STATE OF NEW YORK

6296--A

2021-2022 Regular Sessions

IN SENATE

April 21, 2021

Introduced by Sens. JACKSON, ADDABBO, BIAGGI, BRISPORT, COMRIE, GIANARIS, GOUNARDES, HOYLMAN, LANZA, MYRIE, PARKER, RAMOS, SALAZAR, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on New York City Education -- recommitted to the Committee on New York City Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 56 of the laws of 2021, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the

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

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district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand sixteen--two thousand

seventeen school year; and provided further that a school district that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen--two thousand eighteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand eighteen--two thousand nineteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand nineteen--two thousand twenty school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eighteen--two thousand nineteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand nineteen--two thousand twenty school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty--two thousand twenty-one school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand nineteen--two thousand twenty school year; and provided further that, a school district that submitted a contract for excellence for the two thousand twenty--two thousand twenty-one school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty-one--two thousand twenty-two school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twenty--two thousand twenty-one school year**; and provided further that, a school district that submitted a contract for excellence for the two thousand twenty-one--two thousand twenty-two school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twenty-two--two thousand twenty-three school year which shall, for a city having a population of one million or more, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure as set forth in subparagraph (v) of paragraph a of subdivision two of this section**. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools,

divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

§ 2. Subparagraph (v) of paragraph a and subparagraphs (ii) and (iii) of paragraph b of subdivision 2 of section 211-d of the education law, subparagraph (v) of paragraph a and subparagraph (ii) of paragraph b 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:

(v) In a city school district in a city having a population of one million or more inhabitants, each contract for excellence shall describe how the amounts apportioned to the school district in the current year as total foundation aid and academic achievement grants, in excess of one hundred three percent of the district's foundation aid base[~~, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year~~], shall be used to support new programs and new activities or expand the use of programs and activities demonstrated to improve student achievement; provided however, up to thirty million dollars or twenty-five percent of additional funding received in the current year, whichever is less, may be used to maintain investments in the programs and activities listed in paragraph a of subdivision three of this section.

(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-two and to be achieved by September two thousand twenty-seven** 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. For core academic classes, class sizes shall be capped after five years at no more than twenty students per class in grades kindergarten through third, twenty-three students per class in grades fourth through eighth, and twenty-five students in high school**. 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 unreviewable~~] **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 [~~identify~~] **be**

publicly released and posted on the city school district's websites, identifying all schools that received funds targeted at class size reduction efforts pursuant to the requirements of this section and [~~provide~~] providing 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-three--two thousand [~~seven~~] twenty-four school year, the actual student enrollment for the two thousand [~~seven~~] twenty-four--two thousand [~~eight~~] twenty-five school year, the actual student enrollment for the two thousand [~~eight~~]twenty-five--two thousand [~~nine~~] twenty-six school year, and the projected student enrollment for the two thousand [~~nine~~] twenty-six--two thousand [~~ten~~] twenty-seven school year for each school by grade level;

(D) the actual average class sizes for the two thousand [~~six~~] twenty-three--two thousand [~~seven~~] twenty-four school year, the actual average class sizes for the two thousand [~~seven~~] twenty-four--two thousand [~~eight~~] twenty-five school year, the actual average class sizes for the two thousand [~~eight~~] twenty-five--two thousand [~~nine~~] twenty-six school year, and the projected average class sizes for the two thousand [~~nine~~] twenty-six--two thousand [~~ten~~] twenty-seven 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~~] set forth 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 on the district's website. If the department determines that the November fifteenth report does not demonstrate sufficient decreases in class size, the department shall issue a letter making that determination public on its website and the city school district shall immediately submit a plan for corrective action. The district's revised plan shall also be made available to the public

on the district's website 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.

§ 3. Paragraph d of subdivision 4 and subdivision 5 of section 211-d of the education law, as added by section 12 of part A of chapter 57 of the laws of 2007, are amended to read as follows:

d. [~~For the two thousand seven--two thousand eight school year, school districts shall solicit public comment on their contracts for excellence~~] The public process set forth in paragraphs a through c of this subdivision shall commence no later than thirty days after a state budget is enacted each year and be completed no later than thirty days after its commencement. Notice of the public process shall be provided fifteen days prior to the commencement of the first public hearing and shall be posted on the district's website as well as transmitted via email to school administrators, parent and teacher organizations, and elected officials. The proposed plan shall be submitted for state approval within two weeks following the completion of the public process. The proposed plan shall be posted on the district's website within twenty-four hours of its submission along with a summary of the public comments and the district's explanation and reasons for which public comments were incorporated into the proposed plan and which public comments were not incorporated into the proposed plan.

5. a. Each contract for excellence shall be subject to approval by the commissioner [~~and his or her~~]. No contract for excellence shall be approved and no contract for excellence funds awarded until the public process set forth in subdivision four of this section has been completed. Upon approval, the plan shall be made public and posted on the department's website within forty-eight hours, along with any revisions to such plan or corrective action plan required by the state. No contract for excellence funds shall be released to the school district until said contract is approved by the commissioner. Each contract for excellence is also subject to the commissioner's certification that the expenditure of additional aid or grant amounts is in accordance with subdivision two of this section.

b. In a city school district of one million or more inhabitants, upon approval of the contract for excellence, one-third of the contract for excellence funds shall be released to the school district. The remainder of the funds shall be released to the school district upon submission of the November fifteenth report described in subdivision two of this section, only if such report demonstrates sufficient reduction in class sizes. If such report does not demonstrate sufficient reduction in class sizes, the remainder of the funds shall be released upon submission by the school district of the corrective action plan described in subdivision two of this section. In the year following a year which required a corrective action plan pursuant to subdivision two of this section, no contract for excellence funds shall be provided by the state until and unless such corrective action plan has been fully implemented.

§ 4. This act shall take effect immediately and shall first apply to contracts for excellence for the 2022-2023 school year.