

# STATE OF NEW YORK

7056

2023-2024 Regular Sessions

## IN ASSEMBLY

May 10, 2023

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

AN ACT to amend the education law, in relation to student class size in public schools

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

1 Section 1. The education law is amended by adding a new section 3204-A  
2 to read as follows:

3 § 3204-A. Student class size in public schools. 1. (a) All school  
4 districts located outside of a city having a population of one million  
5 or more inhabitants shall establish a plan, to be developed in collab-  
6 oration with the superintendent and the president of each collective  
7 bargaining unit representing the teachers, other classroom staff, and  
8 the building level administrative staff, and submitted to the commis-  
9 sioner for approval, to reduce actual class sizes beginning September  
10 two thousand twenty-three and to be achieved by September two thousand  
11 twenty-eight for all classes, with the exception of physical education  
12 and performing groups, as follows:

13 (i) kindergarten-third grade to have no more than twenty students per  
14 class;

15 (ii) fourth-eighth grade to have no more than twenty-three students  
16 per class; and

17 (iii) high school to have no more than twenty-five students per class.

18 (b) Physical education and performing groups shall have no more than  
19 forty students per class at all levels. Each year of the plan, an addi-  
20 tional twenty percent of the classrooms, excluding special education  
21 classes, shall be in compliance with the class size targets provided  
22 that all school districts shall be in full compliance by the commence-  
23 ment of the two thousand twenty-eight--two thousand twenty-nine school  
24 year and all classes shall maintain the target class size.

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

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1 2. The class size reduction plan shall include any exemptions to the  
2 class size targets. These exemptions shall be limited to: (i) space;  
3 (ii) over-enrolled students; (iii) staff shortages; and (iv) severe  
4 economic distress. Any such exemptions shall be approved by the super-  
5 intendent and the president of each collective bargaining unit repres-  
6 enting the teachers, other classroom staff, and the building level  
7 administrative staff as part of the class size reduction plan. Should  
8 the superintendent and the president of each collective bargaining unit  
9 representing the teachers and the principals be unable to reach agree-  
10 ment on the exemptions after thirty days, the issue shall be determined  
11 by an arbitrator. In addition, any exemption based on available space  
12 shall include a reference to the capital budget to demonstrate that the  
13 budget is aligned with resolving the exemption status. Exempted classes,  
14 for the years in which they are exempt, and special education classes  
15 shall not count toward the twenty percent target.

16 3. The class size reduction plan shall also include the methods to be  
17 used to achieve the class size targets, such as the creation or  
18 construction of more classrooms and school buildings, the placement of  
19 more than one teacher in a classroom or methods to otherwise reduce the  
20 student to teacher ratio, but only as a temporary measure until more  
21 classrooms are made available in conformance with the plan. For elective  
22 and specialty classes, the collective bargaining unit representing  
23 teachers may negotiate class sizes higher than the targets if such  
24 increase is approved by a majority of the teaching staff in the school.

25 4. Each school district shall prepare annual reports, on the dates set  
26 forth below, to the commissioner on the status of the implementation of  
27 its plan to reduce actual class sizes as set forth herein. Such report  
28 shall be publicly released and posted on the school district's website,  
29 and shall further provide the following information regarding such  
30 schools:

31 (a) the actual student enrollment for the current school year and the  
32 projected student enrollment for the upcoming school year for each  
33 school by grade level;

34 (b) the actual class sizes for the current school year, and the  
35 projected class sizes for the upcoming school year for each school by  
36 grade level;

37 (c) the annual capital plan for school construction and leasing to  
38 show how many classrooms will be added in each year and in which schools  
39 and districts to achieve the class size targets;

40 (d) how the school capacity is aligned to the class size targets in  
41 the school district's class size reduction plan; and

42 (e) the schools that have made insufficient progress toward achieving  
43 the class size reduction targets set forth in the approved class size  
44 reduction plan pursuant to this section and a detailed description of  
45 the actions that will be taken to reduce class sizes in such schools.  
46 The report shall be submitted to the commissioner on or before July  
47 first of each year and made available to the public by such date on the  
48 school district's website. If the commissioner determines that the annu-  
49 al report does not demonstrate sufficient decreases in class size in a  
50 district, then the commissioner shall issue a statement in writing to  
51 the district making that determination and the district shall make such  
52 statement available to the public on its website and the school district  
53 shall submit a plan for corrective action within thirty days, which  
54 shall be developed in collaboration with the superintendent and the  
55 president of each collective bargaining unit representing the teachers,  
56 other classroom staff, and the building level administrative staff. The

1 school district's corrective action plan shall also be made available to  
2 the public on the school district's website upon submission to the  
3 department. The final corrective action plan shall be made available to  
4 the public upon approval by the commissioner. The report shall also be  
5 certified by the state comptroller that the school district's capital  
6 and education funding plans will provide sufficient space and staffing  
7 for the reduction in class size set forth herein and, if not, what meas-  
8 ures and/or funding should be added to the plan to achieve such targets.

9 5. Provided the commissioner approves the class size reduction plan,  
10 any failure to meet the obligations of such plan within the time frames  
11 established shall be considered a willful violation of a commissioner's  
12 order pursuant to subdivision one of section three hundred six of this  
13 chapter.

14 6. In addition to the annual reports, the school district shall submit  
15 a financial impact statement on November fifteenth, two thousand twen-  
16 ty-six. The financial impact statement may recommend a pause of the  
17 class size reduction plan, but in no event may it result in a roll back  
18 or increase in class sizes.

19 7. The process set forth in subdivisions one through three of this  
20 section shall commence no later than November fifteenth each year and be  
21 completed no later than thirty days after its commencement. Notice of  
22 the process shall be provided fifteen days prior to the commencement of  
23 the first and shall be posted on the school district's website as well  
24 as transmitted via email to school administrators, parent and teacher  
25 organizations, and elected officials. The proposed plan shall be submit-  
26 ted for state approval within two weeks following the completion of the  
27 process. The proposed plan shall be posted on the school district's  
28 website within twenty-four hours of its submission.

29 § 2. This act shall take effect immediately.