

# STATE OF NEW YORK

6296

2021-2022 Regular Sessions

## IN SENATE

April 21, 2021

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on New York City 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:

1 Section 1. Subparagraphs (ii) and (iii) of paragraph b of subdivision  
2 2 of section 211-d of the education law, subparagraph (ii) as amended by  
3 section 2 of part A of chapter 57 of the laws of 2008 and subparagraph  
4 (iii) as added by section 3-a of part A of chapter 57 of the laws of  
5 2009, are amended to read as follows:

6 (ii) In a city school district in a city having a population of one  
7 million or more inhabitants such contract shall also include a plan to  
8 reduce citywide average class sizes and by district and school, as  
9 defined by the commissioner, [~~within five years~~] beginning September two  
10 thousand twenty-one and to be achieved by September two-thousand twen-  
11 ty-six for the following grade ranges: (A) pre-kindergarten-third grade;  
12 (B) fourth-eighth grade; and (C) high school, and shall thereafter main-  
13 tain the average class sizes achieved by such date. Such plan shall  
14 include annual class size reduction for low performing and overcrowded  
15 schools and also include the methods to be used to achieve such class  
16 sizes, such as the creation or construction of more classrooms and  
17 school buildings, the placement of more than one teacher in a classroom  
18 or methods to otherwise reduce the student to teacher ratio[~~, provided,~~  
19 ~~however, that notwithstanding any law, rule or regulation to the contra-~~  
20 ~~ry, the sole and exclusive remedy for a violation of the requirements of~~  
21 ~~this paragraph shall be pursuant to a petition to the commissioner under~~  
22 ~~subdivision seven of section three hundred ten of this title, and the~~  
23 ~~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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1 ~~viewable~~] but only as a temporary measure until more classrooms are made  
2 available in conformance with the plan.

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

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

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

26 (C) the actual student enrollment for the two thousand [~~six~~]  
27 twenty--two thousand [~~seven~~] twenty-one school year, the actual student  
28 enrollment for the two thousand [~~seven~~] twenty-one--two thousand [~~eight~~]  
29 twenty-two school year, the actual student enrollment for the two thou-  
30 sand [~~eight~~] twenty-two--two thousand [~~nine~~] twenty-three school year,  
31 the actual student enrollment for the two thousand twenty-three--two  
32 thousand twenty-four school year, the actual student enrollment for the  
33 two thousand twenty-four--two thousand twenty-five school year, and the  
34 projected student enrollment for the two thousand [~~nine~~]  
35 twenty-five--two thousand [~~ten~~] twenty-six school year for each school  
36 by grade level;

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

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

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

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

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

16 § 2. This act shall take effect immediately; provided, however that  
17 the amendments to section 211-d of the education law made by section one  
18 of this act shall first apply to contracts for excellence for the 2021-  
19 2022 school year.