



By Council Members Moskowitz, Baez, Brewer, Fidler, Foster, Gennaro, Gerson, James, Koppell, Liu, Martinez, Nelson, Palma, Sanders Jr., Sears, Vann, Weprin, deBlasio, Jackson and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the New York city charter, in relation to requiring the New York city department of education to report average class sizes in each school to the City Council.

Be it enacted by the Council as follows:

Section 1. Legislative findings. For decades, public schools in New York City have been overcrowded. Although class size varies from school to school, some elementary and middle schools have classes in excess of 30 students and some high schools have classes in excess of 35 students. Such class sizes are considered unreasonable by parents, students and educators.

Over the past decades, a variety of means have been tried to reduce class sizes, including hiring additional teachers, building additional school buildings, staggering classes over a dozen or more periods during the school day, and placing class size limitations in the contract between the Department of Education and the United Federation of Teachers. Although some of these measures have been successful, they have not succeeded in reducing class size uniformly, citywide, to acceptable levels.

The Council finds that one reason the Department of Education has been unable to reduce class size to acceptable levels citywide is that the public and policymakers do not have access to accurate and timely class size information. The Council therefore finds that legislation requiring the Department to report such information is necessary to ameliorate this deficiency.

§ 2. Section 522 the New York city charter is hereby amended to read as follows:

§ 522. c. Class size reporting. The department of education shall submit a report to the city council twice annually, on or before November fifteenth and February fifteenth of each year, with respect to the following information regarding class sizes in New York city public schools:

1. For each school and, separately, for each academic program within a school or school building, including smaller schools housed within larger institutions and specialized programs, such as those for gifted students and for students with special needs, the average class size per grade of all classes in such school or program;

2. For each school district and for each region, the average class size per grade of all classes in such district and region;

3. For each borough, the average class size per grade of all classes in such borough;

4. Citywide, the average class size per grade; and

5. A detailed description of the methodologies used to calculate all such grade size data reported.

d. Presentation of class size reporting. Average class size shall be reported:

1. By the number of students, rounded to the nearest tenth; and

2. By core academic subject, in all grades in which such core academic subjects are taught in classes that vary from

such grades' homeroom classes.

e. Class size reporting exceptions. The reporting required by subdivision c of this section shall:

1. Exclude classes that are composed of students who are enrolled in any school or program that exclusively serves students who are incarcerated, on probation, or otherwise under the jurisdiction of the state or federal court system;

2. Be made by category of class, such as 12-to-1 or 5-to-1 student/teacher ratio, with respect to students who attend classes exclusively for children who have individualized education plans; and

3. Exclude classes taught at vocational schools and programs, also known as career and technical schools and programs, to the extent that such classes within such schools and programs do not provide core academic content.

f. Dissemination of information. The reporting required by subdivision c of this section shall, in addition to being provided to the city council, be placed on the department's website and may be distributed by such other means as the chancellor, in his discretion, determines to be a reasonable method of providing such information to the public.

§ 3. If any subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this section, which remaining portions shall remain in full force and effect.

§ 4. This local law shall take effect one hundred and eighty days after its enactment into law.

MHG

LS # 2678, October 28, 2005