STATE OF NEW YORK

7447

2021-2022 Regular Sessions

IN ASSEMBLY

May 10, 2021

Introduced by M. of A. SIMON -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring class size reduction plans in city school districts in cities having a population of one million or more

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraphs (ii) and (iii) of paragraph b of subdivision 2 of section 211-d of the education law, subparagraph (ii) as amended by section 2 of part A of chapter 57 of the laws of 2008 and subparagraph (iii) as added by section 3-a of part A of chapter 57 of the laws of 2009, are amended to read as follows:

(ii) In a city school district in a city having a population of one million or more inhabitants such contract shall also include a plan to reduce **citywide** average class sizes **and by district and school**, as defined by the commissioner, [~~within five years~~] **beginning September two thousand twenty-one and to be achieved by September two-thousand twenty-six** for the following grade ranges: (A) pre-kindergarten-third grade; (B) fourth-eighth grade; and (C) high school**, and shall thereafter maintain the average class sizes achieved by such date**. Such plan shall include **annual** class size reduction for low performing and overcrowded schools and also include the methods to be used to achieve such class sizes, such as the creation or construction of more classrooms and school buildings, the placement of more than one teacher in a classroom or methods to otherwise reduce the student to teacher ratio[~~; provided, however, that notwithstanding any law, rule or regulation to the contrary, the sole and exclusive remedy for a violation of the requirements of this paragraph shall be pursuant to a petition to the commissioner under subdivision seven of section three hundred ten of this title, and the decision of the commissioner on such petition shall be final and unre-~~

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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~~viewable~~] **but only as a temporary measure until more classrooms are made available in conformance with the plan**.

(iii) A city school district in a city having a population of one million or more inhabitants shall prepare [~~a report~~] **annual reports, on the dates set forth below,** to the commissioner on the status of the implementation of its plan to reduce average class sizes pursuant to subparagraph (ii) of this paragraph. Such report shall **be publicly released and posted on the city school district's websites, and the department shall** identify all schools that received funds targeted at class size reduction efforts pursuant to the requirements of this section and provide the following information regarding such schools:

(A) the amount of contract for excellence funds received by each school and the school year in which it received such funds;

(B) a detailed description of how contract for excellence funds contributed to achieving class size reduction in each school that received such funding including specific information on the number of classrooms in each school that existed prior to receiving contract for excellence funds and the number of new [~~classrooms~~] **classes** that were created in each school for each year such funding was received, the number of classroom teachers that existed in each school prior to receiving contract for excellence funds and the number of new classroom teachers in each school for each year such funding was received, the student to teacher ratio in each school prior to receiving contract for excellence funds and the student to teacher ratio in each school for each year such funding was received;

(C) the actual student enrollment for the two thousand [~~six~~] **twenty**--two thousand [~~seven~~] **twenty-one** school year, the actual student enrollment for the two thousand [~~seven~~] **twenty-one**--two thousand [~~eight~~] **twenty-two** school year, the actual student enrollment for the two thousand [~~eight~~]**twenty-two**--two thousand [~~nine~~] **twenty-three** school year, **the actual student enrollment for the two thousand twenty-three--two thousand twenty-four school year, the actual student enrollment for the two thousand twenty-four--two thousand twenty-five school year,** and the projected student enrollment for the two thousand [~~nine~~] **twenty-five**--two thousand [~~ten~~] **twenty-six** school year for each school by grade level;

(D) the actual average class sizes for the two thousand [~~six~~] **twenty**--two thousand [~~seven~~] **twenty-one** school year, the actual average class sizes for the two thousand [~~seven~~] **twenty-one**--two thousand [~~eight~~] **twenty-two** school year, the actual average class sizes for the two thousand [~~eight~~] **twenty-two**--two thousand [~~nine~~] **twenty-three** school year, and the projected average class sizes for the two thousand [~~nine~~] **twenty-three**--two thousand [~~ten~~] **twenty-four** school year for each school by grade level **and for each year thereafter until the class size goals are achieved**; [~~and~~]

(E) **the annual capital plan for school construction and leasing to show how many classrooms will be added in each year and in which schools and subdistricts to achieve the class size reduction goals;**

(F) how the school capacity and utilization formula is aligned to the class size goals in the city school district's class size reduction plan; and

(G) the schools that have made insufficient progress toward achieving the class size reduction [~~goals outlined~~] **contained** in the approved five year class size reduction plan pursuant to subparagraph (ii) of this paragraph and a detailed description of the actions that will be taken to reduce class sizes in such schools.

[~~Such report shall be submitted to the commissioner on or before November seventeenth, two thousand nine and shall be made available to the public by such date~~] The first report shall be submitted to the commissioner on or before November fifteenth of each year and made available to the public by such date. If the department determines that the November fifteenth report does not demonstrate sufficient decreases in class size, the city school district shall immediately submit a plan for corrective action and such plan shall also be made available to the public upon submission to the department. The final corrective action plan shall be made available to the public upon approval by the department. The final report shall also be certified by the state or city comptroller that the city school district's capital and education funding plans will provide sufficient space and staffing for the reduction in class size set forth in this paragraph and if not, what measures and/or funding should be added to the plan to achieve such goals.

§ 2. This act shall take effect immediately; provided, however that the amendments to section 211-d of the education law made by section one of this act shall first apply to contracts for excellence for the 2021-2022 school year.