STATE OF NEW YORK

7235

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

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

(b) Physical education and performing groups shall have no more than forty students per class at all levels. Each year of the plan, an additional twenty percent of the classrooms, excluding special education classes, shall be in compliance with the class size targets provided that all school districts shall be in full compliance by the commencement of the two thousand twenty-eight--two thousand twenty-nine school 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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2. The class size reduction plan shall include any exemptions to the class size targets. These exemptions shall be limited to: (i) space; (ii) over-enrolled students; (iii) staff shortages; and (iv) severe economic distress. Any such exemptions shall be approved by the superintendent and the president of each collective bargaining unit representing the teachers, other classroom staff, and the building level administrative staff as part of the class size reduction plan. Should the superintendent and the president of each collective bargaining unit representing the teachers and the principals be unable to reach agreement on the exemptions after thirty days, the issue shall be determined by an arbitrator. In addition, any exemption based on available space shall include a reference to the capital budget to demonstrate that the budget is aligned with resolving the exemption status. Exempted classes, for the years in which they are exempt, and special education classes shall not count toward the twenty percent target.

3. The class size reduction plan shall also include the methods to be used to achieve the class size targets, 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, but only as a temporary measure until more classrooms are made available in conformance with the plan. For elective and specialty classes, the collective bargaining unit representing teachers may negotiate class sizes higher than the targets if such increase is approved by a majority of the teaching staff in the school.

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

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

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

(c) 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 districts to achieve the class size targets;

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

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

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

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

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

7. The process set forth in subdivisions one through three of this section shall commence no later than November fifteenth each year and be completed no later than thirty days after its commencement. Notice of the process shall be provided fifteen days prior to the commencement of the first and shall be posted on the school 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 process. The proposed plan shall be posted on the school district's website within twenty-four hours of its submission.

§ 2. This act shall take effect immediately.