the greatest number of low-income children.
- In the longer term, the DOE should extend this plan to schools citywide, and for all grades, as the law requires, while adopting a school construction plan to ensure there is sufficient space.
- The New York State Education Department should refuse to approve any city plan unless it includes specific targets in specific schools along with sufficient funding to achieve them. The State should also maintain strict oversight to ensure that it achieves these goals. According to the CFE decision, it is as much the State's responsibility as the DOE's to ensure proper class sizes in NYC public schools. If the DOE fails to achieve its annual targets and overall goals, the State should require the implementation of a corrective action plan, and consider withholding C4E funds if the DOE fails to improve its compliance.
- More support and resources should be provided to advocates and stakeholder groups by foundations and other funding sources to encourage engagement and activism around the need for smaller classes in New York City's schools.

Despite the disappointing results in reducing class size up to this point, smaller classes remain a legal obligation of the DOE and an essential policy goal if New York City public school students are to be provided with their constitutional right to a sound basic education. Reducing class size is one of the most important tools available to improve educational outcomes, especially for low-income children and students of color. It has been proven to improve achievement levels, boost high school graduation rates and increase the likelihood that students will attend college. In urban school

districts with large numbers of low-income students such as New York City, reducing class sizes also reduces the opportunity and achievement gaps and can lead to higher retention rates of classroom teachers. The time is overdue to move this agenda forward.

About Education Law Center

Founded in 1973, ELC is recognized as one of the nation's premier education advocacy organizations working on behalf of public school children for access to an equal and adequate education under state and federal laws. ELC focuses on improving public education for disadvantaged children and children with disabilities and other special needs, using multiple strategies, including public education and engagement, policy initiatives, research, communications and legal action.

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End Notes

¹ U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance. “Identifying and Implementing Educational Practices Supported by Rigorous Evidence: A User Friendly Guide.” December 2003.

² http://www.classsizematters.org/report-number-of-k-3-students-in-classes-of-30-or-more-risen-sharply-since-2011/#_ftnref3

³ Data from NYC Department of Education, Class Size Report available at <http://schools.nyc.gov/AboutUs/schools/data/classsize/classsize.htm>

⁴ See 2015-16 Citywide Distribution Report, <http://schools.nyc.gov/AboutUs/schools/data/classsize/classsize.htm>.

⁵ Because subgroup enrollments are not available by grade, we use school-wide subgroup percentages to estimate the number of students in each subgroup for the grade span in question.

⁶ While the NYC Department of Education states that it addresses this overlap for integrated co-teaching courses for IEP students, there is no mention of making the same correction for ELL students. See NYC DOE Class Size Report Methodology at http://schools.nyc.gov/NR/rdonlyres/7A166293-14E2-47A9-B16A-AC0B955E4B45/0/Class_Size_Reporting_Methodology_Feb2016.pdf.

⁷ See NYC DOE Class Size Report, 2015-2016 Updated Class Size Report, Citywide Distribution, <http://schools.nyc.gov/AboutUs/schools/data/classsize/classsize.htm>

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