



**Testimony of the New York City Department of Education and the New York City  
School Construction Authority on the FY2015 Preliminary Capital Budget**

**Before the New York City Council Committee on Education**

March 18, 2014

*Kathleen Grimm, Deputy Chancellor, Division of Operations*

**INTRODUCTION & OVERVIEW**

Good morning Chair Dromm and Members of the Education Committee. My name is Kathleen Grimm, Deputy Chancellor of the Division of Operations at the New York City Department of Education. I am joined by Lorraine Grillo, President and Chief Executive Officer of the New York City School Construction Authority (SCA). We are pleased to be here today to discuss the proposed FY2015-2019 five-year Capital Plan for our schools.

The proposed \$12.8 billion, FY2015-2019 Capital Plan will create tens of thousands of new seats in areas projected for enrollment growth and directly addresses this Administration's goal of creating additional high-quality full-day pre-kindergarten seats. The proposed Plan also targets the reduction of class size and much-needed improvements for our aging infrastructure. The Plan is funded by State and City tax levy and \$800 million in funding is contingent upon proceeds from the New York State Smart Schools Bond Act.

We are currently in the final year of our FY2010-2014 Capital Plan. The proposed new FY2015-2019 Plan builds upon the two previous Plans' investments of over \$25 billion and the resulting creation of over 104,000 seats since 2004. We are grateful to the City Council for its strong support and generous funding to our schools.

**CAPITAL PLANNING PROCESS**

As many of you know, we developed an annual amendment process beginning with the FY 2005-2009 Plan. Regularly reviewing our Capital Plan allows us to identify emerging needs quickly and gives us the opportunity to make changes as necessary.

To track changing needs, we conduct annual Building Condition Assessment Surveys (BCAS), in which we send architects and engineers to evaluate our 1,200+ school buildings.

We also update enrollment projections annually. These projections incorporate data on birth rates, immigration rates, and migration rates from various City agencies. Additional agencies provide statistics on housing starts and rezoning efforts. Using a broad range of sources provides a complete view of potential student demand, and annual updates allow us to make timely adjustments when there is a sustained increase in student population in one part of the City or a decline in student population in another.



In addition to evaluating our school buildings and student population, public feedback plays a crucial role in our capital planning process. Each year, we undertake a public review process with Community Education Councils (CECs), the City Council and other elected officials, and community groups. We offer every CEC in the City the opportunity to conduct a public hearing on the Plan and we partner with individual Council Members and CECs to identify local needs. Your insights in this process are essential, and we look forward to our continued partnership.

Finally, each year the Plan is considered for approval by the Panel for Educational Policy prior to being submitted to the Mayor and City Council for adoption as part of the City's budget.

### FY2015-2019 PLAN HIGHLIGHTS

The 2015-2019 Capital Plan is divided into three major categories: capacity program, capital investment, and mandated programs. The capacity program category includes new school buildings, additions, leases, and replacement seats. The capital investment category includes upgrades, repairs, and enhancements to existing facilities and infrastructure. The third, new, category, mandated programs, includes funding for items previously contained in the capital investment category such as legal and regulatory mandates, code compliance and insurance.

The proposed February 2014 Amendment includes \$4.4 billion for capacity, \$4.9 billion for capital investment, and \$3.5 billion for mandated programs.

#### Capacity Program

The proposed FY2015-2019 Plan creates approximately 39,500 seats—which address two new Administration priorities—the Pre-Kindergarten (Pre-K) and Class Size Initiatives.

Of the \$4.4 billion allocated to capacity, \$3.3 billion is dedicated to creating approximately 33,000 seats within school districts experiencing the most critical existing and projected overcrowding. A portion of the 33,000 seats were funded and not started in the current Plan, and a total of 800 seats are funded for design only in this proposed Plan. Funding for construction of these 800 seats will be included in the next five year Plan. A breakdown of new seats by sub-district is outlined in the table appended to our testimony.

Two hundred and ten million dollars has been allocated for a vital increase in the number of Pre-K seats in new elementary school buildings being constructed, as well as supporting additional lease or new space for stand-alone pre-kindergarten centers. In addition, \$490 million is allocated to address class size reduction and \$400 million to replace facilities where leases expire during this Plan.



## Capital Investment

Nearly 70 percent of the \$4.9 billion Capital Investment allocation will address the buildings most in need of repair as identified in our annual building survey, such as roof and structural repairs, safeguarding our buildings against water infiltration, and other facility projects. The Capital Investment category also includes funding for upgrades to fire alarms, public address systems and strategically eliminates our reliance on transportable classroom units, commonly known as TCUs.

The remaining nearly 30 percent or \$1.6 billion will go toward upgrading instructional spaces in existing buildings, such as the restructuring of classrooms for pre-kindergarten use, upgrades to physical fitness rooms, libraries, middle school science labs, bathrooms and auditoriums, and technology upgrades. I would like to speak more about two of these areas: bathrooms and science labs.

In past hearings, many members of City Council have asked about bathroom upgrades, and spoken about the popularity of Reso A funded bathroom upgrade projects. While all our schools have functional bathrooms, we have included funding in this proposed Capital Plan to pilot a program to provide bathroom upgrades to improve the attractiveness of our school bathrooms. We are allocating \$50 million for this purpose.

In the prior Capital Plan, ensuring all high school students had access to a science lab was a priority, and we are happy to report we have succeeded in this goal. Only two high schools remain without a lab due to potential program changes or facility constraints; in the meantime, these students are provided with science carts that enable the schools to provide appropriate science instruction.

Now, we are able to turn this focus to middle school students. We have allocated \$50 million to construct or upgrade middle school science labs.

In order for our students to become college and career ready in a digital and information age, we will ensure that technology upgrades remain a priority in the proposed Plan. We are committed to bridging any existing gaps between education and technology.

Specifically, \$504.6 million of the technology spend under this Plan will build on our school buildings' core technology infrastructure. This funding allows us to continue to transform our school environments from industrial age to information age schools where learning can be customized to each child's unique needs. Over the next five years, essential upgrades and incorporation of next-generation broadband, wireless, and learning technologies are planned for all school buildings.

Additionally, \$145 million will be invested in upgrading legacy systems such as the student information systems, improving enterprise-level learning platforms, developing new data systems, and upgrading business operation systems in support of school needs.

In part, funding for the programs in this category is dependent upon the receipt of proceeds from the New York State Smart Schools Bond Act.



### Mandated Programs

The total cost to support the City's effort to remove and replace all polychlorinated biphenyl (PCB)-containing lighting fixtures throughout the entire school system is \$1 billion. The proposed five-year Capital Plan allocates \$480 million of the \$1 billion allocation to replace all remaining lighting fixtures in our schools by December 2016.

The Mandated Programs category also includes approximately \$750 million for boiler conversions in approximately 125 buildings currently using Number 4 oil. The remaining funds are scheduled to cover other required costs, including insurance and completion of projects from the prior Plan.

### CONCLUSION

We understand that the public school system as a whole continues to experience pockets of overcrowding, and we are working to address these concerns with two strategies: both through new school construction and more efficient use of existing school facilities. We remain focused on remedying these issues and will continue to rely on your feedback and support as we do so.

As part of this Administration's commitment to collect feedback from school communities, the DOE recently established a Blue Book Revisions Working Group formed in response to the many concerns raised by CECs, parents, advocates and elected officials. The first working group meeting was held just two weeks ago, and we are excited to implement changes and recommendations based on the Working Group's feedback.

Our annual capital planning process has already benefited significantly from your input, and our students also have benefited from your generous support of capital projects. With continued collaboration and tens of thousands of seats slated to come online over the next 5-7 years, we remain confident that the expansion and enhancement of school buildings across the five boroughs will improve the educational experiences for the City's 1.1 million school children as well as the teachers and staff who serve them.

Thank you again. I now turn to Lorraine Grillo, who will walk you through the specifics of the proposed, the FY2015-19 Plan, after which we will be happy to answer your questions.





# APPENDIX: NEW CAPACITY SEATS BY SUB-DISTRICT

District	Sub-District	Total November 2013 Identified Need	February 2014 Funded Need	Additional Need (Unfunded)
2	Tribeca / Village	1,970	1,928	42
	Chelsea/ Midtown West *	1,262	1,262	0
3	Upper West Side	692	692	0
7	Concourse	456	456	0
8	Throgs Neck	456	456	0
10	Spuyten Duyvil / Riverdale / Fieldston / North Riverdale	456	456	0
	Kingsbridge / Norwood / Bedford Park	1,736	1,280	456
	University Heights	456	456	0
11	Van Nest / Pelham Parkway	640	640	0
12	Tremont / West Farms	912	912	0
13	DUMBO/ Navy Yard / Fort Greene	1,090	1,090	0
14	Williamsburg / Greenpoint	991	991	0
15	Sunset Park	2,610	1,096	1,514
	Park Slope	1,096	640	456
	Carroll Gardens / Gowanus / Red Hook	640	456	184
20	Owls Head Park / Bay Ridge	1,213	1,213	0
	Dyker Heights	4,647	1,920	2,727
	Borough Park / Kensington, Bensonhurst	1,514	912	602
21	Gravesend	456	456	0
	Gravesend	456	456	0
22	Mill Basin	456	456	0
24	North Corona / South Corona / Lefrak City / Elmhurst	4,007	2,376	1,631
	Maspeth / South of Woodside	1,853	912	941
	Middle Village	2,610	757	1,853
25	Beechhurst / College Point / Whitestone	1,514	640	874
	Flushing / Murray Hill / Willets Point	757	757	0
26	Oakland Gardens / Fresh Meadows	640	456	184
	Bayside / Auburndale	456	456	0
27	Howard Beach / Lindenwood	640	456	184
	Ozone Park / South Ozone Park / Richmond Hill / Woodhaven	1,096	504	592
28	Rego Park / Forest Hills / Kew Gardens / Jamaica	1,514	1,096	418
30	East Elmhurst / Jackson Heights	1,397	912	485
	Woodside / Sunnyside	456	0	456
	Astoria / Steinway	1,000	1,000	0
31	West Shore	456	456	0
	North Shore	640	456	184
Queens		5,604	2,802	2,802
Staten Island		400	300	100
Total		49,245	32,560	16,685
* Includes a project funded for design only				



# FY 2015 – 2019 Proposed Five Year Capital Plan

City Council Hearing  
March 18, 2014



# Proposed FY 2015-2019 Plan continues comparable level of investment

	4 <sup>th</sup> Plan 2005-2009	5 <sup>th</sup> Plan 2010-2014	6 <sup>th</sup> Plan 2015-2019 (Proposed)
Total Spending	\$13.2B	\$11.2B	\$12.8B *

\* Includes \$800 million from the NYS Smart Schools Bond Act, contingent on referendum.

# FY 2015-2019 Capital Plan Highlights

## Pre-Kindergarten

- \$210mm for the creation of approximately 2,100 new Pre-K seats

- \$310mm for restructuring of existing buildings for the creation of an approximately 3,100 new Pre-K seats

Class size reduction allocates \$490mm to the creation of approximately 4,900 seats

Funds the removal of all Transportable Classroom Units

Ensures that all middle school students have access to science facilities

# FY2015 – 2019 Five Year Capital Plan

## Proposed Funding

Capacity Program	\$4.4 billion
------------------	---------------

Capital Investments	\$4.9 billion
---------------------	---------------

<u>Mandated Programs</u>	<u>\$3.5 billion</u>
--------------------------	----------------------

<b>Total</b>	<b>\$12.8 billion</b>
--------------	-----------------------

# New Capacity Program

**Proposed Funding:**                      **33,000 seats**

- The program includes an estimated 58 buildings:
  - > 53 PS or PS/IS school buildings: 28,652 seats
    - Bronx
    - Brooklyn
    - Manhattan
    - Queens
    - Staten Island
  - > Four IS/HS school buildings: 3,102 seats
  - > One PS/IS building with 806 seats will be funded for design in this plan and construction in the next plan.
- Includes approximately 4,000 rollover seats
- Keeps seat creation approximately the same as current plan

# Capacity Program - \$4.4B

New Capacity \$3.3 billion

- Creation of approximately 33,000 seats

Pre-Kindergarten Initiative \$210 million

- Creation of approximately 2,100 seats

Class Size Reduction \$490 million

- Creation of approximately 4,900 seats

Facility Replacement \$400 million

- 70 leases expiring in the 6<sup>th</sup> Plan

# Capital Investment - \$4.9 Billion

- Capital Improvement Program: \$ 3.3 Billion

- Building Systems - \$2.7 Billion
  - Evaluated through the Building Condition Assessment Survey (BCAS). Addressing only the most urgent conditions (primarily projects rated 5 under BCAS)
    - Exterior
    - Interior
      - » Includes upgrades to life safety systems such as fire alarms and public address systems
    - Site Improvements
- Transportable Classroom Unit (TCU) Removals - \$480 Million
  - Funds the removal of all TCUs (~320 units)
- Athletic Field Upgrades - \$130 Million



# Capital Investment continued - \$4.9 Billion

## •School Enhancements: \$ 1.6 billion

- > Restructuring - \$525 million
  - Includes an additional \$310 million for Pre-Kindergarten Program
- > Safety - \$100 million
  - Includes the video surveillance camera program
- > Middle School Science Lab Upgrades - \$50 million
- > Accessibility -\$100 million
  - Provides for additional accessible facilities throughout the City
- > Physical fitness, libraries, and auditorium upgrades - \$135 million
- > Bathroom upgrades - \$50 million
  - Pilot program to upgrade student bathrooms that are functional but outdated.
- > Technology - \$650 million
  - Primarily infrastructure upgrades

## Mandated Programs - \$3.5B

Selected categories include:

PCB Lighting Replacements \$480 million

- Replacement of all PCB containing light fixtures

Boiler Conversions \$750 million

- Allows for boiler conversion of approximately 125 buildings with boilers burning #4 oil

Wrap Up Insurance \$650 million

- Increasing cost of Owner Controlled Insurance Program

Prior Plan Completion \$650 million

- Allows for completion of 5<sup>th</sup> plan projects

# FY2015 – 2019 Five Year Capital Plan Key Steps and Dates

- **November 2013:** Proposed Plan released
- **November 2013 – January 2014:** Meet with Community Education Councils (31 of 34 CECs held meetings)
- **February 2014:** Issue an updated proposed Plan to the Panel for Educational Policy.
  - Must release by January 31<sup>st</sup> for required 45 day public review period
- **March 2014:** PEP vote on proposed Plan (March 18<sup>th</sup> – Prospect Heights Campus, Brooklyn)
- **March 2014:** Submit Panel-approved proposed Plan to Mayor and City Council. Provide City Council Borough Delegation Meetings.
- **June 2014:** Adoption by City Council

# New Schools – 2013 Openings



PS 51 - Manhattan



PS/IS 78 - Queens

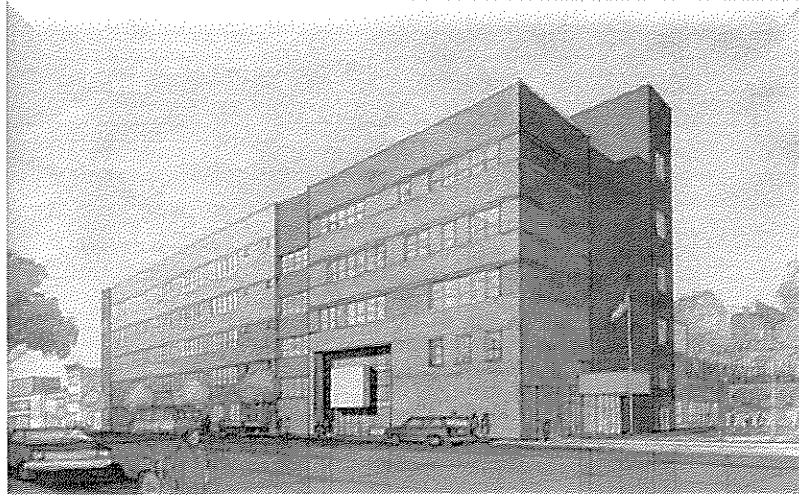


PS 292 - Bronx



PS 133 - Brooklyn

# New Schools – 2014 Openings



PS/IS 177 - Bronx



PS 316 - Queens



PS 340 - Manhattan



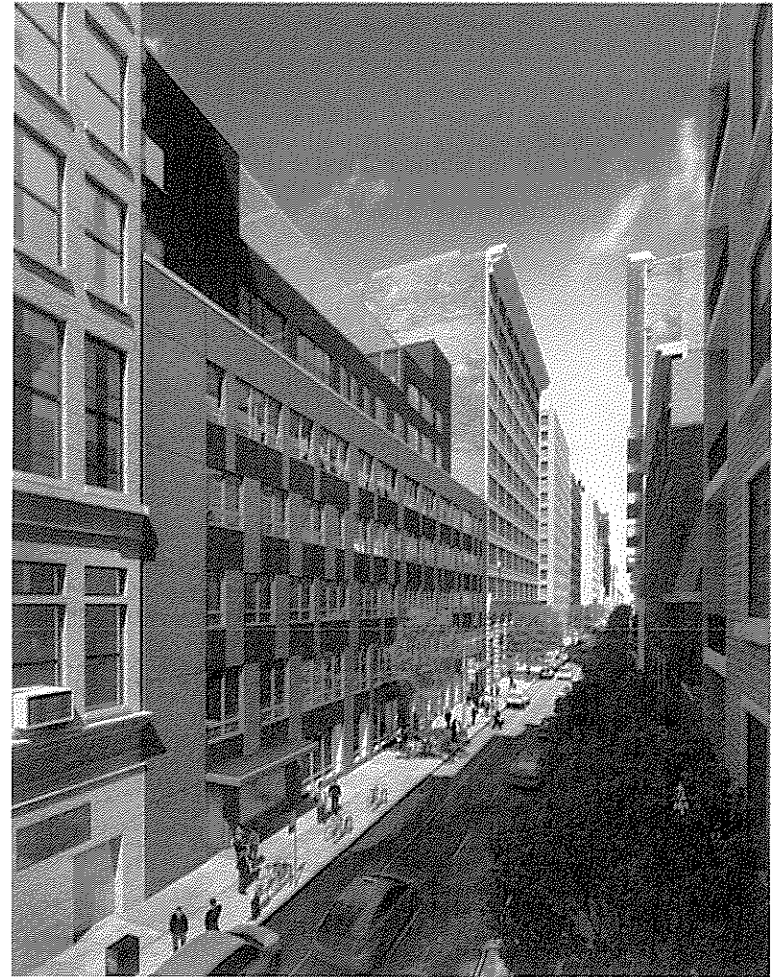
# New Schools – 2015 Openings



PS 343 - Manhattan

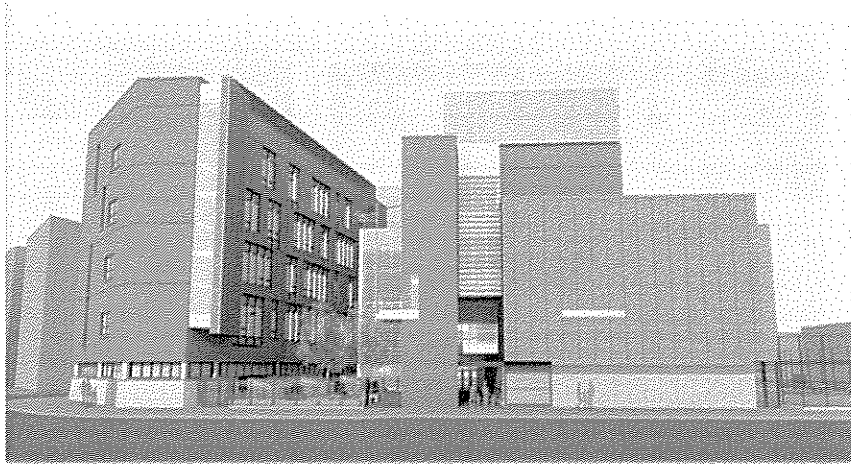


Beacon High School - Manhattan



IS/HS 868 - Manhattan

# New Schools – 2015 Openings



PS/IS 437 - Brooklyn

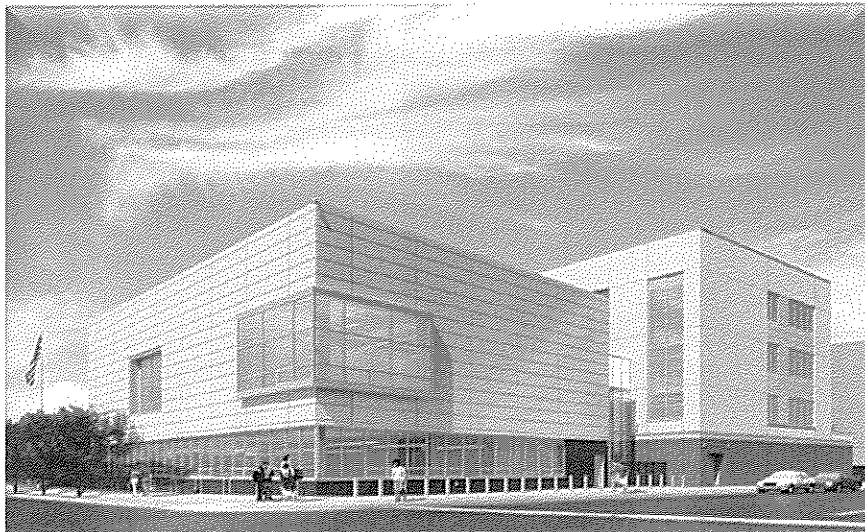


PS 96 Addition - Bronx

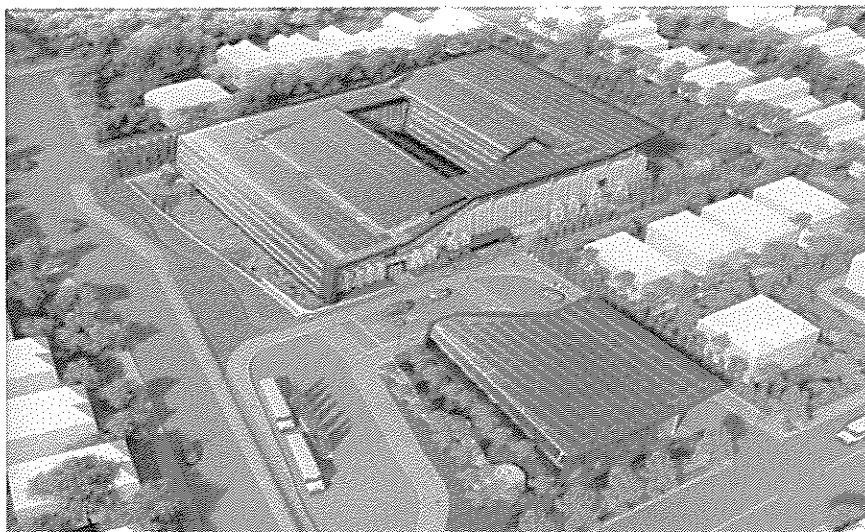


PS 315 - Queens

# New Schools – 2015 Openings



PS/IS 314 - Queens



PS 62 – Staten Island



PS 339 - Queens



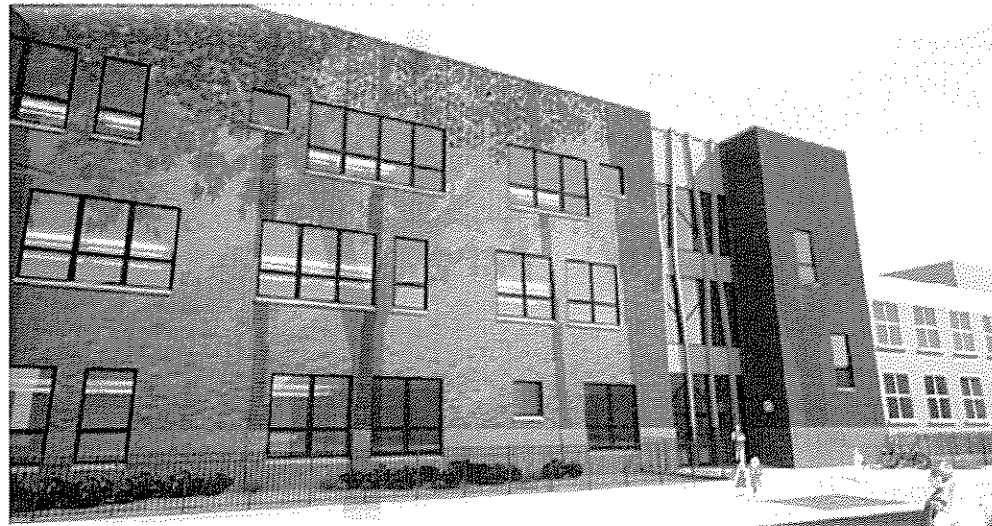
# New Schools – 2016 Openings



PS 163 Addition - Queens



IS 311 – Queens



PS 176 Addition - Queens

# New Schools – 2017 Openings



PS/IS 338 - Brooklyn



PS/IS 342 – Manhattan



**New York Lawyers  
For The Public Interest, Inc.**  
151 West 30<sup>th</sup> Street, 11<sup>th</sup> Floor  
New York, NY 10001-4007  
Tel 212-244-4664 Fax 212-244-4570  
TTD 212-244-3692  
Website [www.nylpi.org](http://www.nylpi.org)

**Testimony of Mark Ladov,  
New York Lawyers for the Public Interest,  
Before the Education Committee of the New York City Council  
Hearing on the Department of Education's Proposed Five-Year Capital Plan  
March 18, 2014**

---

In its newly proposed five-year capital plan, the Department of Education (DOE) commits to removing all school trailers – formally known as Transportable Classroom Units or TCUs – from schools in New York City. We commend the DOE for this pledge, and hope the City Council will hold the Department to this commitment.

Unfortunately, we fear that the proposed Five-Year Capital Plan does not include the investment in school construction needed to make this shared vision a reality.

TCUs are meant to be a temporary solution to school overcrowding, designed to provide schools time to respond to local population shifts and increases. Instead, at many schools around the City, trailers have become a permanent fixture. Many of the over 350 trailers currently in use by the Department of Education have been in place for over a decade, and are showing the wear and tear of extended use.

New York Lawyers for the Public Interest has begun to research TCU usage, and to survey school communities about the conditions of trailers at their schools. Although in the early stages of assessment, we have already heard complaints that the City needs to address:

- **Some TCUs are in unacceptable condition and provide unhealthy learning environments.** At their worst, trailers can reek of mold, and even animal urine, potentially triggering asthma attacks or other breathing problems for students and teachers. Teachers have complained to us of the difficulty of teaching a class in a trailer that smells of vermin. We have also heard of school trailers being temporarily closed to students for mold remediation – only to have the mold return, year after year, suggesting that the DOE's remediation actions are insufficient or that the trailers are beyond remediation.
- **Trailers are taking up valuable playground space at many schools around the City.** For example, we recently visited Richmond Hill High School in Queens, where supposedly "temporary" trailers have been in place for over a decade. Today, the trailers include 24 classrooms that consume the entire school playground. This is not just a loss for students who must exercise in an overcrowded gym; a longtime local resident told us that it is a huge loss for a neighborhood in desperate need of park space and playground facilities during non-school hours.

- **In numerous schools, special education classes are being held in trailers.** This practice potentially limits the integration of special education students into the larger school community. The DOE's most recent annual report on TCU usage listed 33 District 75 classrooms, and 17 non-District 75 Special Education classrooms, that are being housed in trailers around the City.
- **TCUs also send our students the wrong message.** New York City's finest school buildings illustrate our investment in our children. Meanwhile, thousands of students – often in low-income neighborhoods and communities of color – attend school in trailer campuses that have been described to us as “construction sites” or even “prison yards.” Some days, these students must subject themselves to rain, ice and snow just to be able to get to their next class. Unsurprisingly, we have been told that attendance rates in TCU classes can be lower than for main buildings.

\*\*\*\*\*

For all of these reasons, we agree with the Department of Education that it is time for TCUs to go. And yet, despite the promise to eliminate school trailers, the City appears poised to operate at the same slow pace we have seen in the past, with no more than a handful of trailers eliminated each year.

The proposed Capital Plan includes \$480 million for TCU removal and playground redevelopment. This money is presented as evidence of the DOE's “commitment to remove all the Transportable Classroom Units (TCUs) across the City.”<sup>1</sup> However, the proposed Capital Plan does not appear adequately to fund the new school seats needed to fulfill this commitment.

To summarize the problem:

- As the attached chart illustrates, the City currently needs to build or shift over 11,000 school seats in order to retire existing TCUs without losing classroom capacity.
- The DOE is proposing the construction of 31,754 “new capacity” seats over the next five years to “alleviate existing over-crowding, respond to ongoing pockets of growth in some neighborhoods, and enable us to remove all Transportable Classroom Units (TCUs).”<sup>2</sup>
- This proposal only meets two-thirds of the DOE's own estimate of how many seats are needed in New York City schools. It also appears to be less than the number of seats that will be needed just to address the increase in school population during that time frame.
- In short, based on the DOE's own numbers,<sup>3</sup> new and existing school demand will consume the vast majority of newly constructed school seats, leaving little ability to facilitate the removal of all TCUs.<sup>4</sup>

---

<sup>1</sup> New York City Department of Education, Proposed Five Year Capital Plan for FY 2015 – 2019 (February 2014) (“Proposed Capital Plan”), at p. 32. The full document is available online at [http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/02012014\\_15-19\\_CapitalPlan.pdf](http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/02012014_15-19_CapitalPlan.pdf).

<sup>2</sup> Proposed Capital Plan at 8.

<sup>3</sup> DOE's formulas for calculating school capacity needs have been widely criticized, suggesting that these estimates of school capacity needs are far too low. See, e.g., William C. Thompson, Jr., Office of the New York City Comptroller, “Underprepared for Overcrowding: NYC DOE School Construction, 2008-2017” (Sept. 2009).

<sup>4</sup> The DOE's methodology excludes TCU capacity from its estimate of school capacity needs. However, given widespread overcrowding and the need for new schools in many neighborhoods even where trailers are currently

\*\*\*\*\*

To explain these numbers in greater detail: The DOE's budget proposal funds the construction of 31,754 "new capacity" seats over the next five years.<sup>5</sup> According to DOE, this new capacity is intended to help the City "alleviate existing over-crowding, respond to ongoing pockets of growth in some neighborhoods, and enable us to remove all Transportable Classroom Units (TCUs)."<sup>6</sup> (The Capital Plan also proposes to add 2,100 seats for pre-K expansion, and another 4,900 seats for class size reduction, although funding for the latter is wholly contingent on the passage of the New York State Smart Schools Bond Act.)

However, this number only accounts for 2/3 of the DOE's own estimate of new construction needs. Moreover, the capital plan does not explain how many of these new seats will be allocated to schools and neighborhoods that need to eliminate outdated TCUs. And in fact, by the estimates of the City's own demographers, it appears that this *entire* allotment of 31,754 new seats is needed just to address projected increases in school enrollments.

Reports prepared by the two demographic consulting firms employed by the DOE and SCA suggest that citywide student enrollment will increase by between 35,000 and 45,000 students between now and 2019,<sup>7</sup> with continued enrollment increases over the long-term.<sup>8</sup> Half of the new students will live in Queens, where neighborhoods are already facing some of the City's greatest overcrowding problems – and where trailer usage is the highest.<sup>9</sup> These projections, significantly exceed the number of seats that will be constructed under the proposed Five Year Capital Plan.

Actual construction over the next five years is also likely to be less than projected in the Capital Plan, given the DOE's practice of listing school seats that have been budgeted but not sited.<sup>10</sup> Under the FY 2010-2014 Plan, the DOE was able to site and start construction of 27,884 new seats – but rolled over 6,603 seats that were listed as funded, but never sited or designed, into the new FY 2015-2019 proposed Capital Plan. This practice has led to frustration in over-crowded communities waiting for long-promised new schools. In Sunset Park, Brooklyn, for example, the SCA recently told dozens of frustrated parents

---

in use, it is hard to see how the DOE can exclude TCU capacity from a practical analysis of school construction decisions.

<sup>5</sup> The DOE highlights the figure of 32,560 seats, but 806 of these are only planned for design (not construction) during the five-year plan period.

<sup>6</sup> Proposed Capital Plan at 8.

<sup>7</sup> See reports available at <http://nycsca.org/Community/CapitalPlanManagementReportsData/Pages/DemographicData.aspx>. For a discussion of the enrollment projection process, see Proposed Capital Plan at 53-54.

<sup>8</sup> **The report by Statistical Forecasting LLC estimates that NYC schools will grow by over 58,000 students between 2011 and 2021.** See Statistical Forecasting LLC, Enrollment Projections for the New York City Public Schools 2012-13 to 2021-22 (February 2013), at p. 3, available at

<http://nycsca.org/Community/CapitalPlanManagementReportsData/Demographics/2012-2021StatisticalForecastingReport.pdf>. **The report by the Grier Partnership warns that City schools could grow even faster – by over 70,000 students between 2011 and 2021.** Grier Partnership, Enrollment Projections 2012 to 2021 for New York City Public Schools (January 2013), at pp. 15 & 38, available online at <http://nycsca.org/Community/CapitalPlanManagementReportsData/Demographics/2012-2021GrierPartnershipReport.pdf>.

<sup>9</sup> Statistical Forecasting LLC report at 3.

<sup>10</sup> See Proposed Capital Plan at 19 (explaining that the current Capital Plan includes "seats that were funded but not started in the prior plan").

that it had been budgeting for a much-needed new school for years but has still not found an appropriate site.

Meanwhile, according to the DOE, 7,158 students are currently receiving their main instruction in a TCU. That figure appears to ignore the use of TCUs for music, arts, science labs, special education and other classes. Class Size Matters estimates that the true number of new classroom seats needed if TCUs were eliminated is between 10,000 and 11,000, a figure that more accurately reflects the capacity of trailers that are currently in use. Without far more new construction than planned – above the amount needed to address existing and projected overcrowding – there will be no classrooms for these students to move to.

**Therefore, we ask the City Council to seek answers to these questions from the Department of Education:**

**How many of the new school seats proposed in the Capital Plan are actually earmarked to facilitate TCU removal? How does the DOE plan to meet its long-standing goal of eliminating school trailers while providing healthy and permanent classrooms for all students?**

In addition, how did the DOE calculate its \$480 million budget for “TCU removal and playground redevelopment”? The Capital Plan’s appendices allocate *all* of this money to playground redevelopment, not TCU removal. To be sure, this is a valuable use of City funds, and playgrounds will need substantial renovation after decades of housing school trailers instead of recreational facilities. But the DOE cannot fairly present this number as evidence of its commitment to remove TCUs without further clarifying what that budget includes.

This information is critical for a transparent and well-informed public debate about school construction needs in New York City, and for determining how to reach the DOE’s goal of ending the long-term use of classroom trailers.



**Proposed School Construction for Districts Currently Housing Transportable Classroom Units (TCUs)**

<b>Neighborhood</b>	<b>Geographic District</b>	<b>Sum of TCU Capacity*</b>	<b>Nov 2013 Identified Need (per SCA)**</b>	<b>Feb 2014 Funded Need (per SCA)</b>	<b>Unfunded Seats Needed (per SCA)</b>
Manhattan - Upper West Side	3	65	692	692	0
Northern Manhattan	6	792	0	0	0
Bronx - Concourse	7	266	456	456	0
Bronx: Throgs Neck	8	555	456	456	0
Bronx: Highbridge, U. Heights	9	395	0	0	0
N West Bronx	10	116	2,648	2,192	456
N. East Bronx	11	943	640	640	0
Bronx: Tremont/West Farms	12	324	912	912	0
Brooklyn: Sunset Park, Park Slope, Gowanus, Red Hook	15	240	4,346	2,192	2,154
Brooklyn - Canarsie	18	336	0	0	0
E. New York	19	1,072	0	0	0
South Brooklyn	20	228	7,374	4,045	3,329
Brooklyn - Gravesend	21	277	456	456	0
Brooklyn - Mill Basin	22	312	456	456	0
Queens: Corona, Woodside, Maspeth	24	666	8,470	4,045	4,425
Queens: Flushing, College Point, Whitestone	25	861	2,271	1,397	874
Eastern Queens	26	554	1,096	912	184
Queens: Richmond Hill, Howard Beach, Ozone Park	27	1,544	1,736	960	776
Queens: Rego Park, Forest Hills, Jamaica	28	336	1,514	1,096	418
S. East Queens	29	484	0	0	0
Queens: Jackson Hts, Astoria, Elmhurst, Sunnyside	30	959	2,853	1,912	941
Staten Island	31	339	1,096	912	184
Special Education City-Wide***	75	120			
<b>Grand Total</b>		<b>11,784</b>	<b>37,472</b>	<b>23,731</b>	<b>13,741</b>

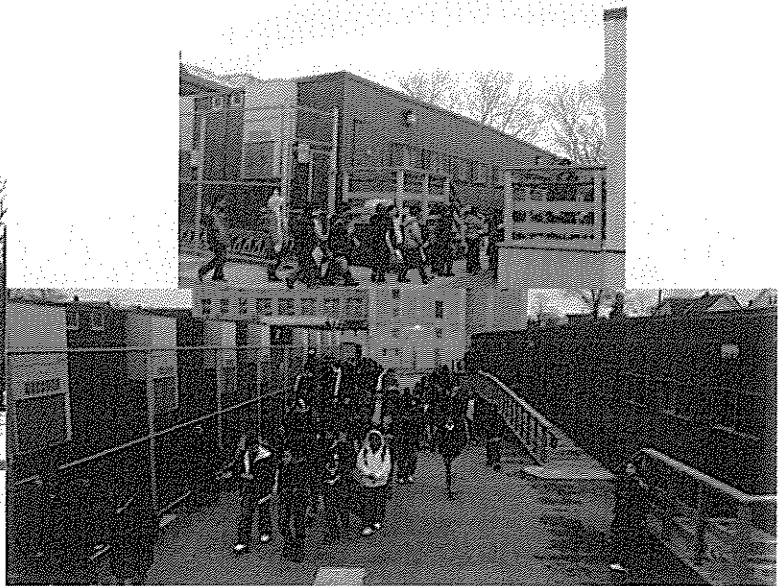
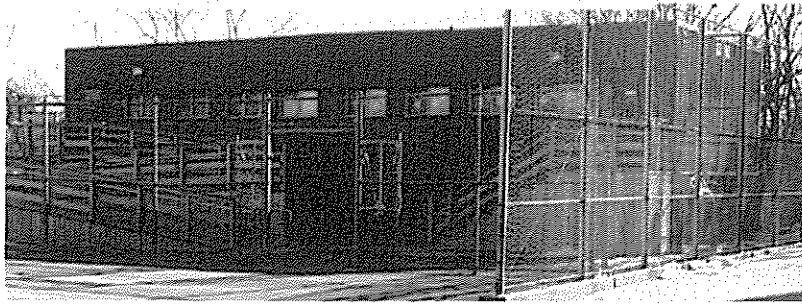
\* Source: NYC School Construction Authority, "List of Instructional Spaces in Transportable Classroom Units as of September, 2012."

\*\* Source: Proposed Five-Year Capital Plan (FY 15 - FY 19), at p. 20

\*\*\* Capacity for District 75 SPED classrooms is not reported. We estimated capacity of these rooms at 12 students each.



BUILDING TRADES EMPLOYERS' ASSOCIATION  
INTEGRITY • VALUE • SAFETY



## Classroom Seat Crisis

# 66%

Of Classroom Seats Funded by SCA Capital Budget

# 160,000

Students in Overcrowded Classes

# 670

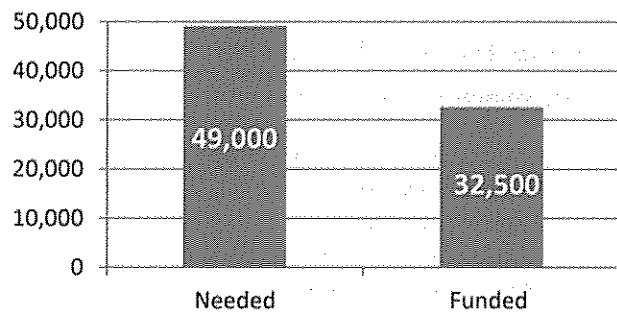
Schools Overcrowded

(DOE Class Size Report 2013-2014)

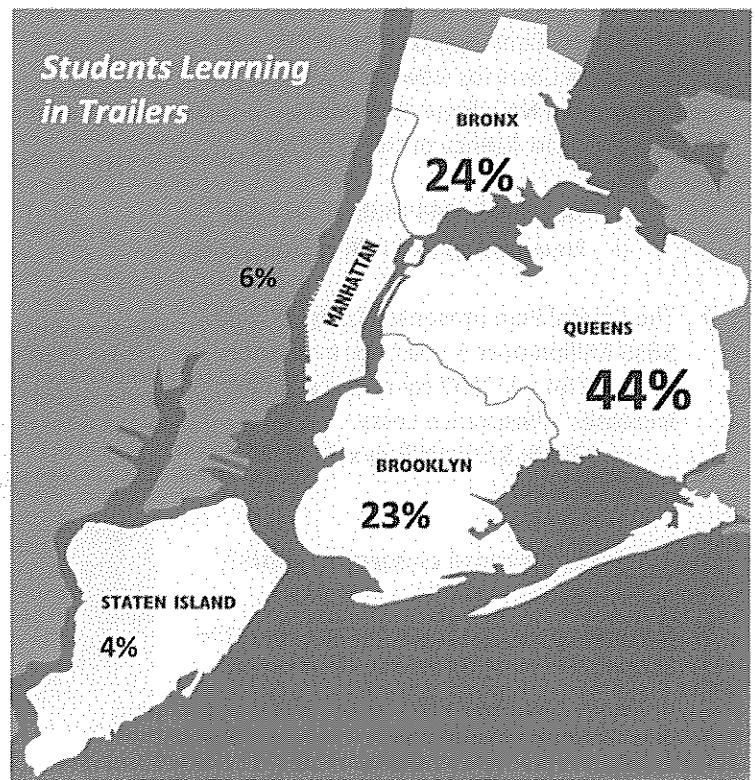
### Overcrowding Crisis

- ❖ SCA needs to build 49,000 seats to keep pace with student growth. New Capital Budget funds only 32,500 – leaving 16,000 children without a seat in the classroom (SCA Capital Budget).
- ❖ Thousands of NYC Students are learning in 348 “temporary” trailers in:
  - 119 Schools80% predate the year 2000  
Located:
  - 44% in Queens
  - 24% in the Bronx
  - 23% Brooklyn
  - 6% in Manhattan
  - 4% in Staten Island(Center for an Urban Future: Caution Ahead, 2014)
- ❖ In 2013, class sizes increased citywide for the sixth year in row.
- ❖ In K-3, class sizes are larger than in any year since 1998.
- ❖ 86% of NYC principals say they are unable to provide a quality education because classes are too large (DOE Class Size Report 2013-2014).

### 2015-2019 Classroom Seat Deficit



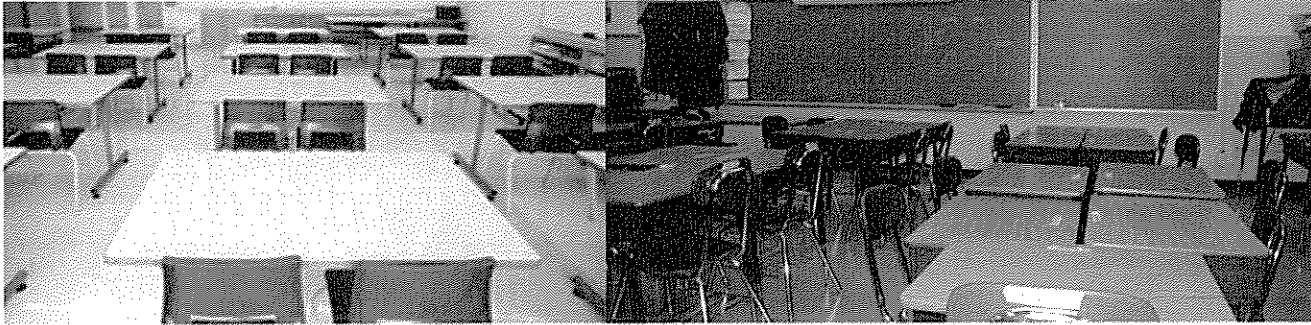
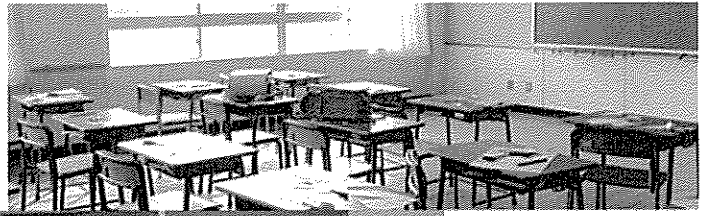
### Students Learning in Trailers







BUILDING TRADES EMPLOYERS' ASSOCIATION  
INTEGRITY • VALUE • SAFETY



**Higher Insurance Costs**

**= Less Classroom Seats**

# 146%

1-year Increase in Insurance Costs

# \$1.17 Billion

Over 5 years diverted from Capital Budget for Insurance Costs

**Reforming the Scaffold Law,  
Building more Classrooms**

❖ SCA General Liability Insurance Costs

- 2013: \$95 Million
- 2014: \$234 Million
- 1-year Increase of 146%
- 2015-2019: \$1.17 Billion

❖ The School Construction Authority Insurance Costs for New York were 292% higher than New Jersey's School Construction Agency of the same size.  
**2013**

- New York: \$95 Million per year
- New Jersey: \$25 Million per year

❖ The Capital Plan presented budgets only \$650 Million over 5-years for Insurance Costs – This will NOT cover the dramatic increases in Insurance costs

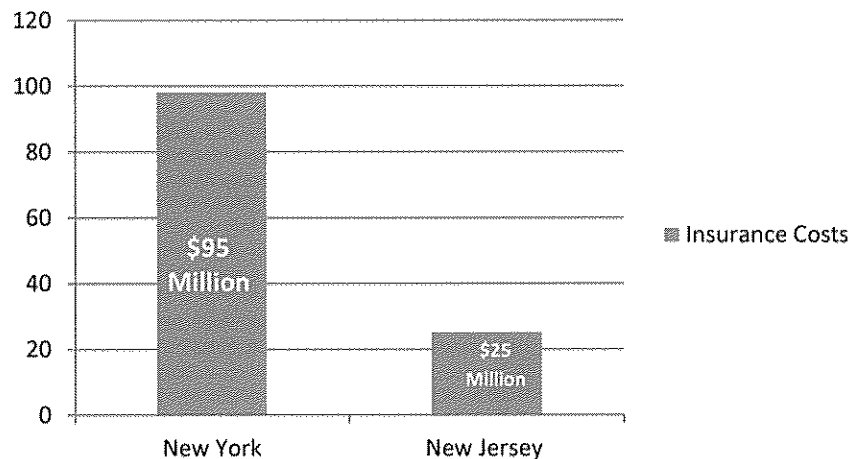
- 2014: \$234 Million x 5 = \$1.17 Billion

**How do we build more classroom seats?**

- ❖ **Reforming the Scaffold Law** will allow the School Construction Authority to spend more on new classroom seats than insurance and legal costs.

**School Construction Authority's  
of NY & NJ**

**2013 Liability Insurance Costs**



**Basic Principles of Scaffold Law Reform**

1. It is the responsibility of every owner/contractor to provide a safe work site for every employee.
2. Every worker has the right to file a lawsuit against their owner/contractor when they are injured.
3. All parties have a right to present their case and facts to a jury of their peers – amending the law from Strict Liability to Comparative Liability.

TESTIMONY OF  
THE UNITED FEDERATION OF TEACHERS

BEFORE THE  
NEW YORK CITY COUNCIL  
COMMITTEES ON EDUCATION & FINANCE

REGARDING THE FY 2014-15 EDUCATION CAPITAL BUDGET

MARCH 18, 2014

My name is Richard Mantell, and I'm vice president for middle schools for the United Federation of Teachers. I am here to offer thoughts about the draft capital plan on behalf of the UFT and our 200,000 members.

Let me begin by thanking Councilman Dromm, as well as members of the education committee, for this opportunity to testify before you today. I also want to thank all of you for consistently standing up for public education – that means a great deal to our members and parents.

-----

This new capital plan draft, which is a revision of the plan outlined in November 2013, represents a turning point from years past. This new plan, which increases capital spending by nearly \$1 billion, includes three major changes that we believe will have a positive impact on our schools.

First, the de Blasio administration and the Department of Education plan to reallocate \$210 million to create thousands of much-needed universal pre-kindergarten seats. That money had previously been slated for charter schools. This is a welcome shift in resources that will benefit tens of thousands of additional four-year olds, and we applaud this effort to give children a great academic start.

The de Blasio administration has also committed \$480 million in this new capital plan draft to tackling the longstanding problem of removing all Temporary Classroom Units (TCUs or trailers). It's an effort that is long overdue, considering the space issues that some of our districts face. Getting these displaced students seats in actual classrooms must be a priority, especially when you consider some of the 350-plus "temporary" classrooms that have been in place for more than two decades; many are riddled with rot and mold and have faulty heating and cooling systems. What's more, schools have lost their schoolyards to these trailers, leaving students without a place to run around and play. We strongly encourage the DOE and the SCA to outline their plans for the removal of the current classroom trailers and to develop a timeline to complete the work. Some experts have estimated that more than 10,000 seats will need to be created to properly place all the students now in trailers, but it's not clear how the DOE plans to address that issue. We also strongly encourage the DOE to create a policy for handling future space needs that doesn't require using trailers.

Lastly, this new capital plan draft also includes an additional \$800 million from the governor's proposed \$2 billion New York State Smart Schools Bond Act. Of that, \$490 million is slated for much-needed technology enhancements, including wiring and Wi-Fi upgrades. We as a union strongly support the Bond Act. Not only do the new Common Core Learning Standards represent an opportunity to bring more technology into lessons, but the 21<sup>st</sup> century job market demands that students graduate with exposure to technology and hands-on technology skills. Yet in a recent UFT survey, half of the teachers reported that internet connections in their schools were either too slow or too unreliable to properly support instruction or the teachers' own online work responsibilities.

## MANDATED PROGRAMS

We are pleased that the new capital plan draft indicates that the DOE and the SCA are accelerating the replacement of thousands of PCB-contaminated lighting fixtures. The new deadline to complete that work is December 2016, and \$480 million has been set aside for that effort. The faster pace is in direct response to the strong advocacy by parents and elected officials – including many members of the City Council – as well as the UFT and other unions.

Last year, we estimated that between 655 and 800 schools contained these PCB-laden fixtures, including more than 200 schools that had reported leaking fixtures in need of immediate removal. The new capital plan draft puts the number of schools still needing work at 314. At a minimum, the DOE and the SCA should issue an interim report at the end of the first year of the capital plan so we can measure the progress on this important work.

The danger of PCBs can't be overstated. Exposure to PCBs is particularly toxic for children and pregnant women. The sooner we can get these decades-old ticking time bombs out of our schools, the better.

What's less clear in this capital plan draft is how much work has been done with regard to replacing the boilers that burn the highly polluting #4 and #6 heating oil. This is an area where we need more transparency and an accelerated timetable. It's been more than three years since the DOE announced that it intended to convert these boilers, and 380 buildings currently using #4 heating oil have been identified.

The city estimates it will take until 2030 to replace the boilers in all the buildings; that timeline does not well serve our students, staff and fellow New Yorkers. These boiler conversions are important to the health of students, staff and the local community and will produce real environmental benefits as well. We urge the SCA to detail its timetable and explore opportunities to accelerate this work. DOE and SCA should be leaders in this work.

## HURRICANE SANDY RECOVERY EFFORTS

The UFT wants to again recognize the good work that was done in the aftermath of Hurricane Sandy to repair damage to our school buildings and get students back in their classrooms. More than 200 schools were affected by the storm, including 50 where storm damage forced them to close their doors for weeks.

Of the schools that suffered flooding or structural damage, a handful – including PS 276 and IS 211 on Staten Island and PS 52 and IS 2 in Brooklyn – can still only get heat and hot water

through temporary boilers parked outside their buildings. These auxiliary boilers use a tremendous amount of oil and are not as powerful as permanent boilers, so heating in these buildings is uneven and for some, the water never becomes hot. We understand that permanent fixes are on the horizon for the nine affected buildings, but work on these projects is not due to begin until 2015. We urge the DOE and the SCA to make these projects a priority in 2014, before next winter sets in.

Some schools also need repairs to electrical components and other physical plant infrastructure, and we would like to see these made a priority as well. PS 105 in Queens and PS 195 in Brooklyn are several of the schools that still do not yet have a fire system in place. In the interim, the teachers in these schools use a 'fire watch' system. The Beach Channel high school complex is without both its fire alarms and its public address system, and it, too, relies on an auxiliary boiler system.

## CAPACITY BUILDING

At its most basic level, the capital plan is about creating seats for students, and this plan includes a modest increase in the number of new seats. These new seats – more than 32,500 – are largely slated for elementary and middle schools. The plan projects construction costs of \$3.3 billion, down from the \$3.9 billion projected in last year's capital plan draft – a great example of finding cost savings and efficiencies that can, in turn, help fund other projects. This savings, coupled with a \$490 million increase in capacity funding, is expected to be used to reduce class size and further alleviate overcrowding, a stubborn problem that continues to plague many of our schools.

It's important that the new seats be created in the places that most need them. Of the more than 32,500 seats, 4,400 are in developer projects including Hudson Yards, Crotona Park/West Farms, Atlantic Yards, Greenpoint Landing, the Domino project and Halletts Point, yet no details are given about the need for these seats in those projects.

With class sizes continuing to increase across all grades year after year, the UFT still believes the unmet need for seats is far greater than the number being funded. The city's own estimates put the need for seats closer to 45,000, many in Queens, where a lot of schools are already overcrowded. The city needs a comprehensive strategy to reverse this trend.

A frank discussion of the construction programs underway and the successes and problems will give the communities that are so eager for this work a better understanding of how challenging it is to get it done. This kind of frank dialogue with overcrowded school communities can help build support for the SCA's efforts. If we are serious about solving these chronic problems, more information is also necessary to evaluate where we are on alleviating overcrowding, reducing class sizes, removing temporary classrooms and creating prekindergarten seats.

## ADDITIONAL NEEDS & CONCERNS

We strongly recommend that the DOE and the SCA take a more comprehensive and efficient approach to upgrades on school building exteriors. We have received many reports about how limited work scopes have resulted in schools experiencing chronic water leaks from roofs, windows, parapets and masonry while scaffolding goes up and down and up again over the

years. This piecemeal approach is inefficient and expensive, creates prolonged periods of damp, unhealthy school buildings, and guarantees that a student is surrounded by construction through his or her time at the school. A more comprehensive approach would save money and shorten the time when schools are affected by construction.

While the new capital plan draft includes money for asbestos and lead paint abatement, it leaves out dedicated funding for mold cleanup. We have seen significant water damage and related mold problems in a dozen schools over the last year that required water mitigation (structural drying) and cleanup. Leaking roofs and exterior masonry as well as episodic flooding from pipe bursts or plumbing overflows have resulted in moldy schools, prompting health complaints from students, parents and staff. Damp, moldy buildings are a risk factor for asthma and other respiratory problems. The cleanup costs in some of these buildings have been substantial. The SCA should be tackling the mold problem at the same time that it is doing work on the exterior façade of school buildings experiencing chronic roof and masonry leaks. Nearly all of the classroom trailers also have mold problems.

The DOE should also take a comprehensive approach to reviewing and upgrading science labs. We have seen many high schools where lab equipment, such as hoods, does not work. Upgrading a lab doesn't help if the new equipment doesn't work or was not installed.

-----

On a final note, I want to thank the Council, the DOE and the SCA for their support of capital projects in our Community Learning Schools. Thanks to our successful collaboration, we're moving ahead with plans to put health and vision clinics in several buildings. Once in place, the clinic will service not only the students inside that building, but also students from the surrounding neighborhood.

These clinics will be invaluable for many families and will give teachers and administrators new tools to help meet the needs of their students. We are extremely proud of these capital projects, and we hope the Council and the city will continue to support the Community Learning Schools Initiative so we can help even more schools.

That support could take many forms, including technical assistance for schools and the Community Learning Schools staff as they navigate the bureaucracy during the design and construction phases. The city and the DOE could also modify existing building permit requirements to allow schools to keep their doors open longer each day and be a venue for more community programs and services.

###

**TESTIMONY**

**New York City Council Fiscal Year 2015 Preliminary Budget,  
Mayor's FY '14 Preliminary Management Report and  
Agency Oversight Hearings  
Department of Education and School Construction Authority**

**Honorable Daniel Dromm  
Committee Chair**



**Tuesday, March 18, 2014**

**The Council of School Supervisors and Administrators  
Ernest Logan, President  
Mark Cannizzaro, Executive Vice President  
Randi Herman, Ed.D., 1st Vice President  
40 Rector Street  
New York, New York 10006  
(212)823-2020  
[www.csa-nyc.org](http://www.csa-nyc.org)**



Good afternoon Mr. Chairman. I want to thank you for this opportunity to speak on behalf of the nearly 16,000 members of the Council of School Supervisors and Administrators (CSA).

I sit here today with the hope that these hearings will not prove to be an empty exercise. Too often we have expressed our concerns and needs only to find ourselves faced with the same problems, needs and issues during the next round of hearings.

#### *Overcrowding*

For example: During last year's preliminary budget hearing, Chairman Jackson reminded everyone that the goal of the previous capital budget was to remove the portables (TCUs) and build more seats for early childhood. While we have heard commitments from the administration to finally remove the portables, we were also told it would be an expensive endeavor.

It is disheartening that one year later more than 8,000 students across our city are still attending classes in trailers.

While enrollment numbers continue to climb and early childhood education remains a high priority, we need to be proactive to ensure that long-term planning is on target to accommodate needs. Last year's SCA's Finance Division Briefing Paper stated, "The DOE's inability to meet capacity needs has resulted in persistent over utilization and overcrowding. According to the 2011-2012 Enrollment, Capacity, Utilization Report, 746 New York City schools have been deemed over capacity; and numerous other schools are at or near full capacity. Overcrowding has worsened from 2010-2012 despite the creation of 34,884 new seats in these fiscal years." We would like to believe that the new administration has strategies in place to dramatically reduce these numbers over time. To that end, the Mayor's moratorium on new co-locations is an idea that is long overdue because it recognizes that co-location comes at a cost to the host school, which loses needed space.

We are encouraged to learn that Chancellor Farina will be looking closely at revising the presently outdated "Blue Book," which currently underestimates building utilization. We look forward to working with the DOE in order to develop strategies for how we can revise the Blue Book so it better reflects utilization. The most recent Independent Budget Office Report also encourages us. According to that report, the SCA has budgeted \$12.8 billion over the course of the next four fiscal years. Included in those costs is the creation of more than 32,500 new seats.

We are cautiously optimistic that the reported 16% increase in capital improvements will include the \$405 million for the removal of TCUs and redevelopment of playgrounds. We hope this budget allocation will mean the end to TCUs. We need to be sure that 32,500 plus new seats will be enough to take 8,000 students out of the trailers and put them in to a real classroom.

#### *Full Day Pre-Kindergarten*

CSA continues to support the expansion of full day pre-kindergarten classes throughout the city. We applaud Mayor de Blasio's extraordinary effort to bring the need for high quality, full

day pre-kindergarten into sharp focus across the city, state and even the nation. We commend him for many related efforts including his recent meeting with Cardinal Dolan to create partnerships with the diocese to accommodate some of our youngest students in different spaces around the city.

We were also pleased to note that according to the IBO report the SCA has budgeted \$210 million for pre-K capacity. However, as Jim Dwyer noted in *The New York Times* last week, while we can properly educate 100 eighth graders in three classrooms, 100 pre-K students require five classrooms.

And we must be sure those classrooms are constructed in the communities where they are needed most. It does no one any good if there are 1,000 available seats in Bay Ridge, Brooklyn if there are 800 children who need them in Baychester in the Bronx.

Before we move forward we must be sure our math is correct, so that those in need are those accommodated.

#### *Health and Safety*

CSA is always concerned about the health and safety of our students and staff. We are also pleased to see the SCA has budgeted more than \$725 million for boiler conversions, climate control and PCB related lighting replacements.

In the past, our members have been disappointed by the DOE response to timely removal of PCBs found in numerous schools. It took incidents in which students' safety was put at high risk before the previous administration acted on the issue of PCBs. We are hopeful that with this additional funding, the new administration will indeed take the necessary steps to eliminate this ongoing problem.

Last year, members of the City Council called on the SCA to step up its asbestos abatement program to complete needed work in more than the planned 85 schools. While we recognize that the process takes time, we are concerned that we're not moving as quickly as we could to address this longstanding dangerous problem.

Moving beyond environmental dangers, mental health is one of the most dire health concerns in our schools, one that cuts across socio-economic groups. Last year, a CSA survey of school leaders indicated that mental health was a concern that loomed above even asthma and hunger. We applauded Chancellor Walcott when he announced the creation of 20 new mental health facilities. Five of these facilities were to have opened this past September. We would like to know how this initiative is progressing.

Last year we were told that there are some 30 schools in the city with no gymnasium. More recently, the response seems to be the creation of "gymatoriums." Combining gymnasiums and auditoriums can increase space, but can also cause logistical nightmares. Constant complex scheduling is required. As a result, they are rarely used. We would like to know if this number has declined over the past year. If we are truly interested in cutting down on the obesity problems city-wide, we must have functioning gymnasiums in all schools.

The state has mandated physical education requirements. No school should be without a gymnasium.

*New York State Smart Schools Bond*

According to the IBO, the SCA's \$12.8 billion five-year plan represents an 8.5 percent increase (more than \$1 billion) over the 2010-2014 plan. However, nearly \$800 million of those dollars are to be provided under Gov. Cuomo's \$2 billion *New York State Smart Schools* bond proposal. A proposal that has yet to be approved by the New York State Legislature and will not be voted on until November during the general election.

We ask this question today: What happens if SCA doesn't receive the expected \$490 million to be used for infrastructure and software purchases to enhance technology in our schools? Or will the \$290 million bond provide for the increased capacity for UPK?

Our students deserve better facilities than most are enjoying now. We must provide programs, services and support to prepare all students not only for college and career, but also for a healthy, fulfilling life. To be successful in educating our students, we must first ensure they are provided school buildings that are safe, secure, and well equipped.

Thank you again for the opportunity to submit this testimony on behalf of CSA and our members. We remain committed to working with our partners in City government to ensure to ensure that our city schools are the best they can be.

Our students deserve better facilities than most are enjoying now. We must provide programs, services and support to prepare all students not only for college and career, but for life. To be successful in educating our students when we must first ensure they are provided a safe, secure, well equipped, state of art school building.

It shouldn't be too much to ask for a classroom, a gym, and up-to-date computer system.



**Class Size Matters**  
124 Waverly Place, NY, NY 10011  
phone: 212- 674- 7320  
[www.classsizematters.org](http://www.classsizematters.org)  
email: [info@classsizematters.org](mailto:info@classsizematters.org)

## ***On the need for a better Five-year capital plan***

Testimony before the NYC Council Education Committee

*Leonie Haimson, Executive Director, Class Size Matters*

March 18, 2014

Thank you, Chair Dromm and the other members of the City Council Education Committee, for the opportunity to provide testimony on the capital plan today. Class Size Matters is a citywide advocacy and research organization, devoted to providing information on the benefits of class size reduction. The chronic and worsening school overcrowding is one of our abiding concerns, as without the space, New York City children will never be able to receive smaller classes, which according to the state's highest court will be necessary for them to be provided with the constitutional right to an adequate education.

Sadly, the proposed five-year capital plan for 2015-2019 will do little to improve the current overcrowding crisis in the city's public schools. In this \$12.8 billion, only \$4.4 billion or 34 percent would be spent on new capacity. This would create 32,560 new seats, with 806 of these for design, which equals 31,754 seats. An estimated 6,600 of these seats have been rolled over from previous plan.<sup>1</sup>

The new administration has added 2,100 seats to the plan for pre-K expansion, with the funds re-allocated from charter school construction, and 4,900 seats towards the goal of providing reduced class size, funding for which is dependent on the passage of the Governor's "Smart Schools" bond act.

These two proposals together with the original 31,754 total 38,754 seats. Both the pre-K seats and the additional seats for class size reduction are as yet without sites. Overall, the spending of new capacity, even with this funding added, would decline from the previously

---

<sup>1</sup> New York City Department of Education, *Proposed Five Year Capital Plan for FY 2015 – 2019*, February 2014; [http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/02012014\\_15-19\\_CapitalPlan.pdf](http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/02012014_15-19_CapitalPlan.pdf)

plan, according to the Independent Budget Office, while spending on capital improvement and school enhancement would increase significantly.<sup>2</sup>

The figure of 38,754 seats is only about 79 percent of the “overall need” of 49,245 new seats cited by DOE in the Capital Plan.<sup>3</sup> According to the DOE, these 49,245 seats will “*help us alleviate existing over-crowding, respond to ongoing pockets of growth in some neighborhoods, and enable us to remove all Transportable Classroom Units (TCUs).*”<sup>4</sup>

Yet there is no explanation of how this figure of 49,245 seats was derived, and no breakdown provided for this estimate.<sup>5</sup> During City Council hearings last year, Kathleen Grimm admitted that the DOE has never undertaken a complete needs analysis of what would be required for system-wide expansion and repairs, because the dollar figure would be too large.<sup>6</sup>

According to our calculations, using the documents on the School Construction Authority website regarding new Housing Starts, in conjunction with the City Planning ratio used to determine how many additional public school students would be expected from these units, we estimate that more than 51,000 new seats are necessary just to keep up with projected enrollment growth due to additional development.<sup>7</sup>

An even greater need for new seats can be derived from the enrollment projections made by the Grier Partnership and Statistical Forecasting, the two consulting companies hired by DOE, which predict an increase of 60,000 to 70,000 students by 2021.<sup>8</sup>

---

<sup>2</sup> New York City Independent Budget Office, “*Spending Increases in New Five-Year Capital Plan for Schools Rely Heavily on Statewide Referendum*,” March 2014, <http://www.ibo.nyc.ny.us/iboreports/2014marchfopb3.pdf>.

<sup>3</sup> *Proposed Five Year Capital Plan for FY 2015 – 2019*, p. 19.

<sup>4</sup> *Proposed Five Year Capital Plan for FY 2015 – 2019*, p.8.

<sup>5</sup> I have emailed DOE repeatedly, asking for the analysis of how many of these seats are needed to help alleviate existing over-crowding, how many to address enrollment growth and how many to replace the TCUs. They have failed to provide this analysis.

<sup>6</sup> New York City City Council, “*Transcript of the City Council Committee on Education Hearing on New York City School Facilities*,” p. 88, June 24, 2013, <http://legistar.council.nyc.gov/View.ashx?M=F&ID=2565615&GUID=FBEDC6FD-A63A-4373-A4D6-8207D549416E>.

<sup>7</sup> City Planning, *Projected public school ratio*, and NYC School Construction Authority, *Projected New Housing Starts Used in 2012-2021 Enrollment Projection*, at <http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Pages/default.aspx>

<sup>8</sup> Eunice and George Grier, *Enrollment Projections 2012 to 2021 New York City Public Schools, Volume II: Narrative Report*, Maryland: The Grier Partnership, January 2013, <http://www.nysca.org/Community/CapitalPlanManagementReportsData/Demographics/2012-2021GrierPartnershipreport.pdf>; Statistical Forecasting LLC, *Enrollment Projections for the New York City Public Schools 2012-13 to 2021-22, Volume II*, New Jersey: Statistical Forecasting, LLC, February 2013, <http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Demographics/2012-2021StatisticalForecastingReport.pdf>

Using these enrollment projections alone, many districts will have significant shortfalls, as the charts in the accompanying power point reveal. At the elementary and middle school levels, there will be a shortfall of 11,131 – 22, 496 seats, and a shortfall of 15,285 - 16,359 seats at the high school level, due to enrollment growth alone.

To be clear, this estimate does not include the need to alleviate existing overcrowding, provide additional space to expand prekindergarten, reduce class size and/or eliminate the need for trailers or TCUs, as this plan promises to achieve.

According to the latest available figures, there are 352 Temporary Classroom Units or trailers, according to the School Construction Authority.<sup>9</sup> These units contain 520 classrooms, with a capacity of more than 10,890 seats. Of the 520 classrooms, 44 of them lack reported capacity and enrollment figures, including 32 classrooms housing D75 special needs students. Thus, the number of seats that would likely need replacement if all TCUs were eliminated is actually far larger -- and most probably about 12,000.<sup>10</sup>

Yet in the capital plan, there is not a single dollar allocated towards replacing these seats, as far as one can tell, although there is nearly half a billion dollars dedicated to removing them and redeveloping the playgrounds where they sit.

As for current overcrowding, it has reached such a critical level that the average utilization of elementary schools citywide according to the DOE "Blue Book" is now at 96.8 percent, and high schools not far behind at 94.8 percent. This means that any additional enrollment growth would quickly put many schools at or above 100 percent utilization.

There are currently eleven school districts where the elementary school buildings have an average building utilization rate above 100 percent. Additionally, Queens and Staten Island have an average high school utilization rate above percent.

In just these eleven districts, the number of new seats needed just to bring schools to 100 percent utilization would equal another 30,294 seats. Combining both the enrollment projections and the findings from the Blue Book report, the total number of actual seats needed to address overcrowding now and in the future is roughly 90,000 to 100,000 seats.

However, it is important to note that even this figure is likely an underestimate, as these figures only address the need to create seats in the districts whose average utilization is above 100 percent, and not in specific neighborhoods – or as the DOE euphemistically calls it, "pocket overcrowding."

---

<sup>9</sup> New York City School Construction Authority, *List of Transportable Classroom Units With Enrollment as of September 2012*, October 15, 2013.

<sup>10</sup> For more on the omissions, errors, and misleading presentation of data in the DOE's TCU reports, see Class Size Matters, "Response to DOE comments on the annual Temporary and NonStandard Classroom (TCU) Report; Submitted to the Report and Advisory Board Review Commission," October 10, 2012; <http://www.classsizematters.org/wp-content/uploads/2012/10/Rebuttal-to-DOE-on-TCU-report-10-9-12.pdf>



There are many neighborhoods with severe overcrowding in districts with average utilization below 100 percent, for example in lower Manhattan in District 2. Trailers also continue to exist in many schools and districts where the average utilization rate is considered “underutilized” by official figures. The fact that there is localized school overcrowding that is not reflected in overall district average can also be seen in the proliferation of Kindergarten waiting lists throughout the city.

From 2009 to 2013, the number of Kindergarten children on waiting lists for their zoned elementary school grew from 499 to 2,361, an increase of 373 percent. The problem is most severe in Queens, where 946 Kindergarten students were placed on waiting lists last year, followed by Brooklyn at 622, and Manhattan at 569. A total of 23 school districts had 105 schools with waiting lists in 2013.<sup>11</sup>

Districts 2 and 3 in Manhattan, Districts 15 and 21 in Brooklyn, and Districts 24, 25, and 30 in Queens, 30 percent or more schools had waiting lists for Kindergarten last year. Five of these districts have no seats in the capital plan.<sup>12</sup>

One particular critical category where there is already a huge shortage of seats that will grow even more severe, according to DOE’s own figures, are high schools in Queens. There is a shortage of 7295 seats now, according to the “Blue Book”, and Grier and Statistical Forecasting project an increase in the borough’s high school student enrollment of 12,567-12,980 by 2021.

Yet there are only 2,802 high school seats for Queens in the five-year plan, a shortage of more than 17,000 seats. And these figures are an underestimate of the actual level of overcrowding, according to most principals.<sup>13</sup>

As pointed out by many independent observers before, the existing “Blue Book” utilization formula does not allow for smaller classes, a full complement of art, music or science rooms, lunch at a reasonable time, regular access to the gym, the existence of trailers in many cases, or the ability of special needs students to receive their mandated services in dedicated spaces rather than hallways or closets.<sup>14</sup>

In particular, the “Blue Book” is pegged to class sizes of 28 in grades 4-8 and 30 in high school, which according to DOE statistics are larger than the current averages in these grades and will be expected to force class sizes in these grades even higher – and far larger

---

<sup>11</sup> Ben Fractenberg, “More than 2,300 Children Waitlisted for Kindergarten,” *DNA Info*, April 12, 2013, <http://www.dnainfo.com/new-york/2013/04/12/new-york-city/more-than-2300-children-waitlisted-for-kindergarten>.

<sup>12</sup> Districts 6, 17, 18, 23, and 32

<sup>13</sup> Emily Horowitz and Leonie Haimson, “*How Crowded Are Our Schools? New Results from a Survey of NYC Public School Principals*,” October 3, 2008; [http://www.classsizematters.org/wp-content/uploads/2011/04/principal\\_survey\\_report\\_10.08\\_final1.pdf](http://www.classsizematters.org/wp-content/uploads/2011/04/principal_survey_report_10.08_final1.pdf)

<sup>14</sup> Class Size Matters and Campaign for a Better Capital Plan, “*A Better Capital Plan*,” October 2008; [http://www.classsizematters.org/wp-content/uploads/2011/04/A\\_Better\\_Capital\\_Plan\\_final\\_final.pdf](http://www.classsizematters.org/wp-content/uploads/2011/04/A_Better_Capital_Plan_final_final.pdf)

than recommended by experts in the Campaign for Fiscal equity lawsuit and in the city's original Contracts for Excellence goals approved by the state in 2007.<sup>15</sup>

In addition, in recent years the DOE has redefined the size of a full-size classroom down from 750 square feet to only 500 square feet.<sup>16</sup> Given that the building code requires 35 square feet per child in Kindergarten and 20 square feet per student in other grades, classrooms as small as 500 square feet can legally only hold 14 children in Kindergarten and 25 students per class in other grades. We have found that many schools violate the building code, and even more will do so in the future if current trends continue.<sup>17</sup>

Grade levels	UFT Contract class size limits	Target class sizes in "blue book"	Current average class sizes	C4E class Size goals	How many students can 500 sq. ft classrooms hold acc to NYC building code
Kindergarten	25	20	23	19.9	14
1st-3rd	32	20	25.5	19.9	25
4th-5th	32	28	26	22.9	25
6th-8th	30 (Title I) or 33 (non-Title I)	28	27.4	22.9	25
HS (core classes)	34	30	26.7	24.5	25

In the "Blue Book", the DOE has also failed to adjust the formula for co-located schools, of which there are hundreds. In the past, the SCA admitted that every co-location diminishes the overall capacity of a school by about 10 percent, because of the need to replicate administrative, cluster and specialty rooms.<sup>18</sup>

<sup>15</sup> DOE's class size reporting for high school data is highly unreliable.

<sup>16</sup> For the NYC SCA School Utilization report for 2012-2033, also called the "Blue Book" see [http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2012-2013\\_Classic.pdf](http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2012-2013_Classic.pdf). See also the most recent Instructional Footprint, (2011) at [http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011\\_FINAL.pdf](http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf)

<sup>17</sup> New York City Building Code: See TABLE 6-2 (listed as p.166, but p.56 of document): [http://www.nyc.gov/html/dob/downloads/bldgs\\_code/amendment\\_set\\_1.pdf](http://www.nyc.gov/html/dob/downloads/bldgs_code/amendment_set_1.pdf)

<sup>18</sup> Noreen Connell, "*Capital promises: why NYC children don't have the school buildings they need*," Educational Priorities Panel, April 2007.

Indeed, the DOE has finally admitted that the formula is flawed, and the Chancellor has appointed a "Blue Book" task force to come up with a more accurate utilization formula.<sup>19</sup> Until that taskforce has done its work, and there is a transparent needs assessment, it is impossible to say with certainty how many seats are really required to achieve the goals in the capital plan – and to reduce class size, which is necessary to provide our students with an adequate opportunity to learn.

At this point, however, we know for certainty that the current capital plan should be expanded and more seats created. How should this critical need be addressed? First of all, as the Comptroller's office pointed out last fall, accelerating the overall city's capital plan by \$2 billion could save millions of dollars, given historically low interest rates and construction costs, which would create hundreds of new jobs in the process.<sup>20</sup> This argument could also be made for expanding the plan.

Secondly, there should be a re-allocation of funding within the plan, with a larger proportion devoted to new capacity. As it is, the DOE will spend fewer dollars on new capacity than in previous years. Most school capital plans invest about half of their spending to creating new capacity, especially in overcrowded areas where future enrollment growth is expected. Devoting only 34 percent of the total towards new capacity is unjustified when such a high level of overcrowding exists with enrollment growth projected in the future.

In particular, spending \$650 million on technology is unwarranted, especially as the capital plan reports that all school buildings and their classrooms have already been provided with broadband connectivity and wireless access. It is evident from the explanation in the technology section of the plan that the DOE's real goal with this additional spending is to expand online learning, data sharing, and computerized testing for the Common Core.

All of these initiatives are controversial, and none of them have evidence of proven results for student learning. None of them represent as critical a need as alleviating overcrowding, removing trailers and providing space for smaller classes.

Thank you for the opportunity to testify today.

---

<sup>19</sup> Geoff Decker, "As moratorium lifts, city offers new vision for community role in school space plans," *Chalkbeat New York*, February 24, 2014, <http://ny.chalkbeat.org/2014/02/24/as-moratorium-lifts-a-new-vision-for-community-engagement-in-school-planning/>.

<sup>20</sup> Office of the New York City Comptroller, "Capital Acceleration Plan," May 2012; [https://comptroller.nyc.gov/wp-content/uploads/documents/NYC\\_CapAccelerationPlan\\_v28.pdf](https://comptroller.nyc.gov/wp-content/uploads/documents/NYC_CapAccelerationPlan_v28.pdf)

**Summary of Projected Enrollment growth by 2021**

Grier Partnership: 70,341

Statistical Forecasting: 60,230

Estimates from Housing Starts: 51,727

**Current undersupply of seats in the most overcrowded districts:**

D10	1,929
D11	1,237
D15	1,822
D20	3,912
D22	189
D24	5,318
D25	1,637
D26	1,231
D27	1,451
D30	1,476
QUEENS HS	7,295
STATEN ISLAND HS	518
D31	2,279

Total:  
30,294

NEW YORK CITY COUNCIL HEARING  
ON DOE CAPITAL PLAN 2015-2019

CHARTS TO ACCOMPANY TESTIMONY

---

Leonie Haimson, Executive Director  
Class Size Matters  
March 18, 2014

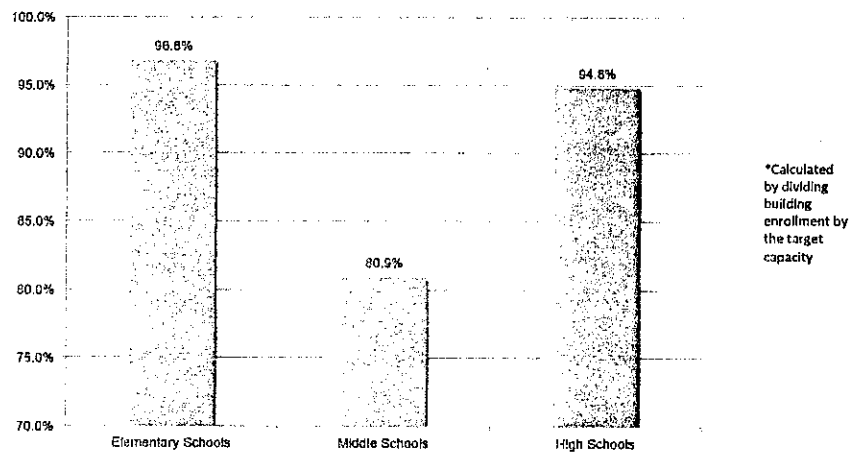
Summary of capital plan vs. needs for  
seats

- Current capital plan has (at most) 38,754 seats
- DOE admits need of 49,245 (though doesn't explain this figure).
- Official enrollment projections estimate increase of 60,000-70,000 students by 2021
- At least 30,000 more seats needed for districts *currently* above 100%
- This figure does not fully capture need for new seats at neighborhood level, including Kindergarten waiting lists of 2,361
- Does not capture need to replace trailers with capacity of about 12,000 seats
- Also, DOE utilization figures *underestimate* actual overcrowding according to most experts and Chancellor, who has appointed a taskforce to improve them.
- Revised utilization formula in "Blue Book" should be aligned to smaller classes, dedicated rooms for art, music, special education services, and more.
- Actual need for new seats probably >100,000

## School Utilization Rates at critical levels

- Citywide, elementary schools avg. building utilization rates at 96.8%; high schools are not far behind at 94.8%.
- High ES rates in all boroughs, including D10 and D11 in the Bronx 108% and 105.6%, respectively.
- In Queens, D24 (120.6%), D25 (109.7%), D26 (110%), D27 (106.1%), and D30 (107.3%) all extremely overcrowded.
- At the MS level, D20 in Brooklyn, D24, and D25 in Queens have building utilization rates over 95%.
- Queens high school buildings have avg. utilization rate of 110.7% and Staten Island high school buildings 103.2%.
- *Data source: Blue Book target utilization rates 2012-2013*

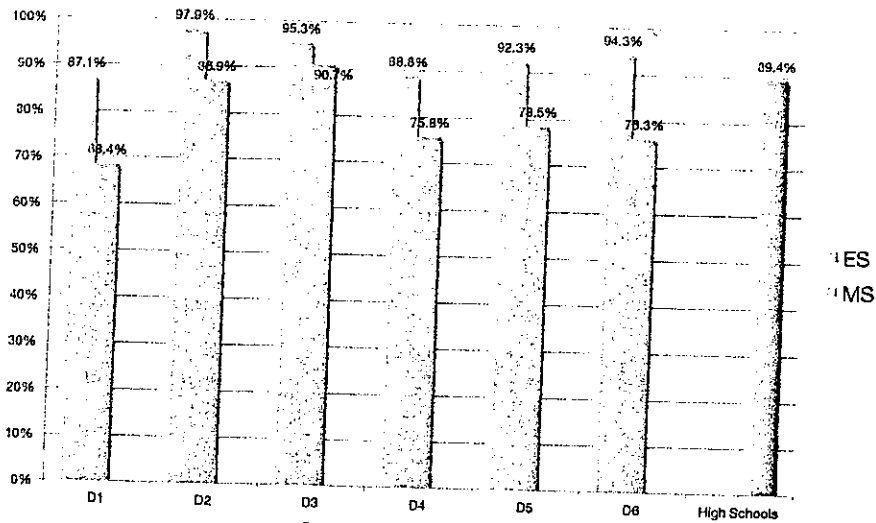
## Average School Utilization Rates City-Wide



Source: 2012-2013 DOE "Blue Book"

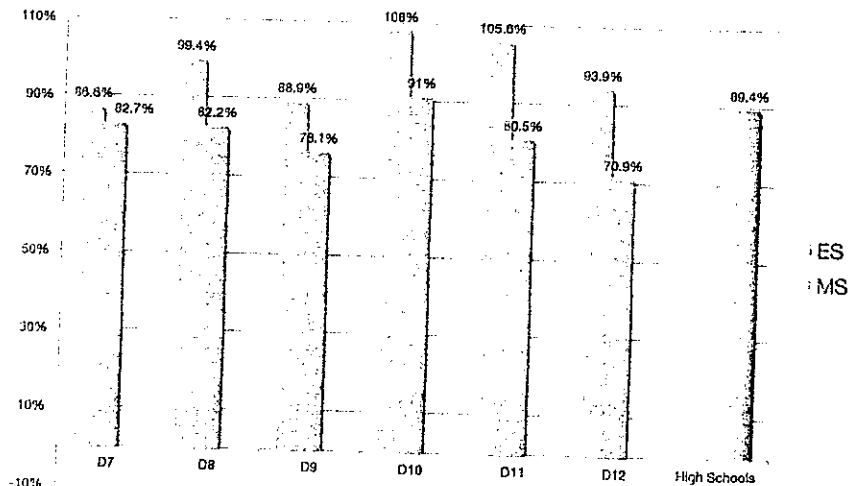


## Manhattan Average Building Utilization Rates by District 2012-2013



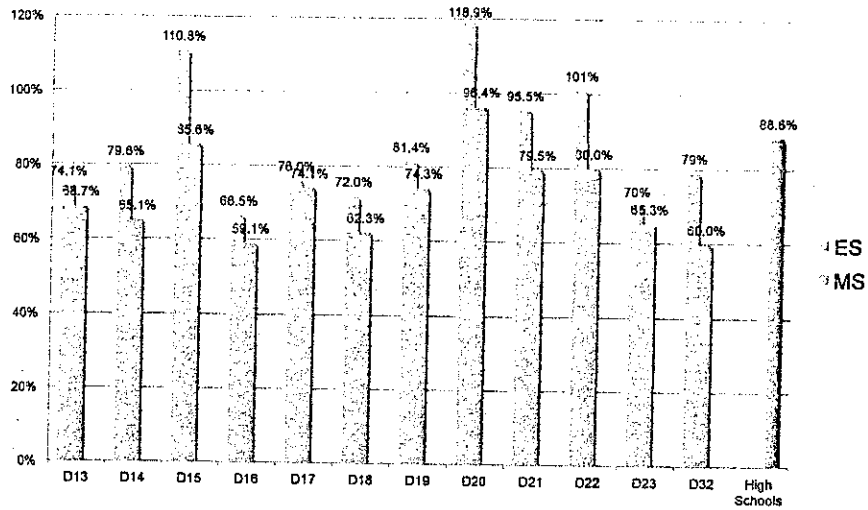
Source: 2012-2013 DOE "Blue Book"

## Bronx Average Building Utilization Rates by District 2012-2013



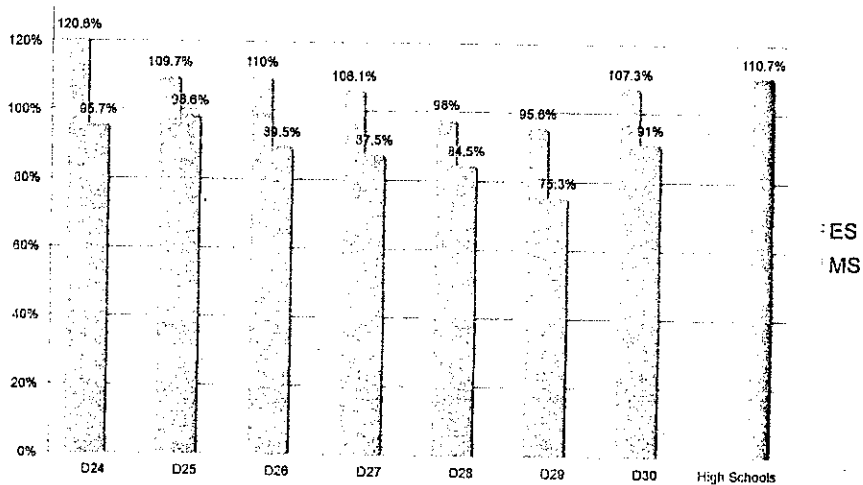
Source: 2012-2013 DOE "Blue Book"

### Brooklyn Average Building Utilization Rates by District 2012-2013



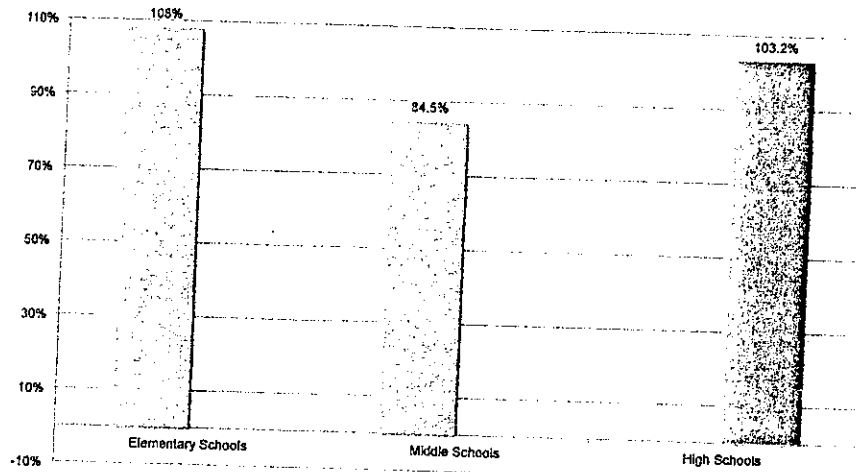
Source: 2012-2013 DOE "Blue Book"

### Queens Average Building Utilization Rates 2012-2013 by District



Source: 2012-2013 DOE "Blue Book"

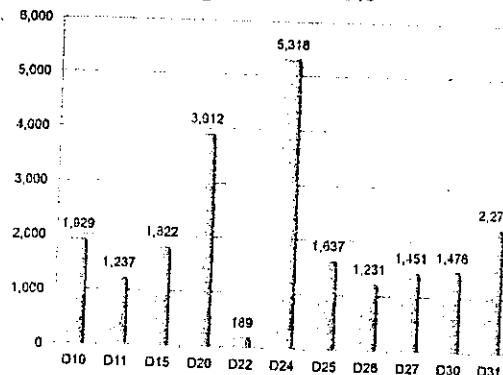
## Staten Island Average Building Utilization Rates 2012-2013



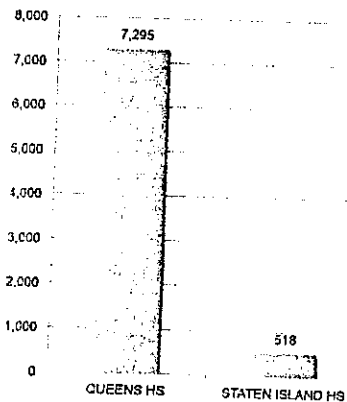
Source: 2012-2013 DOE "Blue Book"

## # of Seats currently needed to bring buildings to 100% or less

# of Seats Needed in all districts with ES building utilization rates higher than 100%



# of Seats Needed in all districts with building utilization rates higher than 100% at HS level



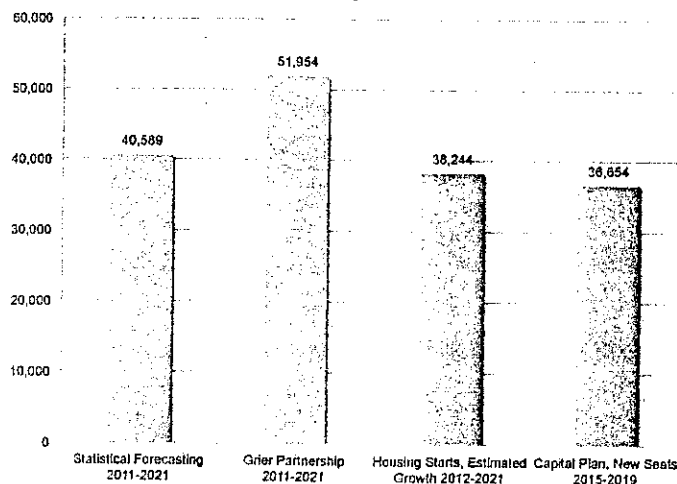
\*These figures are the difference between capacity & enrollment in the organizational target # in 2012-2013 Blue Book

Source: 2012-2013 DOE "Blue Book"

## Enrollment projections suggest many MORE districts will require additional seats in future

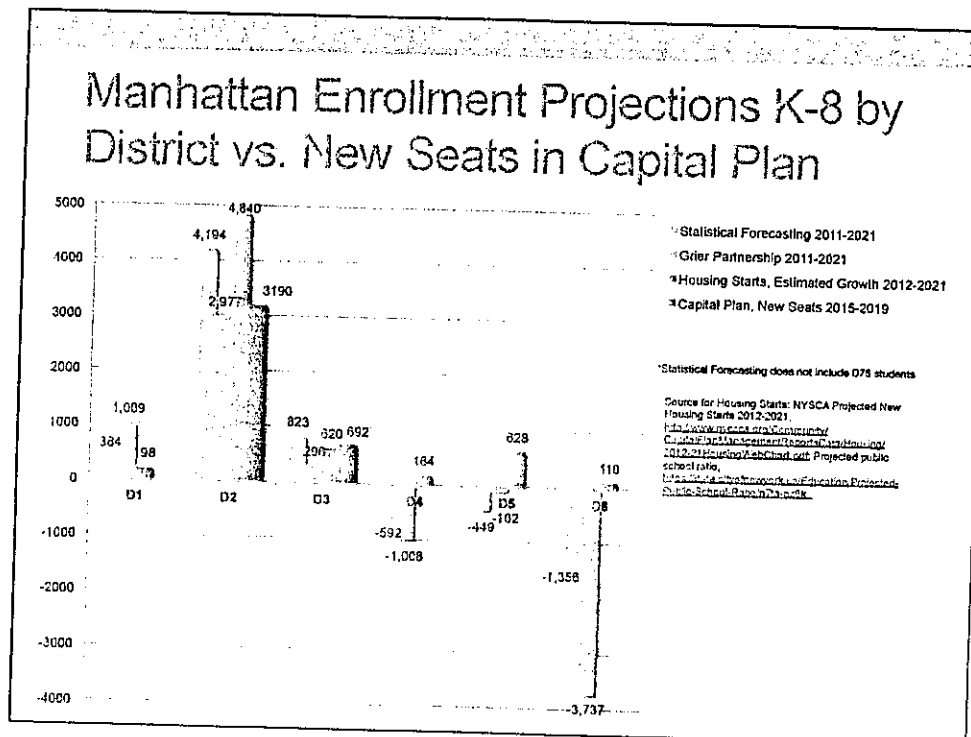
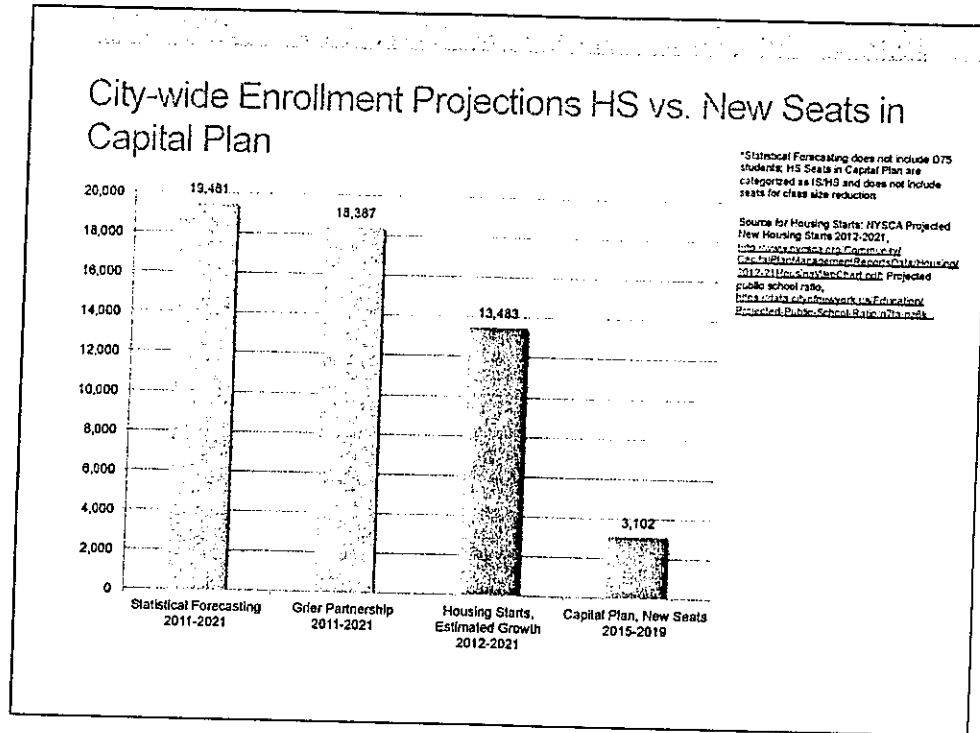
- The 2015-2019 capital plan has 31,754 seats plus 2,100 full-day pre-K seats and 4,900 seats for class size reduction, if bond issue passes.
- When compared to the enrollment projections by Statistical Forecasting and Grier Partnership through 2021, many districts will require more seats than the Capital Plan has allotted.
- Grier Partnership projects enrollment growth at 70,341, Statistical Forecasting at 60,230, and estimates from Housing Starts are 51,727.
- The following slides have citywide & district-by-district for enrollment growth from SF, GP & housing start estimates, compared to new seats in the capital plan.

## City-wide Enrollment Projections K-8 vs. New Seats in Capital Plan

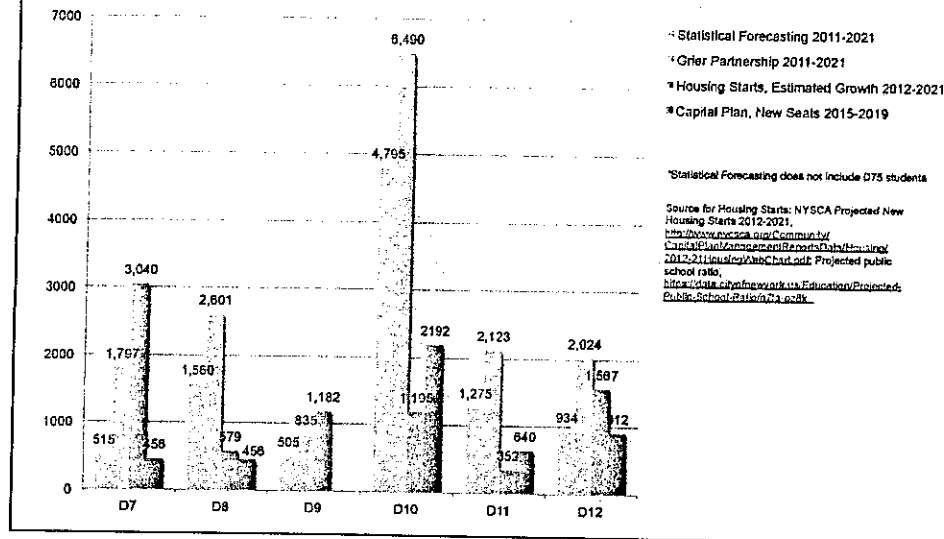


\*Statistical Forecasting does not include O75 students; K-8 Seats in Capital Plan are categorized as Small PS and PSAS and includes 4,900 seats for class size reduction if Bond issue passes.

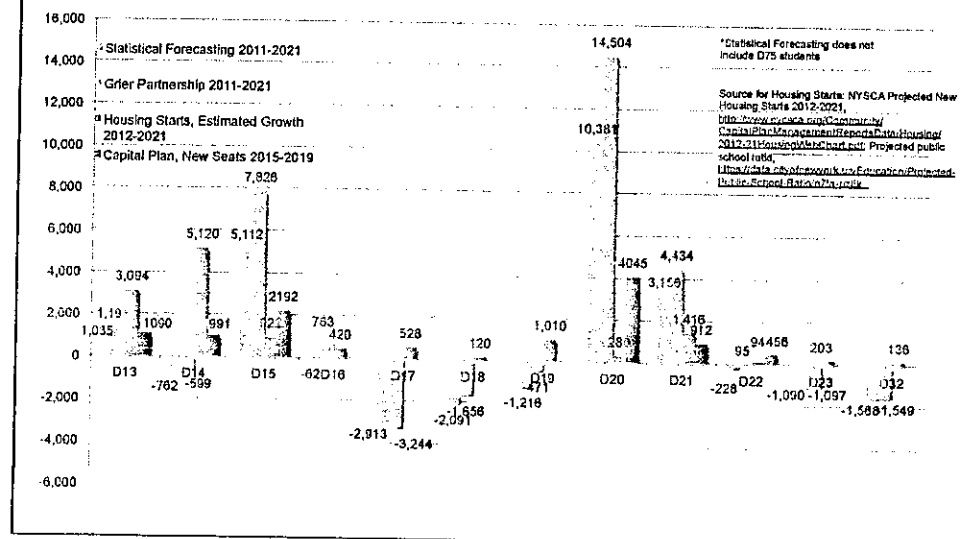
Source for Housing Starts: NYSCA  
 Projected New Housing Starts 2012-2021,  
<http://www.nysca.org/Community/CapitalPlanManagementReportData/Housing2012-21HousingStarts.pdf>  
 Projected public school info:  
<http://data.cunyregional.edu/Educational/ProjectedPublicSchoolEnrollment.pdf>



## Bronx Enrollment Projections K-8 by District vs. New Seats in Capital Plan

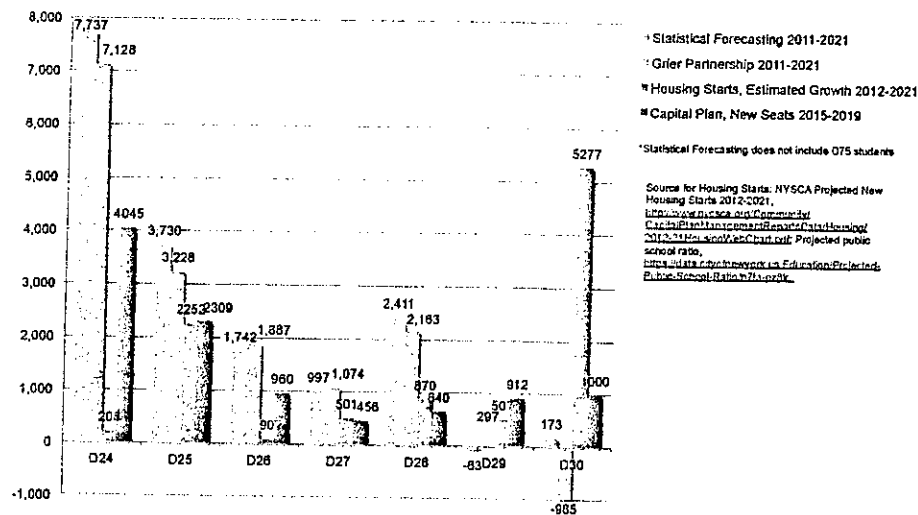


## Brooklyn Enrollment Projections K-8 by District vs. New Seats in Capital Plan

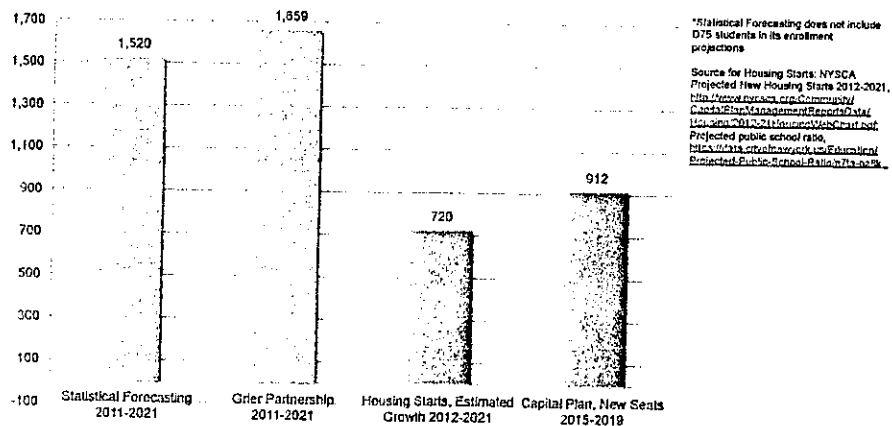




## Queens Enrollment Projections K-8 by District vs. New Seats in Capital Plan

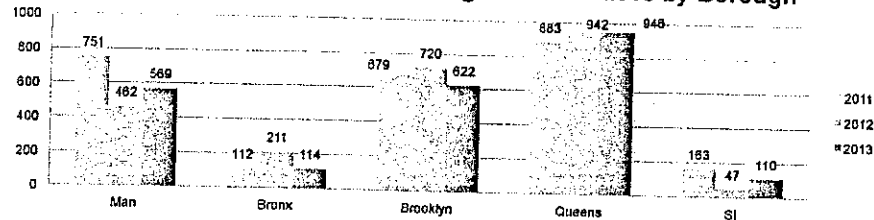


## Staten Island Enrollment Projections K-8 by District vs. New Seats in Capital Plan

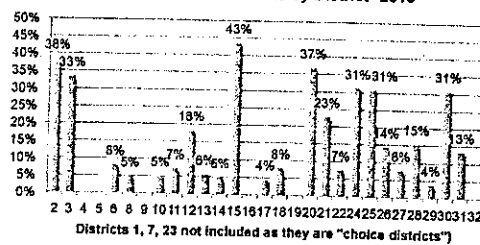


Also Kindergarten Waitlists in many neighborhoods

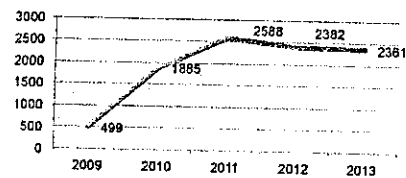
# of Kids on waitlists for Kindergarten 2011-2013 by Borough



% of Schools w/ Waitlists by District 2013



Zoned Kindergarten wait lists, citywide 2009-13



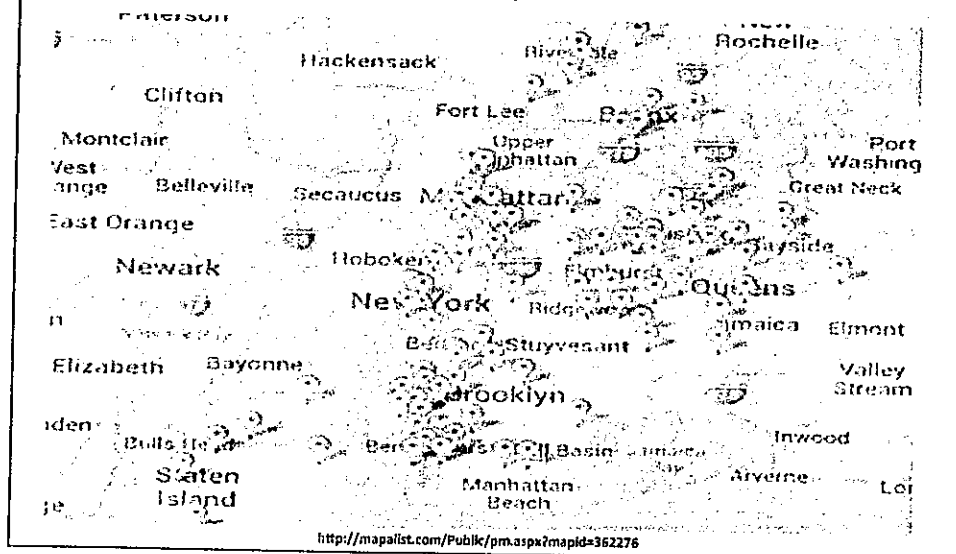
## Unmet need in Queens HS especially acute

- DOE's utilization figures indicate a shortage of 7295 seats in Queens HS currently
- These figures underestimate actual level of overcrowding, according to most principals.
- DOE consultants project an increase in Queens high school enrollment of 12,567- 12,980 by 2021.
- Yet only 2,802 Queens HS seats proposed in five-year plan, a shortage of more than 17,000 seats.

## Kindergarten Waitlists

- 2,361 families in 2013 were on waiting lists for Kindergarten in 105 schools across 23 school districts.
- Problem is most prevalent in Queens, where 946 students were placed on waiting lists in 2013, followed by Brooklyn at 622, and Manhattan at 569.
- Districts 2, 3, 15, 21, 24, 25, & 30 had 30% or more schools with waiting lists for Kindergarten.
- From 2009 -2013, number of children on waiting lists has increased by 373%.

## 2013 Kindergarten Waitlist: 105 Schools, 2,361 Children



"Blue book" data & Utilization formula inaccurate  
& underestimates actual level of overcrowding

- Class sizes in grades 4-12 larger than current averages & far above goals in city's C4E plan & will likely force class sizes upwards
- Doesn't require full complement of cluster rooms or special needs students to have dedicated spaces for their mandated services
- Doesn't properly account for students now housed in trailers in elementary and middle schools.
- Doesn't account for co-locations which subtract about 10% of space for each.
- Redefines full size classroom only 500 sq. feet min., leading to building code/safety violations at many schools.

Comparison of class sizes in Blue book compared to current averages & goals

Grade levels	UFT Contract class size limits	Target class sizes in "blue book"	Current average class sizes	C4E class Size goals	How many students can 500 sq. ft classrooms hold acc to NYC building code
Kindergarten	25	20	23	19.9	14
1st-3rd	32	20	25.5	19.9	25
4th-5th	32	28	28	22.9	25
6th-8th	30 (Title I) 33 (non-Title I)	28	27.4	22.9	25
HS (core classes)	34	30	28.7*	24.5	25

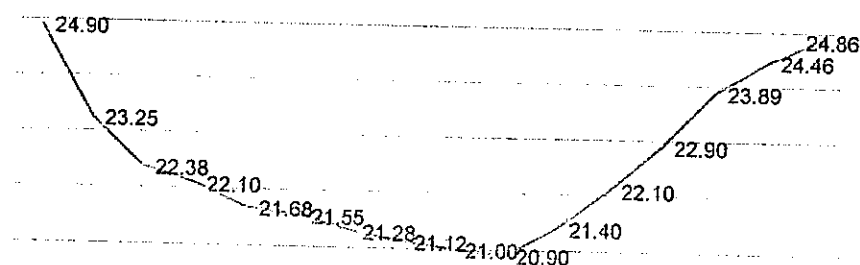
\*DOE reported HS class sizes unreliable

## Class sizes have increased for six years in a row

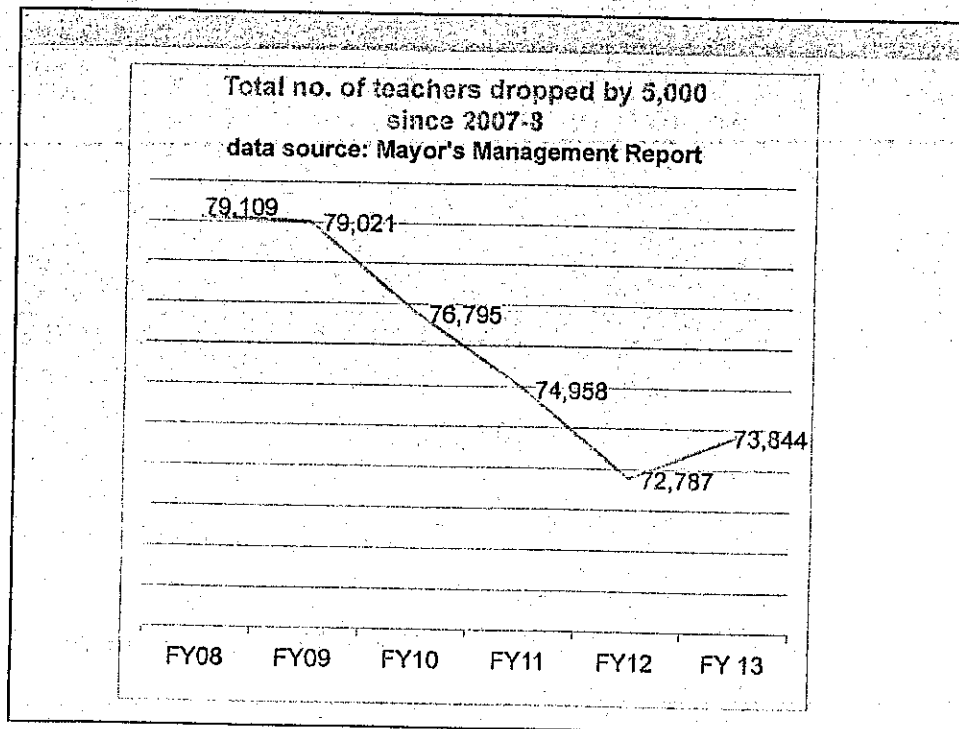
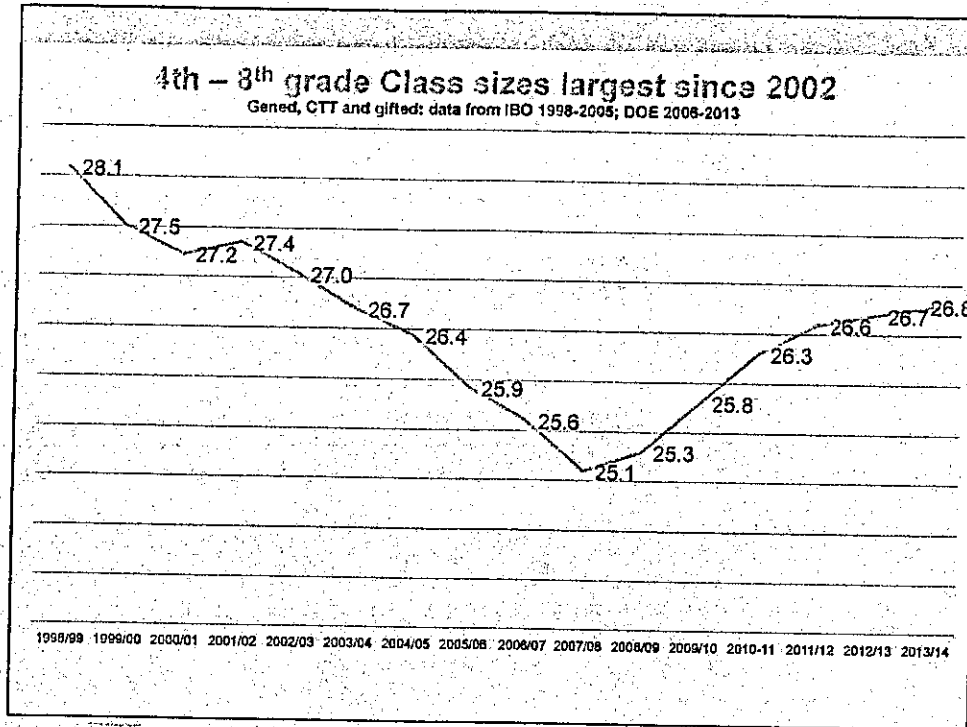
- In grades K-3 class sizes now largest since 1998; in grades 4-8 largest since 2002.
- In K-3 average class size is 24.9 (including general education, inclusion and gifted classes) compared to 20.9 in 2007, increase of 19% since 2006.
- In grades 4-8, the average class size is now 26.8, compared to 25.1 in 2007 – an increase of 7%.
- In HS "core" academic classes, DOE reports class sizes average 26.7, compared to 26.1 in 2007. Yet DOE's way of measuring HS class sizes is inaccurate and their methodology changes nearly every year, so these estimates cannot be relied upon.
- Class sizes in K-8 have risen as the number of general education, CTT and gifted classes in these grades have dropped sharply, by about 2500 classes since 2007.
- The number of teachers decreased by about 4000 between 2007-2010, according to the Mayor's Management Report, despite rising enrollment.

## K-3 Class sizes are the largest since 1998

General ed, CTT and gifted: data from IBO 1998-2005; DOE 2006-2013



1998/99 1999/00 2000/01 2001/02 2002/03 2003/04 2004/05 2005/06 2006/07 2007/08 2008/09 2009/10 2010/11 2011/12 2012/13 2013/14



Good Afternoon,

My Name is Reverend Jacques Andre DeGraff.

I am the Co Chair for the *Alliance for Minority and Women Owned Construction Businesses*. I am also a past recipient of New York City's MWBE Advocate of the Year honor. As a leader and grandparent I am concerned about our City's Schools. For over twenty years the New York City School Construction Authority has established itself as an agency that meets or exceeds its goals, despite the challenges. It is my privilege to serve as Chair of its precedent setting Diversity Council made up of MBE and community leaders.

I am here today in support of its five year capital plan and its accompanying budget. As an advocate for economic justice and opportunity programs that foster job and wealth creation in all of New York's communities I am proud of the efforts for Diversity and Inclusion that the SCA has pioneered. The SCA Mentor program has become a model for our nation. Under the leadership of Lorraine Grillo and her innovative team of professionals including Ross Holden, George Toma and Craig Collins the SCA record has continued to be a trendsetter.

Under Local Law 1, which this coalition of MWBE leaders fought for and supported, NYC agencies are required to issue quarterly reports on compliance to MWBE goals. When the first quarter is issued for this administration, the SCA will once again be at the top of the list. We are hoping the Mentor Program will increase under this budget to \$100 million.

Lastly, the achievements of the SCA in creating opportunities for the previously disenfranchised have been historic. Yet these accomplishments are threatened by the outdated and burdensome **Scaffold Law**. Because of the unfair standards under this law, New York has seen insurance companies fleeing this market. NYS is the only state in the country with this unfair standard. The SCA's policy has ballooned from \$100 million a year to \$250 million for the current year. How many classrooms would that build? This City Council has been a champion for progressive causes. We, today, ask that you would pass a resolution calling for Albany to reform Labor Law 240 and reform it now.



**Testimony of Christina Giorgio  
on behalf of  
New York Lawyers for the Public Interest  
before the  
The City Council's Education Committee's Hearing on the  
Fiscal Years 2015-2019 Proposed Five Year Capital Plan for the Department of Education  
and School Construction Authority**

**March 18, 2014**

Good Afternoon Chairperson Dromm and Council Members of the Education Committee. Thank you for this opportunity to provide testimony regarding the Fiscal Year 2015-2019 Proposed Five Year Capital Plan for the Department of Education and School Construction Authority. My name is Christina Giorgio and I am a staff attorney with the Environmental Justice Program at New York Lawyers for the Public Interest (NYLPI).

We would like to thank the Education Committee and the City Council for their continuing leadership on the problem of Polychlorinated Biphenyls (PCBs) in New York City schools. As you know, NYLPI has been working with parents, teachers, school employees, elected officials, and communities across New York City for several years to address the serious environmental health hazard posed by PCBs in schools. In addition to raising public awareness of the health threats posed by PCBs in our public schools, in May of last year the campaign achieved a historic settlement with the Department of Education and the School Construction Authority requiring the City to removal all PCB containing light fixtures remaining in over 700 school buildings by December 31, 2016. In less than three years, our schools will be free of toxic PCB lights.

Under the terms of the settlement, the DOE and SCA must provide semi-annual remediation progress reports to NYLPI to allow our office to monitor whether the City's progress reflects school completion rates on track to meet the December 31, 2016 deadline. We received the second such report yesterday and although we have not had a chance to thoroughly digest its contents, it indicates that the City has completed PCB light removal at 217 school buildings.

We have reviewed the proposed 2015-2019 Five Year Capital Plan ("15/19 CP") with respect to adequate funding to complete the PCB light removal program underway pursuant to the settlement agreement. In this regard, the 15/19 CP provides barebones information regarding the particulars of how the DOE and SCA intend to meet the December 31, 2016 removal deadline. From the limited information contained therein, however, the City appears to be allocating sufficient funds for the lighting replacement. Under "Lighting Replacement" (pp 41-42), 15/19 CP acknowledges the City's obligation to complete the removal of PCB containing light fixtures

in all NYC public school buildings by December 31, 2016 pursuant to the May 21, 2013 settlement. The 15/19 CP states that the DOE is allocating \$480 million to implement this accelerated timeline. This appears to be an allocation in addition to the \$271 million allocated to PCB light replacement under the February 2013 proposed amendment to the 2010-2014 Five Year Capital Plan.

At this point, we do not know how much money the City has spent on light replacements/ remediation to date. The \$271 million allotment was developed prior to the May 21, 2013 settlement when the City intended to take 10 years to complete the PCB light removal. Since the settlement, the City has engaged in a more accelerated replacement schedule and has completed approximately 121 school buildings (for a total of 217 buildings). This number is higher than the number of school buildings the City had intended to complete by this date under the pre-settlement 2010-2014 Capital Plan with its \$271 million allotment.

The 15/19 CP acknowledges that the total replacement cost will be approximately \$1 billion. When adding the \$480 million to the \$271 million, there is approximately \$250 million in unaccounted for remediation funds. It is possible that the difference is made up by additional funds the City has spent (and will continue to spend) between the May 21, 2013 settlement and June 30, 2014 (the end of FY 2014) given that the previous Capital Plan did not account for the accelerated replacement timeline currently underway. Nonetheless, we recommend that the Education Committee seek clarification on this point.

Moving on to the other PCB contamination issues in the schools, we'd like to remind the Education Committee that the City and the EPA are currently in the process of negotiating a citywide remediation plan to address the non-lighting materials contaminated by PCBs such as caulking, paint, and soil. Although we do not know exactly when the non-lighting remediation will occur, it seems certain that it will occur during the period covered by the 15/19 CP. And yet the 15/19 CP provides no funds for such remediation. It is a violation of federal law for these materials to have PCB concentrations at or above 50 parts per million. Testing has established that such contamination rates are common in our school buildings constructed between 1950 and 1979. Some form of remediation will occur and there will be a cost associated with it. Accordingly we recommend that the DOE and SCA provide at least preliminary budgeting for PCB remediation of caulking, paint and soil in the 15/19 CP.

Thank you again for allowing me to testify before you today and for this Committee's commitment to ensuring our school children and staff are protected from PCB exposure. We look forward to continuing to work with you on this important environmental health issue.

LOCAL375/ DC37

Thank you for inviting me to speak at this joint hearing of Education and Finance committees on the Capital Budget for Department of Education. My name is Claude Fort and I am President of Local 375 Civil Service Technical Guild representing over 6,800 employees working in nearly every agency in the City.

I am speaking in support the Five Year Capital Budget Plan for the Department of Education. My members serve as the technical arm of the Department of Education at the School Construction Authority. And I am proud of the good work my members do in helping provide classroom space for the over 1.1 million school children in the City of New York.

But as enthusiastic as I am about the work done by my members I need to point out a few issues concerning the Capital Budget and how money is spent at the School Construction Authority. Every year the School Construction Authority spends tens of millions of dollars on private contractors and consultants. My union has for the past three years been trying to, through negotiations, to get more of the work contracted-in to my members and save the City money. From our review of the contracts I know that my members can do the same work saving the SCA over 25% in costs. And unlike the contractors my members have had a 100% on-time record for their projects, unmatched by any contractor.


In the past my local has testified about waste from hiring contractors. We were the first union to sound the alarm on City Time. For years the papers and the City Council ignored our warnings. Only after massive theft took place did anyone sit up and take notice. Our union has always been a responsible partner with the City and the City Council in forming solutions and letting the public know when there is waste in

contracting. I can tell you right now that there is waste in spending at the School Construction Authority in the contracting out of services.

I speak out against this waste because the monies wasted shortchange our children and our future. And I can tell you point blank that by contracting in more of the services at SCA we can save the city tens of millions of dollars. This money can be spent on building state of the art labs, music rooms, libraries or help build the hundreds of rooms needed for pre-K. So I ask the City Council to ask the Department of Education what they are doing about reducing the contracting out of services. Why are they paying over \$200,000 a year for engineers who are working side by side at the same office as my members. Why are they paying twice as much for technical people, architects, project managers and estimators. The people they hire are given a desk, training, office space and use of a City owned car all at the taxpayers' expense. It is wrong and it is wasteful.

I ask the City Council to look into this waste and ask the tough questions of DOE. Ask why they are wasting taxpayer dollars when hiring my staff will accomplish much more and save the City millions.

Thank you for your time

A handwritten signature in black ink, appearing to be "J. P. [unclear]", written over a horizontal line.

# GET NEW YORK BUILDING

Alliance *for*  
**Minority & Women**  
Construction Businesses

## 10 Years of Successful Growth of Minority & Women Construction Companies At Risk

### Contract Awards to M/WBE Firms

Over the last ten years the School Construction Authority has:

- ❖ Awarded **\$2.7 billion** to **820** M/WBE firms and mentor companies
- ❖ Been hailed as one of the country's largest and most successful M/WBE mentorship programs.

These M/WBE construction companies rely on the SCA's Owner Controlled Insurance Policy to bid and receive work, which enables their businesses to grow.

### The Alliance for Minority & Women Owned Construction Businesses

#### Co-Chairmen

Rev. Jacques Andre DeGraff  
The New Agenda

Louis J. Coletti  
Building Trades Employers' Association

#### Leadership Council

- |                                                            |                                                               |
|------------------------------------------------------------|---------------------------------------------------------------|
| ➤ Quenia Abreu<br>New York Women's Chamber of<br>Commerce  | ➤ Edwin Lopez<br>NYC Electrical Contractors                   |
| ➤ Lloyd Douglas<br>Minority Business Leadership Council    | ➤ Timothy H. Marshall<br>Jamaica Business Resource Center     |
| ➤ Walter Edwards<br>Harlem Business Alliance               | ➤ Cherly McKissack<br>Women Business Council                  |
| ➤ Michael Elmendorf<br>Assoc. of General Contractors of NY | ➤ Paul O'Brien<br>Building Contractors Association            |
| ➤ David Etkind<br>Interior Demolition Contractors          | ➤ Samuel P. Padilla, P.E.<br>National Hispanic Business Group |
| ➤ Monica Foster<br>NYS Association of Minority Contractors | ➤ Nayan Parikh<br>Indo-American Architects & Engineer         |

### SCA Insurance Program

The agency since 1990 has maintained an Owner Controlled Insurance Policy that has provided Worker's Compensation, General Liability, Excess, Contractor's Pollution Liability and Builders Risk Coverage to all Contractors working on SCA projects.

This policy is critical in allowing M/WBE construction companies to grow. Due to high liability insurance costs as a result of Scaffold Law 240/241, many construction firms are unable to afford and/or obtain liability insurance on their own.

The SCA has acquired a 1-year policy for 2014, costing \$234 Million, a 146% increase from 2013's \$95 Million cost. What will happen in 2015 as costs continue to rise? **No one knows.**

- |                                                           |
|-----------------------------------------------------------|
| ➤ Patricia Ricketts<br>Greater Harlem Chamber of Commerce |
| ➤ Tony Saporito<br>Mechanical Contractors Association     |
| ➤ William Shuzman<br>Allied Building Metal Industries     |
| ➤ Elizabeth Velez<br>Latino Builders Council              |
| ➤ Lloyd Williams<br>Greater Harlem Chamber of Commerce    |

**TESTIMONY FROM SANDRA WILKIN,  
PRESIDENT BRADFORD CONSTRUCTION AND  
CO-FOUNDER AND PRESIDENT EMERITIUS  
WOMEN BUILDERS COUNCIL  
NEW YORK CITY COUNCIL  
COMMITTEE ON EDUCATION  
TUESDAY, MARCH 18, 2014 -10AM  
CITY HALL, NEW YORK, NY**

Good morning Chairperson Dromm and distinguished Council Members of the Committee on Education.

My name is Sandra Wilkin, President of Bradford Construction Corporation. I am also Co-founder and President Emeritus of Women Builders Council.

I have a long history of working with the City Council. Most recently, when the City passed Local Law I – 2013, it served as landmark legislation that helped level the playing field and increase procurement opportunities for minority women and local businesses.

Eighteen years ago, I became certified as a Women Business Enterprise with New York City at the School Construction Authority. It was my very first opportunity to work on a public project. I was taught safety protocols and how to keep projects

on time and on budget. This program is called the Mentor Program for Minority Women and local businesses. It set the bar high for me and continues to do so. In addition, the SCA's Mentor Program is recognized nationally as The Premier Program for creating a pathway upon which Minority Women Business Enterprises and Local Business Enterprises can achieve success in helping to build public projects.

Bradford Construction Corporation, along with our joint venture partner STV, is proud and honored to work with the mentor contractors.

The Mentor Program provides extensive advances in teaching contractors best practices. Contractors simultaneously earn and learn. The program provides the SCA a healthy return on this investment because projects are built with fair and reasonable prices. This past year the Mentor contractors have built projects with a construction value of approximately \$50 million utilizing a workforce of over 1,000 local, minority and women workers from every borough.

In spite of the success of this program, there is a significant problem looming. It is due to New York State Labor Law 240, also known as the Scaffold Law. This law has resulted in skyrocketing insurance costs for contractors. In turn, this resulted in an inability for contractors to secure required project insurance. An inability to afford project insurance can lead to being eliminated from bidding on public works projects, reducing the pool of qualified bidders.



And, consequently, this will impact all public construction budgets. In addition, with authorities such as the SCA, MTA and Port Authority of NY&NJ, all of whom have Owner Controlled Insurance Programs, better known as wrap-up insurance, the cost of public project insurance has and will continue to increase astronomically under current law.

It is conceivable that we could have companies from other states having a competitive advantage over our local city businesses.

New York State is the only and last state which has this crippling regressive law on its books.

I bring these issues front and center today in order for this important committee to understand the budget challenges that face the SCA and other public entities.

To reiterate:

FACT: The current Scaffold Law contributes to the higher cost of maintaining all schools and public buildings in the City of New York.

FACT: Insurance costs for all construction companies have risen in many cases from 100 to 300 percent this year alone as a result of the current Scaffold Law. The SCA Insurance program, also known as the Wrap-Up Program, faces higher construction and maintenance costs for its schools. The higher the costs, the less money there will be to continue to build the nation's finest schools.

New York City has benefited from the SCA's successful Mentor Program, including:

The national recognition it has brought as well as the cost-effective construction at fair and reasonable pricing;

The students and teachers, who are able to have state-of-the art educational facilities;

The citizens of New York, whose tax dollars are saved;

And, the Council Members of the Committee on Education, who benefit by knowing that continuation of the Mentor Program, creates local workforce employment, better contractors, better schools, all of which result in a better New York.

The challenge to be the best and remain the best lies in providing funding continuity for the SCA Mentor Program.

I urge you to continue your support of the School Construction Authority.

Thank you.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ROB BOWEN

Address: 123-33 83<sup>RD</sup> AVENUE

I represent: INTERRELATED ASSESSMENTS AND RESOLUTIONS

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JAMES HEYLER

Address: 135-10 LIBERTY AVE RECHAMBERS

I represent: ASSOC OF MINORITY ENTERPRISES OF N.Y.C.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 3/18/14

(PLEASE PRINT)

Name: ERNEST LOGAN, PRESIDENT

Address: \_\_\_\_\_

I represent: COUNCIL OF SCHOOL SUPERVISORS AND

Address: ADMINISTRATORS, AFL-CIO

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
☒ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: SANDRA WILKIN

Address: 545 - 8<sup>th</sup> Ave.

I represent: BRADFORD CONSTRUCTION WORKER BUILDERS

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Richard Mantell, Vice President

Address: 52 Broadway

I represent: United Federation of Teachers

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Budget Res. No. \_\_\_\_\_  
☐ in favor ☐ in opposition

Date: 3/18/14

(PLEASE PRINT)

Name: Rev. Jacques de Grafte

Address: \_\_\_\_\_

I represent: Alliance for Minority & Women's

Address: Construction Workers

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Budget 1981 Res. No. 1

☐ in favor ☐ in opposition

Rev. Jacques de Graff

(PLEASE PRINT)

Name: Sandra L. Williams

Address: Alliance for Minority & Women's Construction Workers

I represent: Alliance for minority & women's construction workers

Address: Union Square

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Budget Res. No. 1

☐ in favor ☐ in opposition

Rev. Jacques de Graff

(PLEASE PRINT)

Name: Lou Colletti

Address: Alliance for Minority & Women's Construction Workers

I represent: Alliance for minority & women's construction workers

Address: Union Square

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Budget Res. No. 1

☐ in favor ☐ in opposition

Rev. Jacques de Graff

(PLEASE PRINT)

Name: Elizabeth Veles

Address: Alliance for Minority & Women's Construction Workers

I represent: Alliance for Minority & Women's Construction Workers

Address: Union Square

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 3/18/14

(PLEASE PRINT)

Name: Christina Giorgio

Address: 151 W. 30th St

I represent: New York Lawyers for the Public Interest

Address: Same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Mark Lado Mark Lado

Address: \_\_\_\_\_

I represent: New York Lawyers for the Public Interest

Address: 151 W. 30th St, NY NY 10001

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 3/18

(PLEASE PRINT)

Name: Deputy Chancellor

Address: Kathleen Grinn

I represent: DOT

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. 1072 Res. No. 3115

☒ in favor ☐ in opposition

Date: 3-17-14

(PLEASE PRINT)

Name: LORRAINE GRILLO

Address: \_\_\_\_\_

I represent: NYC SCA

Address: 30-30 THOMSON AVE

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 3-18-14

(PLEASE PRINT)

Name: Ernest Logan President

Address: 40 Rector St. NYC

I represent: CSA - Council of School Supervisors/Admin.

Address: 40 Rector St. NYC

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☒ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: LEONIE ~~HARRISON~~ Harrison

Address: 174 W 14th St Pl

I represent: Class Size Matters

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms