

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

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March 18, 2014
Start: 10:16 a.m.
Recess: 1:48 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
DANIEL DROMM
Chairperson

COUNCIL MEMBERS:

Vincent J. Gentile
Margaret S. Chin
Stephen T. Levin
Deborah L. Rose
Mark W. Weprin
Jumaane D. Williams
Inez D. Barron
Chaim M. Deutsch
Mark Levine
Alan N. Maisel
Antonio Reynoso
Mark Treyger
Donovan J. Richards

A P P E A R A N C E S (CONTINUED)

Kathleen Grimm
Deputy Chancellor
Division of Operations
Department of Education

Lorraine Grillo
President and Chief Executive Officer
New York City School Construction
Authority

Ernest Logan
President
Council for Supervisors & Administrators

Richard Mantell
Vice President
United Federation of Teachers

Leonie Haimson
Class Size Matters

Mark Ladov
New York Lawyers for the Public Interest

Christina Giorgio
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Rev. Jacques DeGraff
Co-Chair
Alliance for Minority and Women-Owned
Construction Businesses

Lou Coletti
President
Building Trades Employers' Association
Co-Chairman
Alliance for Minority and Women-Owned
Contractors

A P P E A R A N C E S (CONTINUED)

Sandra Wilkin

President

Bradford Construction Corporation

Co-Founder & President Emeritus

Women Builders Council

Elizabeth Velez

Chairperson

Latino Builders Council

James Heyliger

President

Association of Minority Enterprises of

New York

Rob Bowen

Interrelated Assessments and Resolutions

[gavel]

CHAIRPERSON DROMM: Hey, good morning and welcome to the City Council's hearing on the FY2015 Preliminary Capital Budget for the Department of Education and the FY2014 preliminary Mayor's Management Report for the DOE and School Construction Authority. The focus of this hearing will be on the DOE's February 2014 proposed five-year Capital Plan for Fiscal 2015-2019. The FY2010-2014 Capital Plan will end at the end of this fiscal year and the February plan outlines a proposal for the next five-year plan that will begin on July 1st.

The February plan totals \$12.8 billion over five years; it includes \$800 million that is contingent upon the Smart Schools Bond Act, which was proposed in the Executive State Budget to fund technology in schools, as well as capital projects associated with the expansion of universal pre-Kindergarten.

The February plan allocates \$4.4 billion for capacity to construct 39,560 new seats; of this amount, \$3.3 billion is scheduled in the new capacity program to build 31,754 seats; \$210 million is to build roughly 2,100 pre-Kindergarten seats and \$490

million is for a class size reduction program to fund the construction of 4,900 seats which would be targeted specifically to reduce class sizes.

I'd like to hear more about this program today and how the DOE plans to target schools for class size reduction. I'd also like to discuss the new capacity plan, which is approximately 17,000 seats short of meeting the projected seat need, including how the DOE and the SCA determined capacity needs and how we can finally meet those needs.

The capital investment category totals \$4.94 billion; these funds are for capital improvement projects such as technology, exteriors and the removal of transportable classroom units, or TCUs.

Under the February plan, the DOE set aside \$480 million to fund the removal of all TCUs citywide. There were 352 TCUs last school year serving \$7,158 students. Today I would like to hear from the DOE and the SCA about their plan for TCU removal and how realistic it is to replace this capacity under the proposed five-year plan. I realize there are constraints related to funding and funding sites for new capacity, but I am concerned

that removing TCUs may not be an achievable goal given the SCA's inability to meet capacity needs.

The final category of funding in the February plan is mandated programs, which includes \$3.46 billion for projects, such as the PCB remediation, prior plan completion cost and wrap-up insurance. Wrap-up insurance is projected to cost \$650 million over five years. The SCA has attributed growth in this spending area to the State's Scaffold Law has contributed to high insurance premiums. I am interested in discussing how the SCA and the City Council can work together to bring these costs down.

There are many other issues that I am sure will come up today from other Committee members and myself and I look forward to the discussion with the SCA and the DOE after their testimony. I would like to remind... my colleagues are here; Debi Rose is here and Chaim Deutsch is here... that this is a capital hearing, so please save your questions related to the expense budget for the Thursday's hearing. Also, we are here to discuss the DOE's capital budget and five-year plan, so I ask that you please avoid questions about specific schools and projects.

I'd like to thank Kathleen Grimm, Deputy Chancellor at the DOE and Lorraine Grillo, President of the SCA, for coming to testify before the Committee today. Now I will turn the floor over to them, but just before I do, I wanna just say again; we've been joined by Council Member Debi Rose from Staten Island and Council Member Chaim Deutsch from Brooklyn. Okay. And then I have to swear you in, so if you would raise your right hand please. Do you solemnly swear or affirm to tell the truth, the whole truth and nothing but the truth and to answer Council Members' questions honestly?

KATHLEEN GRIMM: I do.

CHAIRPERSON DROMM: Thank you.

KATHLEEN GRIMM: Thank you very much and good morning Chair Dromm and members of the Education Committee. As you stated, my name is Kathleen Grimm, Deputy Chancellor of the Division of Operations at the City's Department of Education and I am joined here by Lorraine Grillo, who is President and Chief Executive Officer of the New York City School Construction Fund, and I would add parenthetically that Lorraine was just recently reappointed by the Mayor, so we all owe her some congratulations on that

note. We're both delighted to be here today to talk about the proposed 2015-2019 five-year Capital Plan for our schools.

The proposed \$12.8 billion plan will create tens of thousands of new seats in areas projected for enrollment growth and directly address this administration's goal of creating high-quality, full-day pre-Kindergarten seats. The proposed plan also targets the reduction of class size and much needed improvement for all our aging infrastructure. The plan is funded by State and City tax levy, and as the Chair mentioned, \$800 million in funding is contingent upon the proceeds from the New York State Smart Schools Bond Act.

We are currently in the final year of our 2010-2014 Capital Plan. The proposed new plan builds upon our previous two plan investments of over \$25 billion and the resulting creation of over 104,000 new seats since 2004, and we are very grateful to the City Council for its strong support and its very generous funding of our efforts with our schools.

In terms of the capital planning process itself, as many of you know, we developed an annual amendment process beginning with the 2005-2009 plan.

We regularly review our capital plan which allows us to identify emerging needs quickly and gives us the opportunity to make changes as necessary each year.

To track changing needs we conduct an annual building condition assessment survey, which we fondly refer to as our BCAS study, in which we send out architects and engineers, professionals, to evaluate our 1,200 plus schools and they evaluate the systems within the schools, whether it's plumbing, electricity, HVAC; the major systems and the water tightness of the buildings themselves. We also update enrollment projections annually; these projections incorporate data on birth rates, immigration rates; migration rates from various city agencies. These agencies provide statistics also on housing starts and rezoning efforts.

So using a broad range of sources provides a complete view of potential student demand and the 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 that student population in another.

In addition to evaluating our buildings and student population, public feedback plays a very

crucial role in our capital planning process. Each year we undertake a very public review with our communication education councils, 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, Chair, the plan is considered for approval by our panel for education policy prior to being submitted to the Mayor and the Council for adoption as part of the City's budget.

And to give you a few highlights of our proposed new plan, the plan is divided into three major categories -- capacity program, capital investment and mandated programs. The capacity program includes new school buildings, additions, leases and replacements seats. The investment, the capital investment category includes upgrades, repairs and enhancements to our 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. The proposed plan creates approximately 39,500 new seats, which address two new administration priorities -- pre-Kindergarten 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 the proposed plan. Funding for construction of these 800 seats will be included in the next five-year plan and a breakdown of the new seats by subdistrict is outlined in the table which we've appended to the testimony. \$210 million 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 standalone pre-K centers. In addition, \$490 million is allocated to address class size reduction and \$400 million to replace facilities where leases expire during this plan. And 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 category also includes funding for upgrades to fire alarms, public address systems and strategically eliminates a reliance on transportable classroom units, commonly known as TCUs, and even more commonly known as trailers.

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

1
2 In past hearings, many members of the
3 City Council have asked about bathroom upgrades and
4 have spoken about the popularity of using Reso A
5 funds for bathroom upgrades. While all our schools
6 have functional bathrooms, we have included funding
7 in this proposed plan to pilot a program to provide
8 bathroom upgrades to improve the attractiveness of
9 bathrooms in our schools, not all our schools; it's a
10 pilot, but it's a beginning. We are allocating \$50
11 million for this purpose. And I would reiterate;
12 this is not going in and completely redoing it; it's
13 going in and making it more attractive so that
14 children are more at home using our facilities.

15 In the prior capital plan, ensuring all
16 high school students had access to a science lab was
17 a priority and we're happy to say we've succeeded in
18 that goal. Only two high schools remain without a
19 science lab and that's because either of potential
20 program changes or facility restraints; in the
21 meantime, students in those two schools are provided
22 with science carts that enable to schools to provide
23 appropriate science instruction. So now in this plan
24 we turn our focus to middle school students and we've
25 allocated another \$50 million to construct or upgrade

middle school science labs to make sure all our middle school children have access to good laboratory equipment.

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, just over \$500 million of the technology spending 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 of our school buildings.

Additionally, \$145 million will be invested in upgrading legacy systems, such as the student information systems, improving enterprise level learning platforms, new data systems and upgrading business operations. In part, funding for

1
2 this program is dependent on the receipts of proceeds
3 from the New York State Smart Schools Bond Act; the
4 City's share of that act will be approximately \$800
5 million.

6 Our mandated programs, the total cost to
7 support the City's effort to remove and replace all
8 PCB-containing light fixtures throughout the entire
9 school system, the total cost for that effort is \$1
10 billion. We have funded half of that in the current
11 plan; we will fund the other half in the proposed
12 plan, and we have made an agreement with the court to
13 do all of that by December 2016. This mandated
14 category also includes \$750 million for boiler
15 conversions in approximately 125 of our buildings
16 that still use No. 4 oil and the remaining funds are
17 to cover other required costs, including the
18 insurance the Chair mentioned and completion of
19 projects from the prior plan.

20 We understand that the system as a whole
21 continues to experience pockets of overcrowding and
22 we're working to address these concerns with two
23 strategies, both through new construction and more
24 efficient use of our existing school facilities. We
25 remain focused on remedying these issues and will

1
2 continue to rely on your feedback and your support as
3 we do so. And as part of this administration's
4 commitment to collect feedback from school
5 communities, the DOE recently established a Blue Book
6 Revisions Working Group, formed in response to the
7 many concerns raised by CECs, parents, advocates and
8 elected officials. The first working group meeting
9 was held a couple of weeks ago and we're excited to
10 implement changes and recommendations based on the
11 group's feedback.

12 Our annual capital planning process has
13 already benefited significantly from your input and
14 our students have benefited from your generous
15 support of capital projects. With continued
16 collaboration and tens of thousands of seats slated
17 to come online over the next 5-7 years, we remain
18 confident that the expansion and enhancement of
19 school buildings across the five boroughs will
20 improve the educational experience for this city's
21 1.1 million school children as well as the teachers
22 and the staff who serve them.

23 Thank you again for your time and your
24 patience; I will now turn to Lorraine Grillo, who
25 will walk us through the specifics of the plan and

then we'll be happy to take all of your questions.
Lorraine.

LORRAINE GRILLO: Thank you, thank you very much, Deputy Chancellor Grimm and thank you Chair Dromm and the members of the Committee. I am gonna ask for the sergeant at arms to give us some help as far as putting the screen up so everyone can see. Okay. Technology. Great. Okay. Again, I'm just gonna briefly go through the PowerPoint that really breaks out what this proposed plan looks like. Starting on the wrong page, but that's okay; these are some of the schools that we intend to open over the next several years; this is a good place to start, actually; it's very exciting and it's throughout the five boroughs. I'm trying to... if I'm going through this quickly... I'm trying to get through the dialogue... to the dialogue of the plan. Okay. I think this is... [background comment] it's backwards; I'm sorry; apologies. [background comment] Okay. Okay, [background comment] that's it, [background comment]. Okay, here we go; we'll start again.

Again, as the Deputy Chancellor mentioned, over the last 10 years we've invested about \$25 billion into the schools throughout the

City of New York; this proposed plan adds another \$12.8 billion to that investment. And again, \$800 million of that is contingent on the Smart Schools Bond Act, and the highlights of the plan include \$210 million for the creation of approximately 2,100 new pre-K seats and \$310 million for restructuring of our existing buildings particularly targeted to the creation of approximately 3,100 new seats, new pre-K seats within our existing buildings. We also are embarking on a class size reduction program and that's, again, contingent on Smart Schools Bond Act of \$490 million for the creation of approximately 4,900 seats. The plan funds the removal of all transportable classroom units and again, to repeat what the Deputy Chancellor mentioned, we are focused on having every middle school student have access to science facilities.

It's broken into three categories; our capacity program is \$4.4 billion, capital investments \$4.9 billion and \$3.5 for mandated programs. New capacity includes proposed funding for 33,000 seats; that is about, approximately 28,000 seats in PSIS buildings and 3,100 seats for ISHS, or high school buildings. And that includes 4,000 seats being

1 rolled over from the current plan into the new
2 proposed plan. It will keep our seat creation at
3 approximately the same level as it has been in the
4 current plan. The capacity program is broken out
5 even further -- \$3.3 billion into new capacity,
6 that's the new seats, \$210 million into the pre-K
7 initiative, \$490 million in class size reduction and
8 \$400 million for facilities replacement. What that
9 means is that we have a number of schools that are
10 leased sites and 70 of those leases will expire in
11 this proposed plan period; we have to prepare for
12 that.

14 Our capital investment section includes
15 capital improvement, \$3.3 billion; as the Deputy
16 Chancellor mentioned, every year we do a building
17 condition assessment of every single school building;
18 we send our architects and engineers to look at all
19 the major systems throughout the building and rate
20 them 1-5; 5 being the worst, and this plan really
21 addresses those worst conditions; includes exterior
22 building envelope, windows, roofs, exterior masonry;
23 that sort of thing, as well as interior -- public
24 address systems and the like. And then site
25 improvements, which really means things like fencing

and stairways and concrete and the like. Again, the removal of all transportable classroom units are funded in this plan and we set aside \$130 million for athletic field upgrades.

We've also included a section for school enhancements; that's \$525 million for restructuring and again, \$310 million of that is really based on pre-K classrooms; \$100 million for safety, which includes our surveillance program; our cameras and the like; middle school science lab upgrades, \$50 million, accessibility, we are working very hard, we have a task force put together to look throughout the City and where it would make sense to make more of our schools accessible; we would love to do that in every building; obviously the funding isn't there, so we're looking at this very strategically, and then another \$135 million for physical fitness, libraries and other upgrades. And as the Deputy Chancellor mentioned, bathroom upgrades; this is a pilot, we're going to see how successful we are and we're gonna try and do as many as we possibly can, and then \$650 million in technology.

Our mandated program category includes, as the Deputy Chancellor mentioned, the PCB lighting

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2 replacements, \$480 million to complete all of them by
3 December 2016, \$750 million in boiler conversions,
4 \$650 million in wrap-up insurance, as we've
5 mentioned, and then \$650 million for prior plan
6 completions; that is, the projects that began in this
7 current plan that will be completed in the next plan.

8 And we released the plan in November of
9 2013; at that point we began our public process where
10 we meet with all of the CECs who request a meeting,
11 public hearing; we did 31 of those public hearings,
12 and then we issued the updated plan in February with
13 the feedback from the different CECs that we went to
14 and then we are bringing this to a vote again to the
15 PEP tonight, as a matter of fact and of course, for
16 adoption by the City Council and the Mayor.

17 And again, I'm going through out
18 beautiful new schools that have opened this year and
19 will be opening in the next few years. And we're
20 happy to answer any questions.

21 CHAIRPERSON DROMM: Very good. Thank you
22 for your testimony, Deputy Chancellor and President
23 Grillo; I really appreciate it. I wanna say that we
24 have been joined by several of my colleagues; let me
25 start over here, we've been joined by Council Member

1 Alan Maisel, Council Member Helen Rosenthal, Council
2 Member Mark Levine, Council Member Inez Barron, and
3 Council Member Antonio Reynoso as well. And let me
4 start with what I think is the good news, which is
5 the... [background comment] oh I'm sorry; I didn't look
6 in the front row... Brad Lander and Council Member
7 Steve Levin as well; thank you both for being here;
8 I'm sorry. Let me start with the good news, which is
9 the bathroom upgrades, 'cause I know how much my
10 colleagues wanted to see that happen and the \$50
11 million in the budget has happened, so we thank you
12 for that. And also, to thank you for the creation of
13 the Blue Book Task Force, or Revisions Working Group
14 as you're calling it here; I think that's going to be
15 very helpful moving forward in terms of determining
16 the real need for space in our schools and I do
17 appreciate that as well.

19 So let me just ask in terms of the
20 bathrooms and what would the total cost be; one of
21 the que... the reason why I'm asking this right off the
22 bat is because Council Members do like to fund these;
23 will Council Members know which schools are targeted
24 before allocating the funding so that we can decide
25 if we wanna give capital dollars in another way to

those schools, and what would be the total for the schools that are not going to get it, but perhaps Council Members wanna fund it moving forward? So is there a way we can coordinate in on those issues?

KATHLEEN GRIMM: I think that's exactly the right word; we need to coordinate. This is a pilot program and \$50 million is a lot to me, but when you're looking at 1,200 buildings, every Council Member's gonna have buildings we're not going to get to. So I think we need to work very closely in terms of what we're planning to do and what the Council may want to do. And I don't know... part of the pilot project for us is to get a better sense of how we can do this most economically without doing a major renovation, but making a much nicer looking bathroom for our students. I don't know if we have an actual cost yet. [interpose]

LORRAINE GRILLO: We... we do not
[background comment]

KATHLEEN GRIMM: We do not. But again, we'll work with you on that because we welcome any help we can get.

CHAIRPERSON DROMM: But being a pilot, it's not going to cover all of the schools that would need the upgrade, obviously.

KATHLEEN GRIMM: No.

CHAIRPERSON DROMM: So wondering if... as we move down the road on this, if we can coordinate that so that we can get a list of those who will get the upgrade and then we'll know which of the schools continue to need that funding. [interpose]

KATHLEEN GRIMM: Yes, we'd be happy to do that.

CHAIRPERSON DROMM: I have a lot of other questions on science carts, but I'm just gonna jump to a couple of others. In the February plan, class size reduction includes \$490 million in funds to add seats specifically targeted for reducing class size and that money is going to come from the School Bonds Act; am I correct?

KATHLEEN GRIMM: Correct.

CHAIRPERSON DROMM: If that School Bond Act does not pass, what will be the implications?

KATHLEEN GRIMM: We would have to review that allocation.

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CHAIRPERSON DROMM: And how much is that
for; that's \$800 million?

KATHLEEN GRIMM: The allocation? I
believe... [interpose]

CHAIRPERSON DROMM: Or the... from the
School's Bond Act that we are planning on getting?

KATHLEEN GRIMM: [background comment] I
think it's \$400 and...

LORRAINE GRILLO: 800 for the entire act.
[interpose]

KATHLEEN GRIMM: 800 altogether; we have
a large allocation going to technology and I don't...
the exact number going to the class size reduction is
about \$410 million, I think.

LORRAINE GRILLO: Point nine.

KATHLEEN GRIMM: We are constrained
somewhat by what the Bond Act will pay for, so we
have allocated money to technology and class size
reduction because that's covered by the Act, and we
certainly look forward to any support you can give us
in Albany that this passes, because I think it would
be unhappy if we found ourselves in a position where
that money wasn't coming in.

CHAIRPERSON DROMM: So that State Bond Act money also is connected to allocations in other areas where you're going to be depending on those funds to come in to open up for some of the seats for preschool as well; am I correct in that?

KATHLEEN GRIMM: Some of that money is for preschool also. But we have some tax dollars that we're allocating to pre-K also.

CHAIRPERSON DROMM: So how are you going to identify where these seats will be created? How is that decision going to be made?

KATHLEEN GRIMM: For the class size reduction? [interpose]

CHAIRPERSON DROMM: Yes.

KATHLEEN GRIMM: Well as you know, we've been working on class size for many, many years, beginning back with the ceferee [phonetic] litigation that [background comments] was won and money started coming in and we had a great plan and it evaporated and now we're seeing our class size go up, unhappily. So it would require a multi-divisional task force within the agency to identify where that need is before we began any kind of construction planning.

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2 CHAIRPERSON DROMM: So we could still use

3 that CFE money?

4 LORRAINE GRILLO: If we had it.

5 KATHLEEN GRIMM: If we had it [laughter]

6 we could use it.

7 CHAIRPERSON DROMM: Okay, very good.

8 [interpose]

9 KATHLEEN GRIMM: I never heard of any

10 money we couldn't use.

11 CHAIRPERSON DROMM: [laugh] It's an

12 important issue, I think, because not having those

13 dollars has really short-changed the City...

14 [interpose]

15 KATHLEEN GRIMM: Yes.

16 CHAIRPERSON DROMM: in terms of meeting a

17 lot of our needs and... [crosstalk]

18 KATHLEEN GRIMM: Of course.

19 CHAIRPERSON DROMM: and so that's a very

20 important issue to me as Chair of this Committee as

21 well... [interpose]

22 KATHLEEN GRIMM: Yes.

23 CHAIRPERSON DROMM: and we are hoping to

24 get at least \$1.9 billion on that as well, although

25 that wouldn't even meet the State's obligation in

1 terms of what it owes to us in the City. So that is
2 a very important issue. In your testimony, Deputy
3 Chancellor, I believe that you mentioned reducing
4 class size in some of the districts that are most
5 overcrowded; it just so happens that my two districts
6 happen to be the most overcrowded districts and so I
7 ask my colleagues not to make this personal to their
8 own district; however [laughter] it falls within that
9 range, but will these class size seats, reduction
10 seats actually be in 30 and 24?
11

12 KATHLEEN GRIMM: I don't know. I don't
13 know the answer; we are struggling just to build
14 seats in both 30 and 24, as you know, to try to keep
15 up. It will depend on what's available; it will also
16 depend on out-year projections. When I first came
17 here, 100 years ago, District 6 was the most
18 overcrowded district in the city and we've seen that
19 shift pretty dramatically, so it will be a
20 combination, frankly, in the analysis of current need
21 and projected need. I don't see anything happening
22 in Districts 30 and 24 really quickly, but we would
23 certainly be talking to you about what... [crosstalk]
24
25

CHAIRPERSON DROMM: And... and in Districts 24 and 30, is it more that you cannot find the space to create for the seats; is that the issue?

KATHLEEN GRIMM: It's certainly the issue in 24; we're having some success in 30, as you know, by building additions to the schools; we also used that I think in District 20, and by doing that we've been successful; finding sites is a problem. This is New York, space is hard... [interpose]

CHAIRPERSON DROMM: So do you work with other agencies to find seats, to find sites; has the City ever moved out of a building that you could then use it as a school, and particularly in 30 and 24?

KATHLEEN GRIMM: I don't know specifically in those districts, but I know over in Brooklyn on Adams Street, the old Family Court Building the City gave us when the Family Court moved out and we have a couple of high schools now in that building. We... in the plan two years ago we began a program of leasing space, which the old Board of Ed never did, and so we've been able to add a tremendous number of seats through leasing programs and as I say, through the additions. Finding sites for brand new buildings is a challenge everywhere.

CHAIRPERSON DROMM: So the February plan identifies about 50,000 seats; that is the same number I believe is what was presented in the November 2010 plan. [background comment] Hasn't that number increased that we need additional seats, because there seems to be no change in that number?

KATHLEEN GRIMM: There is no significant change in that number; doesn't mean that we haven't worked very closely, not just the School Construction Authority, but our enrollment office, our... what was formerly our portfolio, our district planning people, because in addition, and I think I mentioned this in my testimony, in addition to new construction, we try to solve through other means; we do have lots of empty seats in buildings, some of them are not enough to place another school, but we have been on a very serious co-location program, also under revision with this new administration, but I don't think we're going to eliminate co-locations; I hopefully will do them on a more community-based system. But co-locations... rezoning... you know as the new buildings come on, if we can rezone, we can relieve need that we might see. So what we're seeing in terms of we have no answer for is pretty stagnant at this point.

CHAIRPERSON DROMM: So now that you've mentioned the co-location issue... [interpose]

KATHLEEN GRIMM: Oh dear.

CHAIRPERSON DROMM: [laughter] When you identify sites for co-locations, are rooms every taken away from the existing schools? For example, you take away a science lab or an art room or... [interpose]

KATHLEEN GRIMM: Never.

CHAIRPERSON DROMM: a music room perhaps?

KATHLEEN GRIMM: The rule is, and has been, that if we do a co-location the existing schools, they may lose space, but they do not lose any programming. So if they have an art room or a dance room or a science lab, if that goes to... they get a new one; we don't take away any programs.

CHAIRPERSON DROMM: A program is very different than space and what I often hear and actually saw with my own eyes is... as an issue that you also addressed in your testimony regarding the high school science labs and the use of carts. So I was a classroom teacher for 25 years; 18 of those years actually in the classroom and 7 years as a cluster and a little bit of time as a science cluster

as well, but we had to work from carts and we had to move around, so when we lose space for what was originally an art room, is now made into a classroom; the cluster teacher then has to travel with a cart with art supplies on it; it's very different than having a room for a class like that.

KATHLEEN GRIMM: It should not be and if you have specific examples, I wish you would share them with me afterward.

CHAIRPERSON DROMM: I'll give you one called PS 199 in Sunnyside, where I used to teach and that's... [interpose]

KATHLEEN GRIMM: Yeah.

CHAIRPERSON DROMM: been the occasion; we have locker rooms that are being used as classrooms, dressing rooms that are being used as classrooms; we have two portables which house four classrooms; we have kids everywhere except for the roof and I think at one point they wanted to put the teachers up there because they came in and they took the staff room as well and turned that into a classroom. So there are plenty of examples of where that happens; it's really I think a matter... which is why I'm glad to see the Blue Book Task Force coming out so that we can

1
2 identify those and really find out where they are,
3 because I've heard of and seen and experienced
4 firsthand a lot of that.

5 KATHLEEN GRIMM: Well, I think... and
6 you'll hear from the Chancellor on Thursday, she's
7 been very clear on how we are to process these co-
8 locations going forward and everything starts with
9 communication... [interpose]

10 CHAIRPERSON DROMM: Right.

11 KATHLEEN GRIMM: and everything starts
12 with community.

13 CHAIRPERSON DROMM: And actually I've
14 heard that also in regard to publication specifically
15 with charters, but I'll save that for another hearing
16 that I'm going to have.

17 KATHLEEN GRIMM: Okay.

18 CHAIRPERSON DROMM: Alright; you know, I
19 have a lot of questions, but let... did you wanna say
20 something, Chancellor? No. Okay. Let me go to my
21 colleagues; I know that we're gonna start off with
22 Council Member Debi Rose and then we'll have Council
23 Member Alan Maisel.

24 COUNCIL MEMBER ROSE: Good morning Deputy
25 Chancellor... [crosstalk]

KATHLEEN GRIMM: Good morning.

COUNCIL MEMBER ROSE: You know, many aspects of the budget are predicated on the approval from Albany to raise the taxes in New York City to fund universal pre-K; should this not occur, how will this impact your capacity building plans?

KATHLEEN GRIMM: That would... that money is the operational money for these programs, which of course the Mayor and the City Hall is involved with; it would have no impact on our capital budget whatsoever... [interpose]

COUNCIL MEMBER ROSE: Okay.

KATHLEEN GRIMM: because this, as you know, a separate revenue stream.

COUNCIL MEMBER ROSE: In our... I see in your capacity building numbers 33,000 for new capacity, 2,100 for pre-K and 4,900 for class reduction size; that's about 50,000 seats. So where... are you taking into consideration the TCUs, removing the TCUs and the lease expirations in terms... what are you gonna do with these seats? [interpose]

KATHLEEN GRIMM: We... well, it's a good question and you've made two big points. As Lorraine talked about, we have money, about \$400 million,

1 bucketed to address leases, 70 of which will come up
2 for renewal during the term of this plan and we have
3 to be prepared... the market's good and landlords don't
4 always like the same rent the second time around,
5 [background comment] so we may have to spend capital
6 funds to make sure those children have adequate
7 places to go to school. The TCUs is a much more
8 complicated problem; what we've done in this plan is
9 to fund the removal of all of them because that is
10 our aspiration. Now we have a subcommittee set up in
11 the Department, which is cross-divisional, that is
12 evaluating where we can do that now, where we might
13 be able to do it later, where we might be able to do
14 it later if we do something else to address it. It's
15 a complicated issue, but... and you know in the end,
16 sometimes principals like to keep the TCUs, they tend
17 to be air-conditioned, they have bathrooms and if
18 they're in good shape they're sometimes seen as
19 pluses... [crosstalk]

20
21 COUNCIL MEMBER ROSE: Some of them.

22 [laugh]

23 KATHLEEN GRIMM: Some of them; not all of
24 them. [laugh]

25 COUNCIL MEMBER ROSE: Very few.

KATHLEEN GRIMM: So what we've done is to make sure we have the funding to do the entire job, but we're just not gonna go out and do it, we're doing a very thorough study of how's the best way to do this over a five-year period.

COUNCIL MEMBER ROSE: So do we have the seats to be able to do that, to remove these units... [interpose]

KATHLEEN GRIMM: That's what I'm say... some of them, yes.

COUNCIL MEMBER ROSE: Oh.

KATHLEEN GRIMM: Others; complicated, because they're in very crowded areas; we have to make sure we have something in the plan that's going to replace them or not. So as we go through all of that we are sifting through those facts.

COUNCIL MEMBER ROSE: Okay, I think it is quite a complicated problem in terms of if you're still planning to bring on 33,000 pre-K seats and reduce class size... [crosstalk]

KATHLEEN GRIMM: Well 33,000 seats overall -- high school; elementary school.

COUNCIL MEMBER ROSE: Okay. And I'm just... a question about the leases expiring; is there

the possibility that some of these schools that we are leasing space in, that they might go offline and we'd have to find seats for... [crosstalk]

KATHLEEN GRIMM: It's possible and... well it's possible and we're planning for that kind of contingency.

COUNCIL MEMBER ROSE: Okay. And then just the practice... given that, you know overcrowding was caused by many of the, you know, co-locations, are there, you know, any long-term plans to address this issue?

KATHLEEN GRIMM: Yes. We're in the process of doing that under firm direction from our chancellor to do exactly that. I in fact now am overseeing the old portfolio group, which I'm calling district planning, as well as our space planners; as well as construction and facilities. So I think we'll see a much more coordinated community effort there in the future. And as we develop those plans and protocols, we'll happily share them with you.

COUNCIL MEMBER ROSE: And I know my Chair said not to make this personal, but I happen to know of a great place where you could build a school with a lot of capacity and seats that would encompass pre-

K all the way through, so I'd be glad to talk to you about a capital project that would accomplish some of your capacity issues. Thank you. [crosstalk]

KATHLEEN GRIMM: We'd be happy to do that.

CHAIRPERSON DROMM: Just to interject before I go to the next questioner as well. So regarding the TCUs, does that plan include high schools?

KATHLEEN GRIMM: Yes.

CHAIRPERSON DROMM: So that's 7,158... approximately about 7,158 seats?

LORRAINE GRILLO: In total... [crosstalk]

KATHLEEN GRIMM: For the high schools?

LORRAINE GRILLO: total.

KATHLEEN GRIMM: Total; I think that's the total number. [interpose]

LORRAINE GRILLO: That's the total...

CHAIRPERSON DROMM: That's the total enrollment right now?

LORRAINE GRILLO: Total enrollment in all TCUs.

KATHLEEN GRIMM: 7,158... [crosstalk]

CHAIRPERSON DROMM: In all TCUs,
including high schools?

LORRAINE GRILLO: Yeah.

CHAIRPERSON DROMM: Okay. And so the
overall plan does include the removal of the TCUs..
[crosstalk]

LORRAINE GRILLO: Absolutely.

CHAIRPERSON DROMM: at high schools as
well?

LORRAINE GRILLO: Absolutely.

CHAIRPERSON DROMM: Okay. Thank you.
I'm gonna go now to Council Member Alan Maisel and I
did forget to say that we're gonna put people on the
five-minute clock, so [laughter] sergeant. Thank
you. [crosstalk]

COUNCIL MEMBER MAISEL: Good morning..
[interpose]

KATHLEEN GRIMM: Good morning.

COUNCIL MEMBER MAISEL: thank you for
being here. I've always thought of science education
as similar to the weather; everybody talks about it;
nobody seems to do anything, so I'm very, very
pleased that there's a commitment for intermediate
school science facilities; I should also point out I

1 was a science supervisor for many years; science
2 teacher for even longer than that, so I know
3 something about science. What do you actually mean
4 by science facilities, to wit; are you talking about
5 a lab demonstration table in the classroom; are you
6 talking about lab seats for the children; are you
7 talking about facilities for Bunsen burners, fume
8 hoods; are you talking about putting in a prep room
9 so that teachers have access to equipment and
10 supplies which are in very, very short supply? If
11 you cant get supplies, what is the point of a science
12 room? Are you talking about appropriate curriculum
13 for teachers who are teaching science but may not be
14 licensed to the area where they're actually teaching?
15 All these things are important and I guess for the
16 last 40 years myself and many of my colleagues have
17 been talking about the fact that if you are a teacher
18 in an intermediate school with two or three different
19 kinds of science programs; you may be teaching a 6th,
20 7th and 8th grade program; it's hard to do labs, labs
21 are very time consuming; again, you have to have
22 equipment; are there plans for perhaps a science
23 tech... the age of lab assistants is probably gone, but
24 many schools have been able to squeeze out a school
25

1
2 aide or a para to assist in the preparation of labs;
3 all this has to be done together, just putting
4 together labs is meaningless unless you have the
5 tools to work with it. So I appreciate your
6 comments.

7 KATHLEEN GRIMM: Well what we're talking
8 about today is the actual physical space and we are
9 talking about, as the best equipment we can possibly
10 do; what we're talking about for our middle schools,
11 mostly, are upgrades so that we have a prep room, so
12 we have lab seats, so we have the Bunsen burners, we
13 have the gas jets; we have all of that. Insofar as
14 talking about having our certified teachers, I think
15 that's something maybe you'll want to discuss on
16 Thursday, because obviously the School Construction
17 Authority builds the sciences labs, but the
18 Department has to assure that we've got the proper
19 teachers in place. [interpose]

20 COUNCIL MEMBER MAISEL: Yeah. In years
21 past we had a division of science education where
22 they put together a curriculum and this was
23 particularly important for teachers who were teaching
24 science, but really were not all that familiar with
25 that particular brand of science. We don't have any

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2 science support services at the Department of
3 Education anymore; we don't have school districts
4 anymore where they did that work; where are the
5 teachers getting the curriculum that make it possible
6 for them actually to teach the science labs?

7 KATHLEEN GRIMM: I'm going to defer that
8 question to the Chancellor on Thursday and I'm sure
9 she'll happily answer you.

10 COUNCIL MEMBER MAISEL: Okay.

11 KATHLEEN GRIMM: Thank you.

12 CHAIRPERSON DROMM: Okay. Thank you.
13 Council Member Barron, followed by Council Member
14 Levine.

15 COUNCIL MEMBER BARRON: Thank you Mr.
16 Chair. Thank you for coming; presenting your
17 testimony. I kinda echo strongly in the comments
18 that have been brought forth by the Chair and by my
19 colleague, Alan Maisel. I also spent years with the
20 Board of Education, 36 years, and what I'm hearing
21 does not reflect the reality of what I've seen in
22 schools. You're talking about upgrading science labs
23 in middle schools; they don't have science labs,
24 they're not there, especially in the buildings that
25 are K-8. So it's gonna require construction from the

1
2 ground up let's say; prep rooms are essential,
3 personnel to help prepare the materials that are
4 needed are essential and those positions generally
5 don't exist, so I know we'll bring that up with the
6 Chancellor. Bunsen burners, when we tried to get... we
7 got a science... we got a grant when I was principal at
8 PS 81 and we were able to get a science resource lab;
9 it wasn't really a lab, it was a center; it did have
10 a pre room and it did have the tables and chairs, but
11 it didn't have Bunsen burners; we were a K-6 school
12 at that time. So my concern is what are we talking
13 about when we say a science lab? What specific
14 equipment is going to be bought? How are the schools
15 going to be designated to have that and what is the
16 timetable to make that a reality?

17 KATHLEEN GRIMM: The timetable is the
18 next five years that this plan covers. As we
19 mentioned a little earlier, in the last two plans we
20 focused on high schools; we now are turning our
21 attention to middle schools to either provide a
22 science lab or to upgrade what is there if we don't
23 feel that it's adequate. Now every site is
24 different, but I suppose we could provide you with a
25 general overall view of what goes into a typical

science lab, and I will provide that to the entire committee.

COUNCIL MEMBER BARRON: In terms of the TCUs -- as being presented it's very complicated -- what's the protocol for establishing which schools will get TCUs removed and at what timetable, what timeline?

KATHLEEN GRIMM: That is being designed right now; we have a cross-divisional team, subcommittee really, that is looking at that and is evaluating it and as I've said, trying to say here are x number of TCUs that we think we could remove next year, in the first year of the Capital Plan; here is another group that we think could be removed in the second year of the capital plan, because x, y, z is happening or needs to happen. So as those plans become solidified, we'll be happy to share them with you in terms of exactly where we're able to remove these TCUs.

COUNCIL MEMBER BARRON: And are there any plans for maintaining or upgrading or improving or establishing new TCUs in terms of having space for perhaps the full-day pre-Kindergarten programs?

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2 KATHLEEN GRIMM: We're not planning any
3 new TCUs. If a principal asks if she can have a pre-
4 K program in her TCU and if the TCU is adequate and
5 functional and not too old, I'm quite sure we would
6 have that discussion with her.

7 COUNCIL MEMBER BARRON: And as these TCUs
8 are being removed, how will the movement of children
9 impact the utilization calculation for the building,
10 especially in terms of talking about co-locations,
11 and I'm so glad that you brought up the problem of
12 co-locations, and I have to again echo what the Chair
13 has said; it is not a pleasant situation; you have
14 three and four, basically women in the kitchen at the
15 same time...

16 KATHLEEN GRIMM: Yes.

17 COUNCIL MEMBER BARRON: for a full day,
18 children are eating lunch at 9:30 and 10:00 in the
19 morning and it is a disaster, so we are hoping that
20 there will be a moratorium on these co-locations
21 going forward and I personally am very disappointed
22 with all of the approvals that were granted two weeks
23 ago to schools to be co-located, when we thought we
24 would have a different kind of scenario [bell] going
25 forward. So we look forward to hearing further about

1
2 what going to be done to mitigate the situation,
3 'cause it really can't go on, and especially in terms
4 of some of the schools getting better programs and
5 better rooms than others, usually the schools that
6 were already there, the whole school. Thank you.

7 KATHLEEN GRIMM: Thank you.

8 CHAIRPERSON DROMM: Council Member Mark
9 Levine, followed by Council Member Antonio Reynoso.

10 COUNCIL MEMBER LEVINE: Thank you Mr.
11 Chair; welcome Miss Grimm; Miss Grillo. I'd like to
12 hear a little bit more about your methodology for
13 determining when a district or community is
14 overcrowded and how you determine which district that
15 is, by what capacity.

16 KATHLEEN GRIMM: Could you repeat that,
17 please; I di... [interpose]

18 COUNCIL MEMBER LEVINE: I'd like to hear
19 a little bit more about your methodology for
20 determining when a district is overcrowded and by
21 what amount it's overcrowded. Is that based on the
22 Blue Book evaluation, in part?

23 KATHLEEN GRIMM: No. The over... well, the
24 over... the Blue Book is a tool; we do extensive
25 demographic studies that involve not just our

1 demographers, but taking in information from many
2 sources throughout the City -- birth rates, migration
3 rates, immigration rates and so forth; housing starts
4 -- and so we do projections out for 5 years; 10 years
5 and our projections, when we look back over the last
6 few years, are pretty close and pretty accurate; what
7 happens with the overcrowding is that we may see it
8 -- District 24 is a perfect example -- we're stymied
9 because we can't find sites and so we're not
10 building; that's a reason we've gone to additions,
11 we've gone to leases, and that's relieved some of it,
12 but certainly not all of it. So if you're talking
13 about the specific class size, that's a different
14 process, which the Department, as I said earlier, has
15 a lot of experience looking at because we began
16 looking at it with the ceferee [phonetic] decision
17 and have been hamstrung, basically because the State
18 money has not come through. We would undergo, once
19 again, a multi disciplined review of where those
20 seats are in terms of how we would address them.

22 COUNCIL MEMBER LEVINE: Well class size
23 boils down to a single number; it's objective, but
24 overcrowding relies on the assessments that some of
25 my colleagues have been probing about whether you can

use art rooms and computer rooms and science labs to structural space. The feeling out there in the field in the schools in my district is that those rooms are vulnerable to being repurposed. [interpose]

KATHLEEN GRIMM: No, they are not vulnerable. They are not vulnerable.

COUNCIL MEMBER LEVINE: So your five-year plan does not assume any repurposing of such rooms...

KATHLEEN GRIMM: No.

COUNCIL MEMBER LEVINE: for... for...

KATHLEEN GRIMM: No. We always assume that our, especially our elementary schools and our middle schools, must have cluster rooms, we assume that. Even in the Blue Book, where we have our targeted, which is our aspirational assumption, the targeted number assumes cluster rooms for these schools.

COUNCIL MEMBER LEVINE: Right; well maybe there's a question on ratios and how many cluster rooms per student... mean the reason why you've convened the Blue Book Task Force is to examine this question in-depth; right? [crosstalk]

KATHLEEN GRIMM: To examine it in-depth and also to communicate better about the Blue Book,

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2 which is a tool; doesn't solve all the problems, but
3 we wanna hear from many constituents, and it's a very
4 diverse group on this task force; we wanna clear up
5 any misunderstandings; we wanna hear what the
6 perceptions are out there, which could be totally
7 right and we've missed it; we want to know and we
8 want to learn and we want to address it, and the
9 Chancellor's been pretty adamant about making sure
10 that we do this.

11 COUNCIL MEMBER LEVINE: Right...

12 [interpose]

13 CHAIRPERSON DROMM: And may I interject
14 just a moment? So are you saying, Deputy Chancellor,
15 that you're willing to commit to no... [crosstalk]

16 KATHLEEN GRIMM: No. [laughter]

17 CHAIRPERSON DROMM: further repurposing
18 of rooms moving forward?

19 KATHLEEN GRIMM: No, I didn't say that.
20 I didn't say that. I said that we are committed to
21 making sure that every school has its designated
22 numbers, if possible. Now in some overcrowded
23 buildings that doesn't happen, but in... and I thought
24 this is what we were talking about... in a situation
25 where a co-location happens, we do not take spa... we

might take space, but not programs away from a school. [clearing throat] Excuse me.

CHAIRPERSON DROMM: Again, that goes back to the argument in terms of programs versus space for programs that I was presenting before, I think the point is made on both of our sides.

KATHLEEN GRIMM: And I think going forward you'll see a very different process as to how we do that.

CHAIRPERSON DROMM: Yeah, okay. Let's give Council Member Levine a couple of minutes, since I interrupted him.

COUNCIL MEMBER LEVINE: Sure. I... I... [bell] with all due respect, I don't think the primary problem with the Blue Book is one of communication; I think there are substantive disagreements about the number of [background comment] cluster spaces that we need to educate our kids. I'm assuming the current plan is built on the status quo understanding of utilization; even small changes in how we understand adequate utilization could have significant impact on your five-year Capital Plan, if we determine that there's actually even a greater shortfall space in some of these

districts. Have you considered this or is this plan already frozen and we have no hope of improving it based on... [crosstalk]

KATHLEEN GRIMM: Well first of all, this plan has to be approved by you, so I don't assume it's frozen. But the most important thing to realize is that we do a public process amendment every single year, because things do change and if changes come out of this Blue Book study that have an impact on this plan, we'll be back here next year explaining that to you and telling you why we're making various changes in the plan. So it... but it's a living, breathing document that's... it can't be written in stone for five years because we can't see that far ahead.

COUNCIL MEMBER LEVINE: Is there provision to add funding to it significantly as well, if need be midterm?

KATHLEEN GRIMM: The what?

COUNCIL MEMBER LEVINE: Is there provisions to add funding to the Capital Plan midway through the five-year term if needed?

KATHLEEN GRIMM: Every year.

COUNCIL MEMBER LEVINE: Right. I have a feeling that once you have an honest appraisal of the Blue Book you're gonna determine that the capacity shortfall is even greater than you'd understood and that that's gonna add significantly to the costs and when you consider that some of the neighborhoods that I think are most likely to be affected are some of the most expensive in the City, where acquisition of land is probably the single greatest cost. I'm worried that we could have even greater than expected deviations in this Capital Plan.

KATHLEEN GRIMM: We will see what happens. Thank you.

COUNCIL MEMBER LEVINE: Thank you.

CHAIRPERSON DROMM: So just another note on that; what would be the process to follow if there were changes to be made between now and the approval by the Council?

KATHLEEN GRIMM: Between now and...

CHAIRPERSON DROMM: And the final approval of the Council; you would come back to us or you... [interpose]

KATHLEEN GRIMM: Well we will be back for the executive.

CHAIRPERSON DROMM: And that... at that session at the executive hearing would be... [crosstalk]

KATHLEEN GRIMM: I am assuming that the Council will have negotiations with the other side of City Hall and both on the expenses budget and the capital budget and so... [interpose]

CHAIRPERSON DROMM: But at that capital hearing in the end of April or May, whenever it is, [background comments] right, in May, [laugh] if you were to make any changes would come up at that point?

KATHLEEN GRIMM: If you were to make any changes.

CHAIRPERSON DROMM: Well no, we're talking about the Blue Book finding out of overuse of space or anything like that.

KATHLEEN GRIMM: I don't know if we'll have the results by that time. But I think if there were significant results we would wanna have a conversation about that, absolutely. [crosstalk]

CHAIRPERSON DROMM: Okay. Okay. Council Member Reynoso, followed by Council Member Deutsch.

COUNCIL MEMBER REYNOSO: Thank you very much Chair. I just wanna say my experience in the

1 district with SCA has been a very positive one; we've
2 had a lot of issues regarding overcrowdedness in our
3 Queens schools particularly and we've built several
4 schools, we have others on the way, we have a
5 beautiful high school that's being built, so I do see
6 a responsiveness from SCA and I am extremely grateful
7 for it, but then we go to Bushwick and it's a
8 slightly different situation with co-locations; we
9 have one... we have two schools with charter schools
10 inside them; they're the exact same charter school in
11 two different buildings two blocks apart, so they do
12 grades K-3 in one school and 4 and 5 in the other
13 school; that's how it was split up. In the highest-
14 performing school in Bushwick we added that second
15 school. We added the... the... the... grades 4 and 5. I'm
16 sorry; we added grades 4 and 5 to the second
17 building, which is the highest-performing building we
18 have in Bushwick, which is a struggling district,
19 which is District 32 in Brooklyn. So I spoke to the
20 principal and she had made mention to the fact that
21 she was thinking about expanding the great work she's
22 doing and adding more art, adding music and she says
23 now she says feels that a lot of these rooms that
24 could be available are in danger and not assessed as
25

1 potential growth for her. So there's also no
2 capacity cap for this Achievement First charter
3 school, which means that once they're in there, if
4 they keep growing, she might have to lose more space.
5 So just would love for you guys to come to Bushwick;
6 I know we don't wanna talk about personal issues, but
7 there's no way that this Blue Book is evaluating the
8 classroom sizes appropriately, school buildings
9 appropriately, when it doesn't take into account
10 growth for the current school that's in it and growth
11 for the future of a possible co-located school, so I
12 just wanna be mindful of that. But my real question,
13 and I just wanna... I just wanna speak to \$100,000 per
14 student for the pre-Kindergarten initiative and the
15 creation of approximately 2,100 seats. It's \$210
16 million, I just divided that by 2,100, and I got
17 \$100,000 per child that we're using to expand, right?
18 So how many students are in each classroom in a pre-
19 Kindergarten classroom, maximum capacity?
20

21 KATHLEEN GRIMM: 18, I believe, 18.

22 [interpose]

23 COUNCIL MEMBER REYNOSO: 18. Alright, so
24 that's \$1.8 million per classroom that we're gonna
25 use in finding new space.

KATHLEEN GRIMM: Take a... [interpose]

COUNCIL MEMBER REYNOSO: Give or take... it doesn't need to be perfect; I just... [interpose]

LORRAINE GRILLO: Yeah.

COUNCIL MEMBER REYNOSO: wanna...

LORRAINE GRILLO: Council Member, that's an average number that... a projected number that we're looking at; the potential is that we will build new or we will lease space and reconfigure space; things like that, so it's not written in stone, it's just a general number that we put.

COUNCIL MEMBER REYNOSO: Okay. So in my district, TCUs shouldn't be considered an option for pre-Kindergarten space; what we do have is buildings that cost less than five classrooms worth of pre-Kindergarten, so if you do \$1.8 x 5, which I am not gonna do right now, you can buy the building. You can buy a building that has the opportunity to house more than 10 seats... 10 classrooms for pre-Kindergarten space; we also have a TCU issue that we don't wanna deal with; we want those gone by any means, and I just wanna let you know that there are opportunities out there and that you should review with each and every Council Member, because we know

our districts, we know where the spaces are and at a much more affordable rate than what even you're projecting, we can fill these seats up.

KATHLEEN GRIMM: Good.

LORRAINE GRILLO: Great.

COUNCIL MEMBER REYNOSO: So you'll be hearing from me. Thank you very much. [background comment]

KATHLEEN GRIMM: Thank you.

COUNCIL MEMBER REYNOSO: No questions; just comments.

CHAIRPERSON DROMM: 'Kay. Council Member Deutsch, followed by Council Member Rosenthal.

COUNCIL MEMBER DEUTSCH: Thank you Chair. First you know, we're talking about reducing class sizes to enhance stability of our children learning, but on the other hand, when you talk about schools, you know children need to go out and enjoy the outdoors and looking at these renderings, I don't see any outdoor space; I know you mentioned that it's difficult to find locations, but I know in my district DOE was looking at a specific site which was... DOE ended up backing out because to put 800 students in a small property size lot was not the

1 right thing to do; they ended up backing out, but
2 then DOE was desperate and they threatened the owner
3 to take away the property through eminent domain.
4 So what I think is, is that the outreach, number one,
5 is important; number two, is not to use strong-arm
6 tactics and to encourage property owners to come
7 forward to DOE if they have a property that's
8 feasible to put in... you know, for a school. So my
9 question is; what is your... how do you do outreach and
10 I think we need to encourage property owners; if you
11 have a property that you want to lease or sell to the
12 DOE, you know, come out and let us know and we're not
13 gonna take it away from you in case we like it.

14
15 KATHLEEN GRIMM: Okay; I'm going to let
16 Lorraine answer this because she oversees most of
17 this outreach.

18 LORRAINE GRILLO: Thank you and that's an
19 excellent comment, Council Member, because we look
20 forward to working with each of you with your
21 suggestions wherever possible. Some of your
22 colleagues who've been on the Council for many years
23 have helped us along the way do exactly that. But,
24 so you know, we have at the SCA, on retainer, we have
25 three... not on retainer, under contract we have three

1
2 real estate firms who go block by block and they do
3 not get paid unless they find a property and it's
4 closed on. So we're not paying people just to be
5 looking around, we're paying people to find actual
6 sites that work; they are doing outreach. But we
7 appreciate the community's outreach; any time we go
8 to a CEC hearing we meet with the community boards;
9 whatever the circumstances; we encourage people to
10 please, any time you know of anything in those
11 districts, please let us know.

12 COUNCIL MEMBER DEUTSCH: Well I don't
13 remember the last time that I went to community board
14 meetings and I heard any type of outreach, but the
15 only time I heard it is when there was an issue in my
16 district that when DOE threatened to take away the
17 property after the landowner didn't wanna sell. But
18 I think that aside from going to real estate agents,
19 there should be a lot more outreach, 'cause it's
20 important for our children to get the proper land for
21 a... [crosstalk]

22 KATHLEEN GRIMM: Absolutely.

23 COUNCIL MEMBER DEUTSCH: school building
24 and I think we... [crosstalk]

25 LORRAINE GRILLO: We agree.

COUNCIL MEMBER DEUTSCH: need to do more outreach on that.

LORRAINE GRILLO: We agree.

KATHLEEN GRIMM: Could I just say one thing about eminent domain, Councilman? We never take [clearing throat] by eminent domain a going business or residential facility; we use eminent domain usually as a negotiating tool with some property owners who perhaps are not as interested in the welfare of our children as you all are.

CHAIRPERSON DROMM: Very good. Let me just also say that we've been joined by Council Member Margaret Chin, Council Member Vincent Gentile, Council Member Mark Treyger, Council Member Donovan Richards and Council Member Ruben Wills. And our next question will be Council Member Helen Rosenthal, followed by Council Member Mark Treyger.

COUNCIL MEMBER ROSENTHAL: Thank you very much; I appreciate this hearing very much, Council Member Dromm, so thank you for chairing this. I have a great number of questions, so I'd already like to sign up for the second round of questions. But at first I'd like to start; I'm happy to see the two of you sitting next to each, 'cause we have a

1 communication problem in our district; the
2 communication between SCA and DOE. We have a high
3 school that, a middle and high school that the
4 community and that the CEC has signed off on that
5 would go in the Beacon Building; the Beacon Building,
6 as we know, will go downtown to District 2...

7 [interpose]

8 KATHLEEN GRIMM: Yeah.

9 COUNCIL MEMBER ROSENTHAL: and it will
10 free up for school year... [interpose]

11 KATHLEEN GRIMM: Yeah.

12 COUNCIL MEMBER ROSENTHAL: 15...
13 [interpose]

14 KATHLEEN GRIMM: Right.

15 COUNCIL MEMBER ROSENTHAL: the community...
16 DOE has done a great job asking the community what it
17 wants; we know what we want, we've communicated that
18 back to you; we're waiting for a signoff between... for
19 DOE to tell SCA that we're good to go, because as you
20 know, the building does not have a gym, it does not
21 have an auditorium and it's cafeteria is too small.
22 So right now it's not set up for a middle school and
23 we're asking for a middle school and high school to
24

go into that space. Could you please sign off on it right now so this will be a successful school?

KATHLEEN GRIMM: Well first of all I have to let President Grillo off the hook because she doesn't decide what goes into our buildings, she just builds our buildings and fixes them up. We have heard the Council Member and we have heard the community; we are just not there yet in terms of making a commitment for what's going in that school, but I can assure you and I will commit to working with you and the community on what is going in that school.

COUNCIL MEMBER ROSENTHAL: I really... I've heard that before and honestly, I don't know what that means and I don't understand what's holding it back; all I see is a history of last minute schools going in and then failing; now we are in a situation where the community has come together, agrees on a school, we have a space; what makes it hard is it's a leased space, so there are costs involved..

[interpose]

KATHLEEN GRIMM: Yeah.

COUNCIL MEMBER ROSENTHAL: but the commitment to say that we hear you and we know

something's going in there but we don't know what is setting us up for failure in this community.

[crosstalk]

KATHLEEN GRIMM: I don't... I really must disagree. We've worked very, very closely, especially with the communities throughout District 2 over the last four or five years... [interpose]

COUNCIL MEMBER ROSENTHAL: District 3.

KATHLEEN GRIMM: or District 3. In terms of what goes into buildings... [crosstalk]

COUNCIL MEMBER ROSENTHAL: And we've agreed.

KATHLEEN GRIMM: Yes. So... [crosstalk]

COUNCIL MEMBER ROSENTHAL: Yes; now we just need the go-ahead from you to Ms. Grillo.

KATHLEEN GRIMM: Well... [laugh] the Department has not yet reached the point where it has decided what's going in that building. [interpose]

COUNCIL MEMBER ROSENTHAL: And what will it take... [crosstalk]

KATHLEEN GRIMM: It is...

COUNCIL MEMBER ROSENTHAL: what more can I do; what more... [crosstalk]

KATHLEEN GRIMM: Some more time.

COUNCIL MEMBER ROSENTHAL: can the community do to facilitate... [interpose]

KATHLEEN GRIMM: It...

COUNCIL MEMBER ROSENTHAL: making the Department of Education comfortable?

KATHLEEN GRIMM: You can keep talking to us. It isn't a matter of us not wanting to be totally responsive, it's just in the scheme of things we have not yet reached the decision of what is going into that school... [interpose]

COUNCIL MEMBER ROSENTHAL: So...

KATHLEEN GRIMM: and all I ask is that you look at our track record, which is pretty good.

COUNCIL MEMBER ROSENTHAL: So let's talk about your track record. There is one letter that I have framed and up in my office and it's the letter from you back to the community that says we don't need a new school because of all the apartments that went up at Riverside South; that's the one letter I have framed in my office. As you know, the year after that letter came out and the year after the Department of Education had an opportunity to get space for a new primary school, the Department of Education was sure that there were 1,500 empty seats

1 in the district, so there was no need for a primary
2 school [background comment] and after the parents
3 went through 11 of the local primary schools and did
4 a classroom by classroom count of how many kids were
5 in every classroom in every grade and how many seats
6 and how many classrooms were available, we... the
7 Department of Education stood up at a meeting -- I've
8 been tweeting about it this morning -- and said,
9 "Uncle, we do see the need [bell] and we agree with
10 you and we're going to have to start a new primary
11 school." And let me tell you the history. The
12 Department of Education kicked out a middle school
13 from a building, slammed in that elementary school;
14 it was only three sections, despite the fact that the
15 parents said a six-section school was needed; we then
16 got a charter school, an elementary charter school
17 slammed into a high school building that is now
18 overcrowding... I met with the principals last week...
19 overcrowding that high school and yet classrooms are
20 being set aside because indeed, going back to your
21 letter saying there was no projected need for an
22 elementary school, there is indeed a need and now we
23 have a charter school going into... taking up
24 classrooms away from a high school space and we have
25

a successful and thriving primary school that the parents got started in that district, so when you say that in the past projections have been pretty accurate, I find that disingenuous.

KATHLEEN GRIMM: I respectfully suggest that we arrange an appointment with you to discuss all of this, because I... [crosstalk]

COUNCIL MEMBER ROSENTHAL: Absolutely.

KATHLEEN GRIMM: I don't think it applies to everybody.

COUNCIL MEMBER ROSENTHAL: Thank you.

KATHLEEN GRIMM: You're welcome.

CHAIRPERSON DROMM: 'Kay, thank you.

Council Member Mark Treyger, followed by Council Member Gentile.

COUNCIL MEMBER TREYGER: Thank you, Chair Dromm and welcome Deputy Chancellor and President Grillo. I represent District 47 in Southern Brooklyn -- Coney Island, Bensonhurst; Gravesend -- a district that was hit hard by Superstorm Sandy. I am wondering if there are any estimates or costs that you can give us, give to me with regards to damage done to our schools as a result of Superstorm Sandy.

[background comments]

LORRAINE GRILLO: Well... It's a pleasure to meet you, Council Member. Yes, your area was hit very hard by [background comment] Superstorm Sandy and the SCA and the DOE worked very, very hard to get your buildings up and running very quickly after the storm and we are anxious to begin the long-term projects that it will take to bring these back up to their original situation; in any case, what we anticipate total is somewhere around \$400 million. Now we have... so far I think we've spent something in the neighborhood of \$90 million on emergency work to get those buildings open.

COUNCIL MEMBER TREYGER: Yes, because I will tell you that, like PS 329 in Coney Island, they're still running on a temporary boiler... [interpose]

LORRAINE GRILLO: Absolutely.

KATHLEEN GRIMM: Right.

COUNCIL MEMBER TREYGER: and... [interpose]

LORRAINE GRILLO: Yeah.

COUNCIL MEMBER TREYGER: I will say that they seem to be working a little bit better than the ones in NYCHA, but it is still a major concern, eyesore, problem; just... you know, a lot of it is

1 just... you know the fact is, kids are walking into a
2 building with this massive structure outside and
3 it's... sometimes I get complaints where it's sometimes
4 too hot; sometimes not working, you know, and so we
5 really need to make sure that we are addressing those
6 issues very, very carefully and if there are... if
7 there's an estimate of \$400 million in damage, do you
8 have the adequate resources to meet the needs of the
9 structural damage done by Superstorm Sandy?

11 LORRAINE GRILLO: Right. First of all,
12 we could not agree with you more in terms of the
13 temporary boilers and as we speak we have... nine of
14 those boilers... buildings with boilers are ready to go
15 out to bid to actually begin the process of
16 installing the permanent boilers and the rest of
17 them, which we... I think we had a total of 33
18 buildings with temporary boilers; the rest of them we
19 anticipate will be in construction by the end of the
20 year, so we're very happy about that. As you may
21 have guessed, we have been in discussions with FEMA
22 over the last year-and-a-half and we've... I think
23 things have finally come together and we've been
24 given the authorization to move forward with these
25

projects and we're really anxious to get this started, because we agree completely.

COUNCIL MEMBER TREYGER: How much funding have you received from FEMA?

LORRAINE GRILLO: Well again, the funding we've received so far has been for the emergency work that was completed, okay, but discussions about what they would and would not cover have taken place over the last year or so and we've finally come to agreements on those areas that will be covered as a result of the Superstorm, areas such as your boilers, but those other connected items within the building, like the climate control, the piping and things like that, as well as some mitigation for future. And so all of those things have been in discussion; we feel like we're in a really good place now and we're moving forward as quickly as we possibly can.

COUNCIL MEMBER TREYGER: Yeah, so it's important that this Capital Plan is a living document that we can make changes along the way, [interpose]

LORRAINE GRILLO: Absolutely.

COUNCIL MEMBER TREYGER: because things are popping up and I would definitely like to have continuing conversations with you, with the DOE and

1 the SCA, with regards to the needs of schools in my
2 district and other schools that were damaged by
3 Superstorm Sandy. I have... just relating to this, and
4 this actually goes into the issue of co-locations as
5 well, actually; there's a school that is not
6 physically in my district, but it impacts my
7 district; it's Cavallaro Middle School, IS 281; it's
8 actually in Council Member Vincent Gentile's
9 district. The school is almost near 90 percent
10 capacity; recently the DOE again pushed forward its
11 co-location of Cavallaro in the face of significant
12 community opposition; Cavallaro was nice enough to
13 take in displaced Coney Island kids [background
14 comment] when they lost their schools because of
15 Superstorm Sandy, and if it wasn't for the fact that
16 they had some space, those kids would have no school
17 there to go, so my question is; since schools [bell]
18 are used as emergency centers during times of
19 emergencies, does that factor into capital planning
20 at all? Is there coordination between the DOE, the
21 SCA and OEM with regards to their emergency plans?

22 KATHLEEN GRIMM: Yes, total cooperation.

23 COUNCIL MEMBER TREYGER: Can you
24 elaborate on that? [background comment] [interpose]
25

KATHLEEN GRIMM: Certainly. For example, we have been working very closely with OEM and have actually just reached a settlement, because it is important because we use our schools for shelters, that they be accessible. And so we have reached a settlement where we will be addressing some of those accessibility issues in schools that are identified as shelters. And we work on any situation that comes up, be it... god for bid we never have a storm like Sandy, but I mean we have had so many snowstorms, for example, this year; we sit at OEM and the Chancellor and OEM and the Mayor discuss what we're going to do and of course, our capital planning is very much involved at this point in the cleanup out there and I just wanted... you asked one question; I wanted to make sure you had the answer -- are there sufficient funds to fix all these -- all of these boilers will be fixed, that is a guarantee.

COUNCIL MEMBER TREYGER: Okay. And I in the next round of questioning will follow up with the co-location matter as well.

KATHLEEN GRIMM: Of course.

COUNCIL MEMBER TREYGER: Thank you, Chair.

CHAIRPERSON DROMM: Thank you. Council Member Gentile, followed by Council Member Wills, Richards and then Chin.

COUNCIL MEMBER GENTILE: Thank you Mr. Chairman and good to see you again Chancellor Grimm and congratulations to our SCA President, Lorraine Grillo, on your reappointment; it's good to see you again too.

I had a question... Chancellor Grimm, you mentioned District 20, so you kinda handed me the question, [laughter] when you talk about the capacity program. What happens in those types of districts like District 20 where you do not have the, at least on the surface, the available physical space to build; you have the funding, the funding is there, but you do not have the physical space to build; what happens with the funding in those situations; does it just move on and... or stay in that particular district?

KATHLEEN GRIMM: The funding is very often driven by the sites; 20 is... isn't 20 where we did all the additions?

LORRAINE GRILLO: No.

1
2 KATHLEEN GRIMM: No, it was 21. It does...
3 we spend money... if we have money, we're gonna spend
4 it by the end of the plan and it depends on where the
5 site is. So if we can't find a site at all in a
6 particular area, for example, we're gonna use that
7 money someplace else where we can find a site;
8 doesn't mean we walk back from the need that we see
9 in the first site, the need is still there and we
10 will carry that need until we can find a site. We
11 have had some success and you know as you look around
12 your own district, keep this in mind; we can lease,
13 sometimes we can build an addition to a school, so
14 hopefully there will be other options.

15 LORRAINE GRILLO: 'Kay, just amend. I
16 just want to add, Council Member, that in District 20
17 in particular, as you probably know, we look at every
18 single space that we can possibly find and we will,
19 in some cases, put a school in an area that you would
20 initially think, well it's not gonna fit there; well
21 we'll make it fit, because we know how difficult it
22 is in your district. So we're constantly looking.

23 COUNCIL MEMBER GENTILE: So even though
24 you may use the funding elsewhere, the need still
25

exists and you will meet that need if the space becomes available?

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER GENTILE: Okay.

KATHLEEN GRIMM: That means we'll take it from someplace else where we can find a site [background comment, laughter] you know and this is not an easy task.

COUNCIL MEMBER GENTILE: Have you considered the issue of properties under eminent domain in that area? Because I know, for example, the Brooklyn Public Library is now taking a lease space and beginning eminent domain proceedings to try and get that building for their use. [crosstalk]

KATHLEEN GRIMM: Right; we spoke about that a little earlier. We do not, by eminent domain, take any going business or any residential facility; we sometimes use eminent domain as a negotiating tool with an uncooperative owner when we're trying to buy a piece of property. So it is a tool in our kit.

COUNCIL MEMBER GENTILE: Right. And you don't have any lease space in District 20, do you; do you know?

LORRAINE GRILLO: I would...

KATHLEEN GRIMM: Would have to check.

LORRAINE GRILLO: I would have to check.

[crosstalk]

COUNCIL MEMBER GENTILE: You could check... you can check. Okay. Let me... let me just ask you, 'cause my time is running, about the capital investment program and you mentioned athletic field upgrades; [background comment] is there a list of what fields you're looking at or how does... how does a field get on the list or how are fields evaluated to get on that list?

KATHLEEN GRIMM: Well this grew out of our conversations... over the last 10 years or so Take the Field put money and the Council put money into upgrading our fields and you know what; doesn't last forever, so we decided we had to make a category to make sure that we maintain them, so most of our fields are in pretty good shape. If you know of one that is not, I wish you'd let us know... [interpose]

COUNCIL MEMBER GENTILE: I will.

KATHLEEN GRIMM: because we're in the process of evaluating that now.

COUNCIL MEMBER GENTILE: Good; I will. Thank you. What about the... also the video

surveillance camera program, same thing; how does a school qualify; how does a school get on the list; is there a list; how does that happen?

KATHLEEN GRIMM: We work very closely with the Office of Safety and Youth Development and with the NYPD, whom with which we have a very close working relationship and a principal can request it and we'll do an evaluation, [bell] you know, it... if you have recommendations for that, we would be happy to consider it and do an evaluation.

COUNCIL MEMBER GENTILE: There is funding now for those... [interpose]

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER GENTILE: video cameras?

KATHLEEN GRIMM: Yes, there is.

COUNCIL MEMBER GENTILE: Great. Okay.

[interpose]

KATHLEEN GRIMM: Yeah; in the last two plans also.

COUNCIL MEMBER GENTILE: Great. Thank you very much. Thank you Mr. Chairman.

CHAIRPERSON DROMM: Thank you. Council Member Wills.

COUNCIL MEMBER WILLS: Thank you Mr.

Chair. Good afternoon. Ms. Grimm or Deputy

Chancellor Grimm and President Grillo, I've always

sung praises about you two, right; you've been some

of the most responsive public officials since we've...

since I've been elected, but the DOE is horrible,

right; I think, as far as in the organization; some

of the things that were read here, and I don't want

this to be something that you take personally, but

some of the things that were in the testimony as far

as updating the enrollment projections annually,

taking into account birth rates, immigration rates; I

have like the highest immigration pattern in the

City, in Richmond Hill and South Ozone Park, and my

schools have not... no one has come to us and any of

the CECs or myself or my office and spoke to us about

the real on-the-ground needs of the district and I

think that's something that some of the other Council

Members alluded to; we don't have anybody in the DOE

except maybe very, very low-level staff that really

can't give us any answers to anything. As far as the

technology in the schools, everything that has been

in my schools, my district in the last three years I

funded through Reso-a [sic] we have gotten... well we

1
2 have gotten help from Miss Grillo on a couple of big
3 issues -- Richmond Hill High School, \$1.6 million
4 lab; we love you for it, the chemistry lab, and we
5 put in the rest of the money for the other labs that
6 they had, but it brings us back to Richmond Hill High
7 School having an enrollment of 2,213 children with 25
8 trailers and 500 children in the trailers. We had an
9 annex at another school and in the DOE's co-location
10 craziness that they just did, they're removing the
11 annex out of another school so they can co-locate it
12 with something else; now, I don't understand where
13 these kids are going to go; I don't understand why
14 Richmond Hill, after we've been jumping up and down
15 screaming about it for the last three years has not
16 gotten the attention, except for Miss Grillo and the
17 labs and stuff that we needed, to bring down their
18 universe; we've gotten no help at Richmond Hill High
19 School at all. So... [interpose]

20 KATHLEEN GRIMM: I'm sorry; what district
21 is this?

22 COUNCIL MEMBER WILLS: Richmond Hill... oh,
23 she has it.

24 [background comments]

25 KATHLEEN GRIMM: Okay.

COUNCIL MEMBER GENTILE: You good? Okay.

[interpose]

KATHLEEN GRIMM: Which high school,
Council Member?

COUNCIL MEMBER WILLS: Richmond Hill High
School.

KATHLEEN GRIMM: Okay.

COUNCIL MEMBER WILLS: There is issues
with the TCUs or the transportables or the trailers,
supposed to have five-year shelf life; we have 15
years and better. I have one school right now,
PS 40, that has classes outside in the trailers, yet
the DOE is co-locating another school inside of PS 40
without taking the babies out of the trailers and
putting them inside; we have plenty of seats that can
be used for universal pre-K; we have schools like
PS 96 that are busting at the seams and we can't seem
to get any type of extension built there. President
Grillo helped us tremendously with August Martin High
School, with the bleachers and stuff, but we haven't
had a commitment to redo the track or the field;
August Martin had one of the best football programs
and softball programs in the City at one time and we
can't get a simple field done. So except for that

1 cooperation and it's not fair because you just got a
2 portfolio with a lot of things collapsed into your
3 portfolio and President Grillo has to deal with
4 everybody in the world; it doesn't seem like there's
5 a real cooperation or any air of cooperation; I've
6 actually gotten statements from charter schools, and
7 I'm not against charter schools, I'm against all co-
8 locations; right, from them saying that they were
9 told not to even have any contact with us when
10 dealing with where they were proposed to go for co-
11 locations and things like that. So when a community
12 gets it within six months and it's sprung on us, you
13 guys have known about this for a year and change. So
14 there's a lot of things that are going wrong at DOE
15 and I really hope that they get addressed. You know
16 it's a shame that one group has to file a lawsuit and
17 then we have to file a lawsuit when we're all tryin'
18 to get the same thing. I have a school right now,
19 MS 226, the Virgil Grissom School; the DOE rammed
20 through a junior high school co-location last year
21 and said that you had an overwhelming response from
22 the parents for parental choice to put more... a
23 different school and you put a same... it's the same... I
24 know I'm going kinda fast... it's the same discipline

1 as a junior high school that's there, there's no
2 overwhelming response, you have 65 children in that
3 school, yet you're paying a principal, four teachers
4 and administration to supervise 65 kids, which their
5 classrooms only have 22 kids in it and the school
6 that's there's classrooms have 33 or 34 per student,
7 which is way above what we're supposed to have;
8 they've had UFT grievances filed twice; I just don't...
9 I can't get it; I don't know what's goin' on, like
10 there's no coordination, there's no communication and
11 then we speak to the DOE about it it's oh well, you
12 know, we used this matrix and we pulled this out of
13 the sky and we have a big hat here, we just [bell]
14 threw it up. I don't understand; we really need some
15 type of informative correspondence with you guys that
16 is not just one-sided; you know for you to ask us to
17 pay for things that you should be paying for, the
18 technology in the schools -- smart boards, computers
19 and laptops -- it's not fair for you to ask us to be
20 partners on paying for something but not partners
21 when it comes to the children's education, which
22 we're charged with in our districts. I'm sorry, Mr.
23 Chair.
24

25 KATHLEEN GRIMM: I agree.

CHAIRPERSON DROMM: Kinda stay within...

COUNCIL MEMBER WILLS: I know; I'm sorry.

CHAIRPERSON DROMM: let's let them
respond. [interpose]

COUNCIL MEMBER WILLS: Yeah. And... and
but again, it wasn't personal, it's just the
frustration that we're facing. [interpose]

KATHLEEN GRIMM: I understand and... and I
assure you, you will have better communication from
us as we roll out our protocols on these issues and
we will be communicating with you.

LORRAINE GRILLO: And if I might, I'd
just like to add, and as much as I appreciate the
Council Member's recognition of the work we did, none
of that work is done without close coordination with
the Deputy Chancellor and her group. [background
comment] Right. Okay. [background comment]

CHAIRPERSON DROMM: Mic.

[background comments]

LORRAINE GRILLO: Okay.

CHAIRPERSON DROMM: Thank you, Council
Member Wills. Council Member Richards, followed by
Council Member Chin.

COUNCIL MEMBER RICHARDS: Good morning
Deputy Chancellor... [interpose]

KATHLEEN GRIMM: Good morning.

COUNCIL MEMBER RICHARDS: a pleasure to
see you once again, in this capacity. So I'm the
Chair of Environmental Protection, so I wanna put
that hat on for a quick second and I want to speak of
PCBs, and I know you guys have shortened your plans
to go from 10 to 5 years; I wanna know, is that going
to change any of your projected cost or are we still
on... you know, in line to make sure that we really
address PCBs in the same timeframe? Also, just two
environmental questions; I see in your budget you
have boiler conversations, you're going from... I just
need some clarity; I see \$750 million for boiler
conversations; is that to go from No. 4 oil to No. 2
or is it to go from 6 to 4?

KATHLEEN GRIMM: I think there are a few
more 6's, aren't there?

LORRAINE GRILLO: Yeah, we've completed
most of the [background] 6 to 4, so now we're looking
at 4 to 2 or 4 to dual fuel.

COUNCIL MEMBER RICHARDS: Great. And
what's your timeframe to getting No. 2?

LORRAINE GRILLO: Well again, there is a specific timeframe; I believe it's 2030 to get all of them complete, so I think this will cover about 125.

COUNCIL MEMBER RICHARDS: Okay. Also wanted to touch based on... so Council Member Treyger represents Coney Island; I represent the Rockaways and wanted to certainly hear a little bit more on what you guys are planning to do or what have you done in terms of the temporary boilers currently and are you expecting FEMA to kick in, and I just wanna highlight a school that, you know, certainly got some unflattering attention for many weeks in the New York Post, PS 106, which is a school that lost a trailer during Hurricane Sandy, where I think between 200 and 300 children and staff members were in that trailer and now they're all in one building... [interpose]

KATHLEEN GRIMM: Yes. Yes.

COUNCIL MEMBER RICHARDS: and for many years, even prior to my election last year, my predecessor has called for an expansion to that school and you know, I've certainly been in a room as a staffer working... that worked for him saying we need an expansion for this school; it is very unfair for our children now to be cooped up in one building.

1
2 Also, just going back, you know, lookin' at your new
3 capacity seats, we're gonna have a project that's
4 gonna unhatch eventually right across the street from
5 this school, which 1,000 more units of housing are
6 gonna come, and if we don't start dealing with this
7 issue head-on now and passing the buck every year on
8 expanding this school, we're gonna run into a real
9 problem. Our children do not deserve it, the
10 building was probably built, you know, prior to 1920
11 and the design is poor and we need an expansion now;
12 we don't need one later, we need to see money in the
13 budget this... between this year and next year to
14 ensure that that school receives an expansion, or you
15 know the other option is to build a new school; it
16 has plenty of land there. So I'm interested in
17 hearing that and then lastly; I'll be quiet after
18 this, Council Member Dromm, you guys are co-locating
19 a District 75 school into PS 42, which is one of my
20 most problematic schools in the Rockaways where the
21 principal is really doing everything in her power to
22 really turn the school around, but has very limited
23 resources. For a District 75 school now to be put
24 into the school... and the school does have the space,
25 I'm not arguing [background comment] the space, but I

1
2 am concerned that you're now gonna throw in a
3 District 75 school and give no additional resources
4 to the current school that really is in need of it,
5 this principal goes above and beyond; the teachers go
6 above and beyond the call of duty there, and it's
7 very unfair to them that now we're gonna throw
8 another school in the building and not give them the
9 resources they need.

10 KATHLEEN GRIMM: Well let me start with
11 the PCB program; we are on track. This is pursuant
12 to a court order and we're very responsive to the
13 court. So they are expecting reports from us
14 periodically and we expect to see everything
15 completed on time. With regard to 106, we had some
16 difficult times out there, as I'm sure you know; the
17 Chancellor was swift in her response, it has a lot of
18 academic concerns, which is where we're focused right
19 now, you know now the leadership out there has
20 changed. As to whether or not we can expand that
21 school, we will have to take a look at that and get
22 back to you; I'm not sure that's possible, but I
23 would like to hear why you feel so passionate about
24 that and make sure we haven't missed something. With
25 regard to 42... [interpose]

COUNCIL MEMBER RICHARDS: Can I... Can I
just stop you there?

KATHLEEN GRIMM: Any time.

COUNCIL MEMBER RICHARDS: There were 300
kids in a trailer at that building who are now cooped
up in the actual school; the... [bell] there are four
staff members sharing an office and the nurse office
is... it's a problem and... [interpose]

KATHLEEN GRIMM: I... I...

COUNCIL MEMBER RICHARDS: and you know,
whether... whether we have to build a new school, there
is plenty of land over there; this needs to be
something that is projected here; I'm lookin' at your
capacity seats and for School District 27, the
Rockaways are not even included and we have... I mean...
then we have District 29; the list can go on and on
where I see no new capacity seats for these
districts, and these are locations that are busting
at the seams, the Rockaways; no, people did not
retreat from the shore frontline, they are here and
we have more families moving in, and to not see even
the Rockaways mentioned here is ridiculous.

[interpose]

KATHLEEN GRIMM: I... I think that's worthy of a conversation with you. As to PS 42, that co-location is going forward and I have been in touch with several people who have voiced concerns about that; I'm going out to visit it and I think I can assure you that we'll make this work.

COUNCIL MEMBER RICHARDS: And if you guys can define... and I think I spoke to your staff... define what does additional resources mean for PS 42?

KATHLEEN GRIMM: I don't know...

[crosstalk]

COUNCIL MEMBER RICHARDS: Okay, that's...

KATHLEEN GRIMM: I have to go visit...

[interpose]

COUNCIL MEMBER RICHARDS: Yeah.

KATHLEEN GRIMM: we have to evaluate it, we have to talk to the two principals; we have to make a plan.

COUNCIL MEMBER RICHARDS: Thank you.

KATHLEEN GRIMM: Okay.

CHAIRPERSON DROMM: So before I turn it over to Council Member Chin, I've heard some concerns from my colleagues in regard to the use of space; it's an issue that I addressed earlier on in the

1
2 hearing and I would invite my colleagues who have
3 space issues in their districts or the use... or the
4 repurposing of space, where they use rooms for other
5 than intended purposes, to get me that information
6 and we'll include that in a letter to the Chancellor.
7 Council Member Chin.

8 COUNCIL MEMBER CHIN: Thank you, Chair.
9 It's good to see you again, Deputy Chancellor and
10 President Grillo... [crosstalk]

11 KATHLEEN GRIMM: Councilman...
12 Councilwoman.

13 COUNCIL MEMBER CHIN: Not that long ago,
14 right, you made a presentation on your Capital Plan,
15 but of course, every chance I get I'm gonna remind
16 you; we need more seats in Lower Manhattan, south of
17 Canal Street; we were very happy with 1,000 seats and
18 then people got disappointed when half of it went
19 north of Canal, so we're still working on finding a
20 school facility and that's something that we're
21 committed [background comment] to working with you
22 on. On another issue, for Reso A funds that the
23 Council, we give to the school, right, for capital
24 equipment and computer stuff, all the principals are
25 saying that they haven't gotten their grants; are

there some reasons why they're delayed this year? I mean this is April... [crosstalk]

KATHLEEN GRIMM: I have no idea.

COUNCIL MEMBER CHIN: and the money was allocated July 1st.

KATHLEEN GRIMM: I have no idea; I'll find out and will get back to you; it shouldn't be.

COUNCIL MEMBER CHIN: Yeah; I mean this is not one or two principals; this is like all the principals... [interpose]

KATHLEEN GRIMM: Okay.

COUNCIL MEMBER CHIN: that we have allocated Reso A... [crosstalk]

KATHLEEN GRIMM: Okay.

COUNCIL MEMBER CHIN: money to and they are still waiting... [interpose]

KATHLEEN GRIMM: We'll check right away; that's wonderful money and a wonderful resource for us too. [crosstalk]

COUNCIL MEMBER CHIN: I... I know; I mean like, I'm glad that you put money for science facilities for middle school kids; I think a lot of... myself and my colleagues, we're the ones that fund the science labs, you know for the middle school.

KATHLEEN GRIMM: Okay.

COUNCIL MEMBER CHIN: The other question is like the whole thing... you have allocated funding for pre-Kindergarten seats and in my district, in my situation, we're losing three classes of pre-Kindergarten because of overcrowding, so have you started identifying specific space with CBOs or are you also looking at other community facilities that... or private space that can be converted into pre-K classrooms to meet the need coming September?

KATHLEEN GRIMM: There's a massive process underway in the Department to identify additional seats in our buildings, to identify additional seats that CBOs can provide and to increase the number of pre-K students, I believe we're gonna bring the number up to 70,000 this September, so absolutely. I don't know specifically what's going on in your district, but we will find out and share that with you.

COUNCIL MEMBER CHIN: I think I suggest that if you can have your staff work closely with all the Council Members, maybe we can also help start suggesting other sites that might be appropriate for pre-Kindergarten space. The other issue is... and this

1
2 is my district again, but in... next year, the Peck
3 Slip School is gonna be opened up, [background
4 comment] which is, you know great; I mean, 600-
5 something seats, or 700 seats... [background comment]
6 700 seats, we got it bigger, so kids will be moving
7 out of Tweed...

8 KATHLEEN GRIMM: Correct.

9 COUNCIL MEMBER CHIN: so I hope that you
10 will consider keeping Tweed as a possible facility
11 for pre-Kindergarten for, you know, the... [interpose]

12 KATHLEEN GRIMM: I hear you.

13 COUNCIL MEMBER CHIN: Lower Manhattan
14 and... [interpose]

15 KATHLEEN GRIMM: I hear you.

16 COUNCIL MEMBER CHIN: So that's something
17 we wanna make sure you consider that. And the other
18 issue relating to capital is that, a lot of times we
19 wanna allocate funding to help schools that don't
20 have air conditioning and it gets very hot during the
21 summer, so is there a way that you can really look at
22 how we can help, because it's very expensive for a
23 school to get individual units and we're not allowed,
24 as a capital appropriation or Reso A, to supply those
25

units, and some of the schools are used for summer school and the temperature gets very hot in there.

KATHLEEN GRIMM: Well it's difficult because the air conditioners are not capital-eligible; the bigger problem, frankly, is sometimes schools put together the money, forget to tell us that they're buying air conditioners and the wiring won't support it. But I'd be more interested in hearing from you after, what schools you find are open in summer without air conditioning, because we try very hard to make sure all schools opened in the summer have at least some air conditioning.

COUNCIL MEMBER CHIN: We will get back to you... [interpose]

KATHLEEN GRIMM: Good.

COUNCIL MEMBER CHIN: I mean I'm also introducing legislation to make sure that we can regulate the temperature in the schools so that kids will have, you know adequate space and don't have to sweat throughout the summer; I mean...

KATHLEEN GRIMM: It's a conversation I think you'll have to have with the Comptroller.

COUNCIL MEMBER CHIN: [laugh] Well we will definitely work on that, but thank you, Chair.

CHAIRPERSON DROMM: Well thank you,
Council Member Chin for reminding me of those very
hot days in May, June and September that I worked for
25 years in an unair-conditioned classroom;
[background comments] I appreciate that... [interpose]

COUNCIL MEMBER CHIN: ...husband doesn't
have it either and he's on the 5th floor. [laughter]

CHAIRPERSON DROMM: Thank you. And also,
in regard to your question about the Reso A money,
I've also heard some complaints on that and I'll
follow up with you on an individual basis [background
comment] about that and with the Deputy Chancellor as
well. We're going to go to round two; we have two
people asking questions and I'm going to limit it to
three minutes each, so Council Member Helen
Rosenthal, followed by Council Member Treyger and
then I have some follow-up questions on other items
in the Capital Budget as well. [crosstalk]

KATHLEEN GRIMM: Okay.

CHAIRPERSON DROMM: So hopefully we won't
keep you too, too much longer.

COUNCIL MEMBER ROSENTHAL: Thank you
Chair and thank you Deputy Chancellor for sitting
through all of this; I really do appreciate it. I

wanna talk about the science labs, you know in that it makes me nervous to hear that the Department thinks that it's done with the science labs in high schools, so as you may recall in... again, at that same building, at the Beacon Building, there was a terrible explosion... [crosstalk]

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER ROSENTHAL: and one child is... [crosstalk]

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER ROSENTHAL: just coming out of the hospital and going into rehab; there were, I think, nine Fire Department Safety Code violations and there's been no communication with the parents about whether or not those violations have been resolved; have they?

KATHLEEN GRIMM: Yes. I think we have failed in our communication with you, because there have been parent meetings. So we will get you information on what we have done, both in terms of the correction of violations and parent outreach... [crosstalk]

COUNCIL MEMBER ROSENTHAL: Okay, I'm sorry; I... my chief of staff is a parent at the school

and so that's where I get the information from about the lack of communication with parents, so... [interpose]

KATHLEEN GRIMM: Well...

COUNCIL MEMBER ROSENTHAL: help me out.

KATHLEEN GRIMM: that's good feedback; let us look at it.

COUNCIL MEMBER ROSENTHAL: Great. And what is the thought about finishing the upgrades with the science labs in high school; I just, again, visited Brandeis... today is Tuesday; I visited them on Friday and you know, the science lab in that building is woefully inadequate... [crosstalk]

KATHLEEN GRIMM: In Brandeis?

COUNCIL MEMBER ROSENTHAL: Uhm-hm, the Brandeis complex.

KATHLEEN GRIMM: Can't believe it... [background comment] Let us... let us find out; we [background comment] did a lot of upgrades in Brandeis [background comment] two weeks ago, so.

COUNCIL MEMBER ROSENTHAL: Yeah, they're... I'm interested in following up with you about that. And then how... as response to Sandy; how are you guys assessing the school buildings for mold?

1
2 KATHLEEN GRIMM: That assessment has
3 already been done and it was a very difficult time in
4 some schools and our communication with parents.
5 There's no mold in any of our schools and it was
6 difficult communication because so many people in the
7 Coney Island, Far Rockaway areas, their homes had a
8 great deal of mold; we don't build schools the way
9 people build houses, we don't have the kind of
10 building materials that get moldy; doesn't mean we
11 don't have mold from time to time in certain places,
12 but we are mold-free in those buildings.

13 COUNCIL MEMBER ROSENTHAL: Okay. And I
14 heard you mention that you're now looking at the
15 athletic fields for [background comment] schools,
16 which I'm grateful to hear about; none of the high
17 schools in my district have athletic fields [bell] --
18 sorry; can I just finish this one question -- and
19 often the problem is because the Parks Department is
20 the one responsible for the athletic fields, so on
21 the Upper West Side of Manhattan we have Riverside
22 Park and the high schools end up using Riverside
23 Park, so I'm wondering what the communication is like
24 in terms of priorities for... communicating to the
25 Department of Parks, the priority for athletic fields

for schools. Again, the Beacon School does not have outdoor space; you know, the teams in the Brandeis complex do not have a place to train; they train at the opposing school sites; thoughts about how you communicate with the Parks Department.

KATHLEEN GRIMM: We have an excellent relationship with the Parks Department; like everything else, there just aren't enough fields. But if you have some particular situations, we'll be happy to follow up and talk to Parks about them.

COUNCIL MEMBER ROSENTHAL: Great. So I think I have a list with you of three or four things. Who should I... [crosstalk]

KATHLEEN GRIMM: Pardon?

COUNCIL MEMBER ROSENTHAL: I think I have a list with you now for three or four things; who should I follow up with in your office; I have the afternoon free?

KATHLEEN GRIMM: The lady's right here.

COUNCIL MEMBER ROSENTHAL: Great. Thank you.

CHAIRPERSON DROMM: Council Member Treyger.

COUNCIL MEMBER TREYGER: Thank you,
Chair. I would say, Deputy Chancellor, I was also a
teacher for a number of years and at my high school
where I taught, after a big rainstorm there was a
leak on our roof and I taught at the top floor and
that leak affected my classroom and black mold did
grow, so there is... you know, there is a chance of
mold forming in our buildings... [crosstalk]

KATHLEEN GRIMM: Always. Always.

COUNCIL MEMBER TREYGER: and I do... I do
just urge the DOE to consider that, especially in
schools that experience severe flooding in the
coastal areas that were hurt by Superstorm...
[interpose]

KATHLEEN GRIMM: Oh we did... I mean, we
did consider it and it... I'm not saying there was no
mold;... [interpose]

COUNCIL MEMBER TREYGER: Right.

KATHLEEN GRIMM: it wasn't as extensive
as it was in families' homes, which was what was
driving our families.

COUNCIL MEMBER TREYGER: Right.

KATHLEEN GRIMM: But we have... we are rid
of any mold at this point, unless... [interpose]

COUNCIL MEMBER TREYGER: Right.

KATHLEEN GRIMM: you know of something I don't know.

COUNCIL MEMBER TREYGER: Yeah and if there's any feedback that I get, I will definitely share with you... [crosstalk]

KATHLEEN GRIMM: Please do that. Yeah.

COUNCIL MEMBER TREYGER: with your office immediately. I would just like to point out; we heard earlier from Council Member Gentile, and I think there was agreement on your end, that in District 20, for example, there is a severe shortage of space, particularly in the middle schools and I hear that from the CECs quite often; well, the DOE just pushed forward a rush co-location of Seth Low, which really captures a good number of District 20 students and that's a situation where at the end of last year the Eva Moskowitz school program, [background comment] who never, by the way, came to one public hearing, so when we had questions with regards to usage of space, there was never an opportunity to discuss those concerns, but Seth Low is in a situation where they can capture a good number of District 20 students and they have been now

1
2 dealt with this rushed co-location and so I would
3 definitely like to have a follow-up discussion with
4 you about how we can maybe use Seth Low for the
5 better usage of our community's children. I would
6 also like to say, with regards to; how does the
7 Capital Plan reflect the DOE's vision for additional
8 CTE programs? In meetings with the Chancellor, she
9 is a supporter of CTE;... [interpose]

10 KATHLEEN GRIMM: Very much so.

11 COUNCIL MEMBER TREYGER: as a teacher, I
12 was a huge supporter of CTE; how does the Capital
13 Plan reflect the DOE's vision to have schools, to
14 have... offer children culinary arts, to offer
15 engineering; building trades? We have a school, like
16 Grady High School in South Brooklyn that has those
17 types of things; we want to expand them to other
18 schools in my district and of course, across the
19 City, so I'd like for you to speak on that, please.

20 KATHLEEN GRIMM: Well as you know, the
21 Chancellor's very, very committed to the CTE programs
22 and we have been able to enhance them [bell] and to
23 increase them across the City; we will continue to do
24 that; as I said earlier, the SCA really doesn't get
25 involved in what goes in the building so much as to...

except as to make sure that what they're building will fit what we need in any community. But I think you will hear more from us over the coming months on what we're doing with CTE.

COUNCIL MEMBER TREYGER: Thank you.

CHAIRPERSON DROMM: Council Member Chin, with your follow-up.

COUNCIL MEMBER CHIN: Yeah, I just wanna follow up on the air conditioning issue. I just... my staff just gave me more... additional information.

KATHLEEN GRIMM: Okay.

COUNCIL MEMBER CHIN: I mean we could partner on this and I think that DOE hasn't been that cooperative; I mean we at the Council can fund capital to do the wiring and you guys can buy the units out of expense and I mean, if you could meet us halfway and partner with us, I think we can really help improve the conditions in many of the schools in our districts.

KATHLEEN GRIMM: We should talk.

COUNCIL MEMBER CHIN: Okay? Then we don't have to go through the Comptroller's office. [laughter] Okay? Alright. We will have to follow up. Thanks.

CHAIRPERSON DROMM: Okay, good. So thank you very much and then I have a few final questions for you. For the... let me just see where I'm at... okay. In the Capital Improvement Project, it's a total of \$3.3 billion over five years and that's mostly for the projects that are rated No. 5; am I right?

KATHLEEN GRIMM: Yeah.

CHAIRPERSON DROMM: So then my question is really about the others who are rated less than the five and what, if you have it, the total number of dollars needed would be to clear those projects out; has an estimate ever been done on that?

[background comments]

LORRAINE GRILLO: Well actually, it's not just the fives; for example, if we find that the roof of a building is a five and the parapet surrounding it are a four; it would not make sense for us just to do the roof and walk away from the parapets which would be a five the following year, so we'll do those kinds of systems that make sense. As far as an overview of what we would need...

CHAIRPERSON DROMM: So President Grillo, what I'm kind of trying to get at is, there have been

1
2 situations or there could be situations where you
3 constantly have a one or a two that year after year
4 after year don't get looked at, like the bathrooms,
5 per se; I think that's probably what happened with
6 the bathrooms; is there any way to catch those items
7 so that they're not 10 years down the road still
8 being looked at ones or twos?

9 LORRAINE GRILLO: Well they're looked at
10 every year, so... so... [crosstalk]

11 CHAIRPERSON DROMM: But I mean... or dealt
12 with; let me say that.

13 LORRAINE GRILLO: so the condition would
14 be rated and if the condition changes, obviously the
15 rating would change. Sure, if we had all the money
16 in the world we would love to be able to do
17 everything that's a three and above, but we can only
18 do what we have funding to do.

19 CHAIRPERSON DROMM: So is there any way
20 that we can, moving forward, look at those ones and
21 twos and see how we get those done or do you have a...
22 [interpose]

23 LORRAINE GRILLO: It... one... one and two
24 really, basically we're saying that the condition is
25

good, so I don't know that you would want to work on a good condition facility or a... [interpose]

CHAIRPERSON DROMM: So maybe a one is like what I get from my school is where you have... in former computer rooms or even in current computer rooms, where you have wires that either went down the center and then they reconfigure the room, so then the wiring needs to be reconfigured; I think that probably would rate a one or two; it's not an emergency, but you certainly don't wanna have those things in the aisle [background comment] where kids could trip. So how does that get taken care of year after year?

LORRAINE GRILLO: I think that that's much more of a maintenance item [background comment] rather than a capital expense, so we would not be rent... when we talk about rating these systems, it's really the major systems within the buildings -- the roofs, the parapets, the windows, the boiler, the heating system; things like that -- those minor... or, I shouldn't say minor, but those repair type items are not capital.

CHAIRPERSON DROMM: Because principals oftentimes have difficulties getting those items taken care of.

KATHLEEN GRIMM: Do they speak to...
[crosstalk]

CHAIRPERSON DROMM: Yeah, well...

KATHLEEN GRIMM: to their district... the deputy district... [crosstalk]

CHAIRPERSON DROMM: Well they constantly come up when we do the... when we do the November Ask; you know, I think it's November Ask, where we'll ask for those items that we survey the principals for and they come up constantly, the same issues over and over again.

KATHLEEN GRIMM: I... I'm sure there are things that come up for... it's just the... the one you cited seems pretty easy to fix, so I'm not...

CHAIRPERSON DROMM: Okay. So let me... let me take this offline; we'll talk a little bit more about that... [crosstalk]

KATHLEEN GRIMM: Okay.

CHAIRPERSON DROMM: on an individual basis. There has been an issue and a piece of legislation that's been introduced to the City

Council regarding alarms for doors and the legislation was introduced in regard to a response to the little boy that walked out of the school...

[crosstalk]

KATHLEEN GRIMM: Yes.

CHAIRPERSON DROMM: in District 75 and in elementary schools; have you thought about that; is there any budget included in the Capital Plan for that; is that something we can look forward to moving forward?

KATHLEEN GRIMM: If I'm recalling this correctly, it's legislation to put an alarm on every single door and I understand the impetus behind it, but frankly, you know, this comes out of such a tragic situation. What we have done... we have looked at everything, actually, in response; we do not think it's a prudent use of funds to do every single door. Children are gonna walk out of our buildings unless we know that we have totally trained adults in the building that know what procedures are, know how to watch children, know how to be alert for somebody who might be walking where or she isn't supposed to be walking and we have revamped and reissued all of our policies, which we're happy to share with you, and we

1
2 are looking particularly where we have District 75
3 children; we have, for example, introduced with the
4 Police Department new training protocols for the
5 agents on duty. We're working very closely with my
6 colleague, Deputy Chancellor in charge of students
7 with disabilities and English language learners to
8 make sure that all staff in the building are
9 coordinated and that if we have a District 75 co-
10 located with a regular school, that they are united
11 and that they all know they're responsible for all
12 the children in that building. Is it a perfect
13 picture? No. But I don't think the Department is
14 gonna support that bill.

15 CHAIRPERSON DROMM: So I may respectfully
16 disagree with you a little bit on that... [crosstalk]

17 KATHLEEN GRIMM: Of course.

18 CHAIRPERSON DROMM: I know and I
19 understand about having adults and has a teacher I
20 would always count, count, count everywhere we went
21 when we were in the school, however, there are
22 opportunities where children, you send them to the
23 bathroom and even if you send them to the bathroom
24 with a partner, etc., so forth and so on, one could
25 run and even the other one coming back to the

1
2 classroom would tell you and in that little bit of
3 time that other child could be out the door, so I'd
4 also like to have a discussion further with you on
5 this [background comment] as well as with the sponsor
6 of the legislation moving forward about a cost
7 estimation on this, because it seems to me to be
8 somewhat of a practical solution; there may be some
9 obstacles to it as well, including finance; I
10 understand that, but let's talk about that a little
11 bit further down the road. [crosstalk]

12 KATHLEEN GRIMM: Of course. Very good.

13 CHAIRPERSON DROMM: And this... the
14 principal in the school has already done it, you
15 know, so... because I was also talking about the 4-
16 year-old; I think it was a 4-year-old boy in Brooklyn
17 who left, not just Avonte Oquendo... [interpose]

18 KATHLEEN GRIMM: Yes.

19 CHAIRPERSON DROMM: so. Let me go,
20 'cause I don't wanna... I wanna be respectful of your
21 time and you've been very good in answering all of
22 our questions here today, so quarterly reports; is
23 there any possibility that we can get them in Excel
24 form rather than in the PDF form? It would help us
25 [background comments] tremendously if we could have

that information so that we can use it more to our advantage in terms of the oversight that needs to occur here in the Council?

KATHLEEN GRIMM: If we can do it, we'll do it.

CHAIRPERSON DROMM: Okay and they've said that in the past and that hasn't really happened, from my understanding, [crosstalk, background comments] but we would love to be able to get that. [background comments]

KATHLEEN GRIMM: It's a major undertaking; maybe we could talk about what it is you need and what we can do to adjust to it.

CHAIRPERSON DROMM: So basically we're looking at being able to take those numbers and to put them together and mix and match them, etc. and we understand that you don't want to have the public perhaps mixing them up on your own numbers and then coming back to you with skewed numbers, but for us in the Council in terms of oversight... [interpose]

KATHLEEN GRIMM: I understand.

CHAIRPERSON DROMM: when we wanna look at and compare those numbers, something like that would be very useful to us as well.

KATHLEEN GRIMM: Okay.

CHAIRPERSON DROMM: So we'll follow up with that also, probably in a letter to you. Two or three more questions. The February plan includes \$650 million for wrap-up insurance costs. Can you tell me about what's happening with the insurance cost; is the Administration advocating to change the Scaffold Law and if so, how?

KATHLEEN GRIMM: Well right now that's under discussion, so I have nothing specific on what the Administration's position is. What we and every building in the State is experiencing is sort of a move in the industry itself. We have had a lot of reporters calling us saying, "I understand you don't have insurance anymore." None of that is true; we are insured. But I think we have to... you'll have to ask someone else what the position is going to be.

CHAIRPERSON DROMM: Lorraine.

LORRAINE GRILLO: Well I just wanna add that the most important thing that we're dealing with as the SCA, most important thing to us is safety, so whether it's safety for our staff and students, as well as safety for our workers, this is a very complicated issue... [crosstalk]

KATHLEEN GRIMM: Yes.

LORRAINE GRILLO: with a lot of moving parts and I think that we need to all come together to resolve it. Yes, it's expensive; yes, it's costing us a great deal of money, but there's a lot to be said, the most important thing; I'm gonna reiterate it again, is the safety of the folks that are doing this work.

KATHLEEN GRIMM: Complicated.

LORRAINE GRILLO: Complicated.

CHAIRPERSON DROMM: Okay. And then to go to my last questions, and it does regard charter schools. How much capital funding was spent in charter schools in the current Fiscal 2010-2014 Capital Plan? How much overall spending was done there?

KATHLEEN GRIMM: Was about \$11 billion?

LORRAINE GRILLO: Yes.

KATHLEEN GRIMM: We had that on the front... [background comments] Oh, charter match?

LORRAINE GRILLO: Yeah, charter match. It'll be just a moment.

KATHLEEN GRIMM: Charter match... so that everybody understands what that is, [background

comment] if a charter requests to do work in one of our buildings and it's over 5,000, we have to approve it, we have to approve their vendor, whoever's gonna come in, in terms of the contractor, and we then match for every school in the building the same amount of money. It's actually been a great boon for some of our schools. And last year we spent [background comment] \$20 million. Because the charters spent about 10 and we usually have more than one school in a building and we have to match dollar for dollar for every single school; our principals love it.

CHAIRPERSON DROMM: Your principals...

KATHLEEN GRIMM: Love it. [background comments]

CHAIRPERSON DROMM: Depends where you are, I would think. [laughter] [crosstalk]

KATHLEEN GRIMM: No, no, they love the money; they don't necessarily love the charter, I understand, but... [crosstalk]

CHAIRPERSON DROMM: Right. And even the benefit of the \$10 million is... well it's... we'll talk about that at another hearing, actually. So can you provide me with a list of those charter school

projects and funding and then the match amount for each... [crosstalk]

KATHLEEN GRIMM: Sure.

CHAIRPERSON DROMM: for each co-located charter school...

KATHLEEN GRIMM: Not this morning, but we can provide it. [crosstalk]

CHAIRPERSON DROMM: so that I can look at that and can you get that to me ASAP? [laugh]

KATHLEEN GRIMM: Yeah.

CHAIRPERSON DROMM: Please.

KATHLEEN GRIMM: Yes.

CHAIRPERSON DROMM: Yeah, okay, thank you. Alright. And then Council Member Rosenthal has one last question.

COUNCIL MEMBER ROSENTHAL: Sorry; just on that point, again, I was in the Brandeis complex and four other high school students... high school principals in that complex did not see... do not have a record... [interpose]

KATHLEEN GRIMM: Which building?

[background comment]

COUNCIL MEMBER ROSENTHAL: so this is in the Brandeis complex where Harlem... [background

comment] Upper West Success came in and they had
spent \$500,000 to renovate their cafeteria...
[crosstalk]

KATHLEEN GRIMM: Yes.

[background comment]

COUNCIL MEMBER ROSENTHAL: and to change
out bathrooms for their students, so the problem is,
the other principals have no tracking mechanism for...
[background comment] and no understanding of whether
or not \$500,000 was equivalently spent in each of
their schools and they've been asking for things like
air conditioning in their classrooms, some pretty
basic things -- upgrades to the science labs; that's
how they wanna spend their \$500,000 and they don't
feel that they know where they are in the spending
and they've been told that there's no more money
available to them. So I'd love to see, specifically
for the Brandeis complex, when you... [interpose]

KATHLEEN GRIMM: You bet; I have those
numbers. I know that money was spent... [interpose]

COUNCIL MEMBER ROSENTHAL: Great.

KATHLEEN GRIMM: so we'll be glad to
share that with you.

COUNCIL MEMBER ROSENTHAL: Thanks; I appreciate that.

[background comments]

CHAIRPERSON DROMM: Okay, thank you very much; I wanna thank both Deputy Chancellor Grimm and President Grillo for... I'm sorry; Council Member Richards had one final follow-up; I apologize.

COUNCIL MEMBER RICHARDS: It's 30 seconds. So I had the pleasure of visiting Springfield High School a few weeks ago and just wanted to know... so I see that you guys allocate \$650 million for technology; is that for... just in general or for school needs, you know... [crosstalk]

KATHLEEN GRIMM: No.

COUNCIL MEMBER RICHARDS: computers or labs? And I only say that... I'm only saying this because I take a big bulk of my budget; I put... I took \$3.5 million out of my own Capital Budget this year and put into our schools, but wanna know what can you guys do to better support our efforts so we don't necessarily feel like we're in this battle alone? And then I just wanna echo what Council Member Chin spoke of the air conditioning; there are a lot of events that happen at that school; I mean, you can

1
2 get 500 parents on a good day at an event and but in
3 the summer it's very hot and I'm willing to put, you
4 know, some capital money in, but I just need to know
5 that, you know you guys would support it.

6 KATHLEEN GRIMM: We're happy to talk to
7 you about that; it... believe me, I have made no
8 commitment to go out and buy a lot of air
9 conditioners and in each case we would wanna talk to
10 you about how money you wanna put into wiring,
11 because it's sometimes not a small job, especially in
12 some of these bigger buildings. But your original
13 question on Springfield was...

14 COUNCIL MEMBER RICHARDS: So just, you
15 know, in terms of capital funding, which I see you
16 guys have... [interpose]

17 KATHLEEN GRIMM: No,

18 COUNCIL MEMBER RICHARDS: \$650 million...

19 KATHLEEN GRIMM: that money...

20 COUNCIL MEMBER RICHARDS: so just how do
21 you... do you guys build... [crosstalk]

22 KATHLEEN GRIMM: What that...

23 COUNCIL MEMBER RICHARDS: So you will
24 build a computer lab on your own? Because like one
25 of my schools in particular, I funded one of the

schools; I'm able to have four schools in there...

[interpose]

KATHLEEN GRIMM: Right.

COUNCIL MEMBER RICHARDS: and you know, my money only goes so far with 32 schools in the district and wanted to know how do you guys... do you guys come in and invest your own... can you invest separate money outside of the... sorry; I shouldn't be givin' away the pie; I don't want all the other members to really know, [laughter]... [crosstalk]

KATHLEEN GRIMM: Most of...

COUNCIL MEMBER RICHARDS: but I wanna know what you support. [crosstalk]

KATHLEEN GRIMM: Most of this money is directed toward making sure when you give money for a computer lab, the computers work. It's wireless technology for every classroom; it's increasing bandwidth in each of our schools; most of it is agency-wide investment in the buildings themselves to bring those buildings up to speed, because more and more our young people are using computers. Now we have some other programs where we sometimes do provide computers, but your help is always appreciated.

COUNCIL MEMBER RICHARDS: Just find it a little odd, because sometimes I'm paying for that bandwidth as well. So if you're saying you guys are doing that, we need to reassess... [interpose]

KATHLEEN GRIMM: Oh yeah.

COUNCIL MEMBER RICHARDS: and make sure... Okay. We'll have that separate conversation on that. Thank you. [crosstalk]

KATHLEEN GRIMM: Good. Okay.

LORRAINE GRILLO: Thank you.

CHAIRPERSON DROMM: 'Kay, once again, thank you very much for coming... [crosstalk]

KATHLEEN GRIMM: Thank you.

CHAIRPERSON DROMM: And I'd now like to call up [background comment] Ernest Logan, the President of the Council [background comments] for Supervisors and Administrators and Richard Mantell, the Vice President for the United Federation of Teachers.

[background comments]

CHAIRPERSON DROMM: Okay. I'd like to swear in our witnesses; if you would raise your right hand, please. Do you solemnly swear or affirm to tell the truth, the whole truth and nothing but the

truth in your testimony before this Committee and to respond honestly to Council Member questions?

ERNEST LOGAN: I do.

RICHARD MANTELL: I do.

CHAIRPERSON DROMM: 'Kay, thank you.

Ernest; would you like to start?

ERNEST LOGAN: Thank you, Mr. Chairman; it's a pleasure being here this afternoon... this afternoon and I wanna take this opportunity to speak on behalf of the nearly 13,000 members of the Council of School Supervisors and Administrators who represent principals, assistant principals and supervisors in the New York City public schools, as well as directors and assistant directors of City-funded early childhood day care centers. I'm not going to read my testimony, 'cause you have it, but I wanna reach... tap on some points here.

Last year in past years, Chairman Jackson, who previously chaired this Committee talked to us about the capital budget being... really the goal was to remove these TCUs and I've heard some testimony here today and I've heard people say that principals like them because they're air conditioned; I don't accept that premise; I think we've gone a

1 long time now with these temporary facilities that
2 are very difficult to maintain, that tend to provide
3 us instead of a real stabilized building like a... and
4 they were built as a temporary fixture; they've now
5 become almost permanent in our lives and we're a city
6 that's larger than that; it's time for us to really
7 move forward on them and moving them out of the way
8 and if it's air conditioning, and we've heard a lot
9 about the air conditioning today, it's now about time
10 to build extensions or improving the air conditioning
11 of our existing buildings or upgrading them.
12

13 We really are very happy with what we're
14 seeing now in the new administration; I need to say
15 that; we've always had a very good relation with the
16 School Construction Authority, that they reached out
17 to our members as they were building things and
18 renovating them, but now with the administration
19 there seems to be a more collaborative approach to
20 dealing with the issues at hand, so I need to start
21 off by saying that. But to make that happen there
22 are some things that the Council is going to have to
23 do and one of them is that this idea of the PCB
24 removal; we wanna have interim reports; we wanna see
25 where they are, because we don't want it to lax; we

wanna know exactly if we're on point and just because the lawsuit prompted the Department to really start doing this, we would need to know where they are in these so that we don't fall back; we need to know exactly where it is.

We wanna support universal pre-K and we believe that there... we have the capacity to do this, but I wanna remind everyone that... and then I have this in my testimony; it takes three classrooms to provide instruction for 100 8th graders, but it take five classrooms to provide instruction for 100 pre-Kindergarten students. So we need to keep that in mind as we're talking about this to make sure that we don't create a situation that we create overcrowding, because now we have to look really carefully about where the space is and where the need is; does not help us to have thousands of seats in Bensonhurst when we need them in Bayside. So we need to really seriously look at this and that's where the City Council plays a very vital role in this.

I just wanna just talk a couple of other issues and then I'm going to be able for questions.

We've heard about them revisiting the Blue Book and we are pleased; that's been a battle

1 that we've had for so long about what is really the
2 vacancy and how it's utilization. But we wanna know
3 who's gonna be included on the task force -- where
4 the principals, the teachers, security people, the
5 custodians -- who's on this task force? And what is
6 the timeline for them to have the completion of this
7 task of revisiting this book so that you have all the
8 people who are gonna be affected and what is the
9 timeline? And then something that's constantly
10 raised, and SCA does this quite a bit, we have a
11 rating system on what needs to be done in regards to
12 construction issues or... I heard today, well this is a
13 maintenance issue. Well if I'm a principal of a
14 school and I have an electricity line down the middle
15 of a floor, that's not a maintenance issue to me;
16 that's a safety issue. So I need to know what do you
17 mean by this rating one to five; what does it mean
18 and how do we determine what's maintenance and what's
19 construction? Now as a principal of a school, I
20 don't know anything about construction, but I do know
21 that I have a safety issue and I need to have it
22 completed, so how do I go about getting that done?

24 So the last piece, and this was raised
25 today and then I'm... and you can see what's left of my

1 testimony. You've heard conversations about when
2 charter schools receive money for upgrades and
3 improvement the traditional district schools housed
4 in that building are supposed to get the same type of
5 thing; the problem that my members continually have
6 is; how do they tell what's equivalent? How do they
7 know that they got the same core? So if they spent
8 \$500,000 somewhere, how do you know that you also
9 have \$500,000? And so that's where the oversight
10 becomes very important, so I appreciate the Chairman
11 asking the question; can I see what you've spent,
12 because I think we need to look at the cost factor
13 here; how one thing looks at and what it looks like
14 for the other side.

15
16 So I thank you for your time this
17 morning; I'm available for questions and.

18 CHAIRPERSON DROMM: Just before we go to
19 Mr. Mantell, I have just a couple of comments. One
20 is regarding the principals and the portables; you
21 know, I raised that question, having had experience
22 firsthand and I did object when they said that
23 principals like them, because having the experiences
24 that I had, even though there oftentimes is air
25 conditioning, it's damp or it's too cold or they

1
2 don't work right or the heat which comes from the
3 same unit, I believe in many of them, doesn't come
4 on, so there are many problems still and actually,
5 I've never really met a principal who wanted those
6 portables.

7 ERNEST LOGAN: Appreciate...

8 CHAIRPERSON DROMM: And plus, the
9 security issues of walking kids out to them and
10 coming back and forth from the school to the lunch
11 room, etc., so forth and so on.

12 In regard to the UPK seats, they're
13 saying about 53,000 seats are going to be opened up
14 and they say that they have availability for them,
15 and I am also... I realize that it's an ambitious plan
16 and one that I support, but I also have some concerns
17 about... in Districts, particularly like 24 and 30...
18 [crosstalk]

19 ERNEST LOGAN: Right.

20 CHAIRPERSON DROMM: where those seats do
21 not exist and how they're going to work with, I guess
22 CBOs at this point. And finally to say, I was one
23 step ahead of you in terms of the Blue Book Task
24 Force, because I did appoint a principal and a
25 teacher as my appointees to the... [interpose]

ERNEST LOGAN: Okay. Thank you.

CHAIRPERSON DROMM: Blue Book Task Force that would have that representation there. Thank you for your testimony.

ERNEST LOGAN: Okay. Thank you.

CHAIRPERSON DROMM: Mr. Mantell.

RICHARD MANTELL: Thank you, Councilman Dromm and members of the Committee... [interpose]

CHAIRPERSON DROMM: Could you just turn your mic on?

[background comment]

RICHARD MANTELL: I guess that would help. [laughter] Thank you, Councilman Dromm; members of the Committee for continuously supporting public education. I'm here today to represent the 200,000 members of the UFT; I submitted testimony in writing; just a few points I wanted to point out and a few of the things I echo Mr. Logan; what he had said earlier.

So we're very pleased to see that the de Blasio Administration has reallocated \$210 million to create thousands of much needed pre-K seats; it's a welcome shift in resources that will make tens of thousands of 4-year-olds very happy. And we're also

1 glad that the Administration has committed \$480
2 million to remove the trailers, or the TCUs; I am yet
3 to meet the teacher that loves being in a trailer; a
4 lot of them have outlived their usefulness, they're
5 held together with chewing gum and scotch tape;
6 heating is not always available; if so it's not
7 working up to the best of its abilities; very often
8 they're damp, a point you had raised yourself, and
9 there's no reason why kids should be sitting in these
10 trailers, they should be in the building with the
11 rest of the students in the school.

12
13 So we strongly encourage the DOE and SCA
14 to outline their plan for removing these temporary
15 trailers and to develop a timeline to complete the
16 work so we can follow up with that.

17 We're also pleased that the
18 Administration has really accelerated the removal of
19 PCB contaminated lighting fixtures; I mean these are
20 ticking time bombs that should not be in schools;
21 they should be out of there as soon as possible.

22 I just want to... on another note, a lot of
23 great work was done with Hurricane Sandy Relief
24 fixing up the schools; my former district, District
25 18, had a great deal of damage, but unfortunately

1
2 some of these schools still have these temporary
3 boilers and it's the only way you can get heat or hot
4 water and we think that should be a priority. Those
5 schools should be addressed first. In those very
6 same schools some of the alarm systems are not
7 working and teachers are doing fire watch because the
8 fire alarms are just not working in these buildings.

9 So at its most basic level, the Capital
10 Plan is about creating seats for students and this
11 plan includes a modest increase; I believe roughly
12 32,000 and change, which are largely slated for
13 elementary and middle schools, but yet class sizes
14 and student enrollment is just growing throughout the
15 City. The UFT still believes that unmet needs for
16 seats is far greater than the number being funded.
17 The City's own estimates put the needs for seats
18 closer to 45,000, much of that in Queens alone. Many
19 schools there are already overcrowded and the City
20 needs a comprehensive strategy to reverse this trend.

21 The DOE should also take a comprehensive
22 approach to reviewing and upgrading science labs;
23 we've seen many schools where lab equipment does not
24 work; other times they've upgraded the labs, but yet
25 the stuff... the stuff... [laugh] the equipment simply

1
2 does not work or was not properly installed or
3 installed at all.

4 On a final note, I just wanna thank the
5 Council, the DOE and SCA for their support of capital
6 projects in our Community Learning Schools Program;
7 thanks to a great collaboration, we're moving ahead
8 with plans to put health and vision clinics in
9 several of these school buildings and once in place,
10 these clinics will service not only students in the
11 school, but students in the overall community as
12 well. So thank you.

13 CHAIRPERSON DROMM: 'Kay, thank you, Mr.
14 Mantell as well. I just want to again agree with you
15 on the trailer issue; you know I remember about two
16 years ago when I saw on this committee asking the DOE
17 if they had a plan to deal with it and actually they
18 didn't at the time or they didn't think that they
19 were gonna move forward on the removal of them, so
20 this is an improvement that they're at least
21 beginning to think about it; I still have questions
22 about where those seats really are going to be; we
23 intend to follow up with that at the next hearing,
24 which will be on the Executive Budget Plan and in
25 future hearings with the DOE as well. And for those

1 people in the public who may not understand what fire
2 watch... you mentioned that in your testimony, I
3 believe... is; it's one of the more bizarre things that
4 I've seen, where they actually hire people to sit
5 [background comment] in a building and watch for
6 fires because they don't have the fire alarm
7 connected. Now I've seen this in schools where the
8 alarms are broken and I have seen this in new
9 constructed buildings as well, because they didn't
10 get the fire alarms up. So it's kind of really weird
11 to walk into a building and see people sitting in the
12 hallways as fire watchers, but important that there's
13 some system; I don't undermine that, but the way in
14 which it's dealt with is kind of just very strange
15 and so these are issues that remain outstanding and I
16 wanna thank you for your testimony as well; I don't
17 have any... I think... oh, we do; Helen Rosenthal has a
18 question. [background comment] Sorry.

20 COUNCIL MEMBER ROSENTHAL: Thank you very
21 much; this is good testimony; I really appreciate it.
22 And...

23 RICHARD MANTELL: Thank you.

24 COUNCIL MEMBER ROSENTHAL: perhaps these
25 questions are somewhat misdirected, but I'm wondering

1 if... with the... you brought up about the trailers and
2 about how no teacher really... it's hard... you'd be
3 hard-pressed to find a teacher or principal who loves
4 the trailers, and I heard... what I heard this morning
5 was Deputy Chancellor Grimm giving herself a lot of
6 wiggle room about whether or not all the trailers
7 would be addressed and with that in mind, I'm hoping
8 you'll help us sort of keep track of these, because
9 the ones that are... that I'm familiar with are
10 temporary trailers that are 25 years old; I'm
11 wondering when temporary runs up.

12
13 ERNEST LOGAN: Yeah, I appreciate that.
14 Council Member Donovan Richards raised the issue of
15 one of his schools in Far Rockaway; if it had not
16 been for Sandy that TCU... [interpose]

17 COUNCIL MEMBER ROSENTHAL: Yeah.

18 ERNEST LOGAN: would still be there; it
19 was falling apart then, and so it didn't take much
20 from Sandy to wipe it out, but the problem became
21 that the 300 students who were in that facility wind
22 up being pushed into the main building and my concern
23 with this, and we've raised this and we've raised
24 this also at the State level, is that there has not
25 been a comprehensive thought process of these

temporary places that have been now temporary for 15 years and in 15 years the system has not decided what to do about the space...

COUNCIL MEMBER ROSENTHAL: Yeah.

ERNEST LOGAN: and so you're absolutely right, we're going to watch this because we have a commitment that we've never had before, at least that we will try to get rid of them, so we wanna hold them accountable... [interpose]

COUNCIL MEMBER ROSENTHAL: Great.

ERNEST LOGAN: that's why I asked the Council, if you can push to see that we get interim reports, maybe every month, every two months; every three months, about where they are... [crosstalk]

COUNCIL MEMBER ROSENTHAL: And I like the idea of the timeline...

ERNEST LOGAN: Yeah.

COUNCIL MEMBER ROSENTHAL: as well; that was smart. Similarly, do you have reports... Deputy Chancellor Grimm seemed pretty confident that all the mold was out of the schools; is that what you're hearing as well?

ERNEST LOGAN: We've had some issues out in Rockaway... I think it was... Scholars Academy was the

1
2 last place that we had some issues; we believe that
3 they've done a very good job of eliminating that, but
4 as I said, we're not the scientists and I think until
5 you have outside people come look, it's hard for you
6 to know what's there and what's not there, and so I
7 think that's an issue.

8 COUNCIL MEMBER ROSENTHAL: Thank you.

9 And similarly, she seemed pretty confident that the
10 high school science labs were fully up to code and in
11 good shape; have you seen the same thing in... same
12 reports from your principals and teachers?

13 ERNEST LOGAN: Can I... I wanna dial back a
14 bit on that. There was an issue I think that was
15 raised, I think I heard part of this about we didn't
16 lose any programs; we lost whatever; we went from
17 built-in labs in many places to carts that come
18 rolling in. Now I travel all over the country; I see
19 schools all over the country; I've seen schools in
20 urban areas that are in worse shape than we are, but
21 they do have labs; we're in New York City; we should
22 have upgraded labs; I question sometimes how our labs
23 are set up, especially when we've gotten rid of lab
24 specialists who were setting up the labs. So every
25 time we cut back and we try to make up with the

1
2 technology of something that we used to have that was
3 existing, I think we always leave ourselves open to
4 issues about not being really up to code and up to
5 par.

6 COUNCIL MEMBER ROSENTHAL: Thank you.

7 CHAIRPERSON DROMM: Council Member
8 Treyger.

9 COUNCIL MEMBER TREYGER: Thank you, Chair
10 and welcome, President Logan; Vice President Mantell;
11 thank you for being here. We heard from both the
12 Deputy Chancellor and the SCA director that schools
13 sustained about \$400 million in damage as a result of
14 Superstorm Sandy; they testified as well that about
15 \$90 million has been spent; to your knowledge, to
16 either of you, do you feel that the pace of Sandy
17 recovery is up to par with our standards and with
18 regards to temporary boilers; in Coney Island it is a
19 reminder every single day what that community went
20 through because of Sandy and we get reports sometimes
21 that it's working too much or not working at all.
22 What have you heard from your members in feedback
23 that you could share with this Committee?

24 ERNEST LOGAN: You wanna start?
25

1
2 RICHARD MANTELL: I've heard some similar
3 complaints that you really can't regulate the heat in
4 some of these temporary boilers, so either it is way
5 too hot or just freezing; there's no in-between. So
6 that's been an issue that we've heard from a number
7 of members where these boilers are still in place.

8 ERNEST LOGAN: And I just would like to
9 see if we can... I think there has to be some
10 wherewithal to be able to exist and let us get these
11 boilers done; the weather's going to change; is there
12 a plan to now do them for this spring and summer or
13 are we gonna go through another heating season with
14 them? And I have yet to hear... and I don't know if
15 they're... I didn't hear anything today in testimony of
16 whether there's a plan to replace them or not and if
17 there was money set aside to do that, but for me
18 that's a priority. I think for a child walking into
19 a building and there's this big trailer sitting out
20 on the side or taking up space in the playground so
21 that we can put... I think it gives a very bad message
22 of how we look at their education.

23 COUNCIL MEMBER TREYGER: I fully agree
24 and because the first thing, you know, is perception,
25 you walk into a school and this is the first thing...

1
2 it's a major eyesore; it's a reminder every day of
3 what that community went through and I think you had
4 answered the question; I was gonna ask the same one
5 about, if you've heard from your membership with
6 regards to mold, particularly in schools that
7 experienced flooding, because as a teacher, I did see
8 mold; after a major rainstorm, there was a leak on
9 the roof, but if you hear of anything with regards to
10 schools that experienced flooding that are in flood
11 zones, I would definitely appreciate the feedback to
12 this Committee, because we will aggressively follow
13 up on those types of things, 'kay.

14 ERNEST LOGAN: We will do that.

15 COUNCIL MEMBER TREYGER: I appreciate it.
16 Thank you, Chair.

17 CHAIRPERSON DROMM: Thank you very much
18 and I wanna thank the panel for coming in as well;
19 good to see both of you. 'Kay, our next panel is
20 Leonie Haimson from Class Size Matters, Mark LaDore
21 from New York Lawyers for the Public Interest, Ladov,
22 I'm sorry; Christina Giorgio from New York Lawyers
23 for the Public Interest as well. [background
24 comment] Okay. And we have, for the record, from
25

Claude Fort, from Local 375, the testimony as well.

Okay; let's start over here.

LEONIE HAIMSON: Okay, thank you very much, Chair Dromm and the other members of the Committee who are still here; I have been... the Capital Plan has been an ongoing obsession of mine ever since I started to do work on class size, because as you know, without the space, class sizes cannot be reduced and I have to differ with Ernie just a little bit in that the promises of DOE to remove the TCUs have been in every single Capital Plan since 2003 and we don't see any real different; I mean it's given more prominence in this plan, but as you will be able to see from my testimony that I'm not gonna read, there is no plan that I can see in the Capital Plan for actually creating the seats to replace them and I reached out to Kathleen Grimm and the DOE several times for them to break down their costs, their analysis of the 50,000 or 49,000 seats that they said they had a need to, and they could not explain that number; there has never been a transparent needs assessment done for the Capital Plan in at least the 20 years, that I know of, and I think we need one badly. We looked at enrollment

projections; the enrollment projections, which in the past have been underestimated what's happened, now say we are gonna need 60-70,000 new seats just to keep up with enrollment growth in the future, and for just the districts that are over 100 percent capacity we need at least 30,000 seats to bring those schools down to 100 percent, as we know, these are the DOE's utilization figures; the vast majority of experts and independent observers agree that the utilization formula in the Blue Book actually understates the level of overcrowding and I hope that we come up with a better formula because we've been pushing for that now for almost 10 years. The Blue Book does not account for smaller classes, in fact the class sizes in the Blue Book will push class sizes even higher, which are the highest now, you know, in many grades in 15 years; it does not allow for a full compliment of art, music and science rooms; it does not allow for dedicated space for special education students to get their mandated services. And I'd just like to take you through a few of these points where there's a huge undersupply of seats in the Capital Plan; I have a PowerPoint here which I'm happy to make available to you as well; one of the critical needs

1 that we saw was the needs for high schools in Queens;
2 right now there is the shortage of more than 17,000
3 seats in Queens high schools, yet only about 2,800 in
4 the Capital Plan. And we really believe that without
5 a transparent needs assessment we will never know
6 what the true dollar amount is and it is [bell]
7 incumbent upon either the DOE or some independent
8 monitor, like the City Comptroller, to provide that
9 number which we have not had in over 20 years.

11 I just wanted to make one other point
12 about the TCU report; it is very confusing, the data
13 in it contradicts from Part I to Part II and to the
14 Blue Book, but we've done a fairly close analysis of
15 the TCU report and the 7,000 enrollment number does
16 not reflect either high school students in the TCUs
17 or District 75 kids in the TCUs, so that number needs
18 to be more like 12,000. Thank you very much.

19 CHAIRPERSON DROMM: 'Kay, thank you;
20 next.

21 MARK LADOV: Thank you Chairman Dromm and
22 members of the Committee; my name is Mark Ladov, I'm
23 here from New York Lawyers for the Public Interest.
24 You have our written testimony; we are also concerned
25 and focused there on the problem of these school

trailers; I think a lot of what we say in our written testimony you'll have heard from the prior panelists and from a lot of the questions being asked by the members today, so I'll try to keep it short.

But we definitely... you know we share everybody's concerns with eliminating unsafe and unhealthy school trailers; we certainly commend the DOE for putting some more attention, at least in writing, on this, but to say that it's an aspirational goal to get rid of trailers is not enough and frankly, as Leonie said, and we thank her for bringing a lot of these numbers to our attention, the numbers just simply do not add up.

A lot of people have explained some of the problems with trailers; a couple of things I'll mention, a lot of them are in unacceptable condition, they provide unhealthy learning environments; at their worst they can be moldy, we've heard people say that they smell of animal urine because in some places there's animals living underneath the trailers at night. You know, we've heard that trailers that were cleaned up for mold remediation, then the next year the mold comes back again, which either suggests that the DOE is not doing enough to remediate mold or

that these trailers are just beyond remediation. And you know, we're certainly concerned especially that kids with asthma or teachers with asthma who are being asked to learn in these unhealthy environments are being subjected to potential civil rights violations as a result. We're concerned about taking up playground space; we heard people talking about that as well. In a school like Richmond Hill High School, which we heard about earlier, trailers take up the entire outdoor playground; again, even though under City and State legal requirements, schools need to have outdoor playground space. In numerous schools, special education classes are taking place in trailers; by our account, based on the City's report, 33 District 75 classrooms and 17 non-District 75 special ed classrooms are being housed in trailers, and finally, we just think, as we've also heard today, trailers are just sending our kids the wrong message, and Chairman Dromm mentioned the security problems with walking kids out to trailers; another thing we heard from somebody at a high school where there's a lot of trailers, is attendance problems, we've heard concerns that attendance rates among older kids in these trailers is way lower than

1
2 it is in the main building; that's obviously
3 something that we should all be concerned about.

4 So for all of these reasons, we fully
5 agree that it's time for the trailers to be
6 eliminated; as Leonie said, I think... Leonie has
7 moved... sorry. As Leonie said, the numbers are off; I
8 mean we've heard 7,158 being described as the current
9 TCU enrollment, but that doesn't include things like
10 music classes or special education classes or arts
11 classes; we need to replace those as well, that's a
12 huge problem not just in the trailers, so we also
13 think that the need is really more like 11-12,000
14 seats; meanwhile, the seats that are being built
15 under the new Capital Plan aren't even enough to
16 address the projected enrollment increases in the
17 City, so there's just not enough being built, so we
18 really... we thank the Council for raising all of these
19 questions; we urge you to keep asking these questions
20 to make sure we're getting concrete plans; [bell]
21 we're getting concrete numbers, and just one final
22 quick point; Leonie mentioned concerns that the TCU
23 reports are contradictory; the other thing I would
24 say is that they're really hard to find; I got those
25 reports from Leonie, but I did searches of the

1
2 Department of Ed's website, I searched on Google; as
3 far s I can find, those reports, which are required
4 to be submitted by the DOE every year, are hard to
5 find if you're in the public, so we need so much more
6 transparency from the City around these issues and we
7 thank you for working on that.

8 CHAIRPERSON DROMM: Thank you; next
9 please.

10 CHRISTINA GIORGIO: Good afternoon; I'm
11 Christina Giorgio and I'm a staff attorney with New
12 York Lawyers for the Public Interest and as many of
13 the Council Members know, I was highly involved in
14 the PCB litigation and campaign that brought a happy
15 ending to what was a multi-year saga and fight, and
16 listening to the testimony today, I just wanna give
17 people, you know, some hope, because last year at
18 this time we were still looking at a 10-year timeline
19 to remove highly toxic PCB light fixtures from our
20 schools and now today they're all gonna be gone in
21 under three years. So... but that was a product of
22 extraordinary effort by City Council; the Parent
23 Right to Know laws made a huge difference, it was a
24 real turning point, and parents continue to rely on
25 those bills; I hear from them on a regular basis, so

1
2 thank you very much to the Council, your predecessor
3 and our new Chairperson, we're very, very honored and
4 excited to continue to work with the Council.

5 So I just wanna give a couple of comments
6 on the PCB funding as it relates to the Capital Plan;
7 I have more detailed comments in my testimony, so I
8 won't belabor those, but just a couple of things. It
9 is true that there is \$480 million allotted towards
10 the PCB light fixture removal and I think that's a
11 good number, I think based on what we've seen that
12 may very well be adequate. The City is saying that
13 they are allotting \$1 billion for the total
14 replacement and that sounds right, based on what I've
15 seen.

16 The one point I would like to raise for
17 Council is that there seems to be about \$250 million
18 missing, or sort of unaccounted for between the last
19 five-year plan and this five-year plan; I'm not
20 saying that the money hasn't been spent or it's in
21 fact missing, but it seems to just sort of be
22 unaccounted for in the records and I think the reason
23 for that, and I think Ms. Grimm's comments today sort
24 of confirm my suspicions, is that when they prepared
25 the last five-plan, the last supplement to the five-

1
2 year plan, we didn't have our wonderful settlement
3 that requires the City to accelerate the removal, so
4 as of the last Capital Plan they had the more laxed
5 funding, which was \$271 million; that if you add \$250
6 million to that you get, you know, close to \$500,000
7 in the last five-year plan and now you have close to
8 \$500,000 in the... \$500 million in the new plan. So I
9 think what I would recommend that Council do is just
10 confirm that that \$250 million that's sort of
11 unaccounted for in the records is in fact going to be
12 spent or has already been spent. So that's just a
13 point of clarification that I recommend for the
14 Council.

15 The other thing that I do want to call to
16 your attention is that although we've solved the
17 problem with the lights -- I'm gonna go over; I'm
18 sorry -- [bell] we've solved the problem with lights;
19 it's a wonderful, happy ending there, but we still
20 have a contamination problem as it relates to the
21 caulk, the paint, the soil, other materials are
22 contaminated with the PCBs and that remediation work
23 is going to occur over the next five years; the City
24 and the EPA are currently negotiating over a citywide
25 remediation, parents are gonna be involved in that

process, and so some sort of remediation plan is going to be reached and I did not see any mention of the other PCB contamination addressed in the Capital Plan and it's going to occur over the next five years; what it will look like we don't know, but so that's something I would raise for the Council, that it seems like this is some funding issue that is unaddressed and we would like to see money allotted for that as well. So thank you very much.

CHAIRPERSON DROMM: Okay, thank you; I have heard your concern about the other PCBs; I will look at that and check into that \$250 million as well. So... [background comment] 240 or 250 did you say?

CHRISTINA GIORGIO: Okay, \$250 million is sort of unaccounted for.

CHAIRPERSON DROMM: Yeah, okay. Uhm-hm.

CHRISTINA GIORGIO: Right.

CHAIRPERSON DROMM: And it's true, I believe, that the PCB update is available on their website, on SCA's website?

CHRISTINA GIORGIO: There's a couple of things; they do have a website that they continue to update and I would recommend that folks get on their

1 email list, because you will get notification of the
2 updates, and I will raise; I don't want to be
3 critical today of the DOE, I think they're doing what
4 seems to be a good job in accelerating the timeline,
5 but it's a real problem; we still have a lot of
6 schools that are having like ruptures in their
7 classrooms; I'm sure you're gonna hear from your
8 different constituents on this issue, so we continue
9 to work with parents on that and make sure that
10 they're accessing Parents Right to Know. But it's...
11 as far as the work, NYLPI is tasked through the Court
12 Order, my office, to monitor the DOE and the SCA's
13 progress, and actually, I just got the City's latest
14 update on the progress last night; I haven't had a
15 chance to digest it, but I will be reviewing it and
16 if we feel that there is a delay we can go to the
17 Court to... you know, ask the Court to mandate some
18 different type of timeline for them. I will reach
19 out to your office if you would like, Chairman, to
20 let you know what our assessment is at this point; I
21 just it last night, so I don't have an opinion. But
22 I'm happy to make that report available to you if
23 you'd like.
24
25

CHAIRPERSON DROMM: Yeah, I'd like to see that and I would like to follow up with you on the issues that you've raised as well.

CHRISTINA GIORGIO: Absolutely, it will be my pleasure. [crosstalk]

CHAIRPERSON DROMM: Thank you. Thank you, and thank you for your work on that issue as well; that was a long battle and I remember it well... [crosstalk]

CHRISTINA GIORGIO: It was... well a very happy ending; again, I commend the City Council for all the wonderful work and the staff.

CHAIRPERSON DROMM: So let me go to trailers again, because that is one of my favorite topics to tackle, and both Leonie and Mark raised the issue of those trailers as well. You know when I was teaching, and one thing I forgot to mention is the size of the rooms in those trailers themselves are generally smaller than the classrooms in the regular school building. Let me just show you something; when I was teaching I would have to get up and walk around like this to squeeze between the children because I couldn't get around the room without bumping into their heads and that's how tight that

1
2 classroom space in those trailers is, and so it's a
3 vitally important issue. I remember being in the
4 trailers as well where the walls are so warped that
5 you cannot attach a toiler paper rack to the wall
6 because every time a child went to pull the toilet
7 paper the rack itself would come off of the wall, so
8 the solution, at least in my school at that time, was
9 to chain it to the toilet bowl pipe and that's how
10 kids were able to get the toilet paper that they
11 needed and you know, this is unbelievable that we
12 have to talk about these things in modern day New
13 York City public schools, but that's what the reality
14 is of those trailers that goes on on a daily basis.
15 So it's of vital importance that we follow up on that
16 and remove the... [crosstalk]

17 LEONIE HAIMSON: Can I just add to that?

18 CHAIRPERSON DROMM: Yes.

19 LEONIE HAIMSON: There are a few teachers
20 who don't really like teaching in trailers, but have
21 told me that because they are so small their class
22 sizes are smaller as well, so that that is a
23 compromise which they are prepared to make; however,
24 of course we should have real buildings with smaller
25

class sizes; not have to go to trailers. And there's one other point that I forgot to men... [interpose]

CHAIRPERSON DROMM: That's if they are lucky enough, Leonie, because in many schools they still stuff them in... [interpose]

LEONIE HAIMSON: Yeah.

CHAIRPERSON DROMM: they just violate the rules on it.

LEONIE HAIMSON: Right and that brings me to my other point about Building Code violations, which I forgot to mention... [interpose]

CHAIRPERSON DROMM: Right.

LEONIE HAIMSON: in my testimony, which I think is very critical; because the DOE redefined a full-size classroom down in recent years from 750 square feet to 500 square feet and there are specific per square foot requirements for kids in the Building Code for safety reasons; not for educational reasons, many schools violate the Building Code now because they have too many kids in the class, in too-small classes and that will continue into the future and get worse as we go on and there is a school in Queens, PS 11, which is going to be voted on tonight, a building project, which will stuff 11 kids into

1
2 classes that violate the contract up to 46 kids per
3 class and ten of them will violate the Building Code,
4 and that's something that I don't think as a city we
5 should allow to happen.

6 CHAIRPERSON DROMM: So that brings up an
7 issue that I saw, having been a day care center
8 director versus a public school teacher, and then in
9 the day care center for Kindergarten even, when we
10 had Kindergarten in the day care centers, the space
11 requirements were regulated, I believe, by the
12 Department of Health, which is different than the
13 Department of Education, and I believe that the Rules
14 and Regulations differ between the Department of
15 Health and the Department of Education, and that's
16 something I wanna look at moving forward, because I
17 couldn't believe that they would put 25 kids in a
18 Kindergarten classroom, tiny little rooms oftentimes
19 that were originally intended to be like a reading
20 room or a special ed room or a resource room, as we
21 used to call them in those days, called sets today,
22 into those rooms and for it to be legal to be able to
23 do that. So I wanna explore that a little bit
24 further; I'm talking off the top of my head, but it's
25 something that I wanna look at. In your testimony,

1
2 Leonie, you mentioned how many students in the 500-
3 square-foot classrooms are allowed in each room, so
4 in Kindergarten you said that according to that rule,
5 the general would be 14 children in every class?

6 LEONIE HAIMSON: So the Building Code
7 requires 35 square feet per child in Kindergarten and
8 20 thereafter. So our calculation shows that in a
9 500-square-foot that would only allow 14 kids in the
10 class. Of course there are many, many, many
11 Kindergartens across the City; in fact, I don't think
12 there's a single Kindergarten class that's that
13 small. So we know of schools that violate the
14 Building Code now in Kindergarten and in other grades
15 as well.

16 CHAIRPERSON DROMM: And that holds true
17 for all of the rooms that you've mentioned; it seems
18 like in every instance class size is still violated,
19 so... [interpose]

20 LEONIE HAIMSON: A... a... absolutely; the
21 average class sizes we have across the City, if the
22 rooms were as small as 500 square feet, would violate
23 the Building Code in every case, if the average held.

24 CHAIRPERSON DROMM: Okay. And something
25 that I saw in your testimony also, in your written

1
2 testimony, is that in District 20 you have that as
3 one of the most overcrowded districts; you put down
4 3,912 seats. How did you come up with that number,
5 because traditionally I've been accustomed to seeing
6 30 and 24 as being the most overcrowded?

7 LEONIE HAIMSON: So those figures come
8 from the enrollment projections that are created by
9 the Grier Partnership and Statistic Forecasting; we
10 have a new bunch of enrollment projections now; the
11 last bunch severely underestimated enrollment growth
12 and put us into the hole we are now; this one calls
13 for 60-70,000 increased students over the next 10
14 years and it's divided up by district, so you can
15 actually get the statistics for each district what
16 the enrollment projection is; we can also do the same
17 for the utilization figures, which I think show
18 District 20 also severely overcrowded at 109 percent
19 elementary schools in District 20 right now. So
20 between the two we know that there's a huge
21 undersupply of seats in the Capital Plan for District
22 20, but probably for every single district in the
23 City right now.

CHAIRPERSON DROMM: Okay. And then... and that's true with the high school number that you have there as well?

LEONIE HAIMSON: So yeah, so high schools are the most, you know especially in Queens, are the most overcrowded part of our infrastructure and are going to see a huge increase enrollment over the next 10 years if current trends continue and there is simply an undersupply of high school seats; we are seeing with these co-locations, of course, that things are only being made worse. I went with Mark to a tour of Richmond Hill High School where they're taking away their annex and they're putting 9th graders back in the trailers; at the same time as they claim to be getting rid of the trailers they're pushing more kids into the trailers. So you can see there is no planning on the part of the DOE, there is no real thinking on any of this and hopefully with the new administration we're going to start getting some real thinking, but every time you create a co-located building you take away classroom space for administrative and replicated cluster space and the old SCA admitted that every co-location removes about 10 percent of the capacity of a building, which again

1 is not taken into account in the Blue Book or any of
2 the figures we have. So co-locations oughta stop
3 tomorrow; I mean they should've stopped years ago,
4 but they should've stopped. Until we get a new Blue
5 Book formula that properly accounts for all these
6 factors and a new Capital Plan that really takes into
7 account all the issues of overcrowding -- class size,
8 need for pre-K, a need for enrollment growth -- there
9 should be no more co-locations in this city period.
10

11 CHAIRPERSON DROMM: Okay. Well thank you
12 and I thank the panel for... I'm sorry, Council Member
13 Treyger.

14 COUNCIL MEMBER TREYGER: Thank you... thank
15 you, Chair and thank you Miss Haimson for your
16 comments. I taught in District 20; I was a high
17 school teacher, however, at New Utrecht High School
18 and so I knew, I mean I saw that once the school year
19 began, the over-the-counter enrollment really
20 increased, hundreds of kids; you know in Southern
21 Brooklyn; across the City, we're home to new
22 immigrants and they're coming and we would have
23 hundreds of kids added to the roster; of course, the
24 DOE wouldn't pay for them because they came past the
25 October register. But there is no question, as

1 someone who represents a piece of District 20; the
2 most of 21, there's no question that we have seen a
3 dramatic increase the number of kids enrolling, and
4 the thing is, I pointed out to the Deputy Chancellor,
5 we have a school like Seth Low, which is technically
6 in District 21, but it actually shares a block with a
7 District 20 school, which is so weird how the lines
8 are drawn, and they actually have seats to
9 accommodate District 20 kids, they have the seats,
10 but as opposed to looking at that, they just rushed
11 through a co-location with abso... and we had public
12 hearings... this was one of the schools that was pushed
13 in late last year, so there was major community
14 opposition; not once did Success Academy come down to
15 the community to address the concerns of space usage
16 and so forth, and I will be following up with the
17 Deputy Chancellor, with the DOE, to see if we have a
18 school that can capture that's right near District
19 20, which we know, which your testimony here shows,
20 it is bursting at the seams; why aren't we utilizing
21 that space to the best of our ability. So I wanna
22 thank you for your work and for your commitment to
23 our kids in the New York City school system. Thank
24 you. [interpose]

LEONIE HAIMSON: Thank you, thank you
very much.

MARK LADOV: And actually, can I just add
a... a ver... do I have... two seconds... I mean one thing
that I think that we're at NYLPI also concerned about
is what we keep hearing with the SCA and the DOE
saying about problems with siting. For example, I
was at Sunset Park at a District 15 presentation
where the SCA said, "We've been promising you a
school for years; we've been funding it, but we
haven't been able to find a site." One of the really
disturbing dynamics at that meeting was that parents
who were fed up with being told for years that they
were getting a school were sort of implicitly being
asked, well what if we looked on the other side of
the BQE, what if we crossed 3rd Avenue, which creates
safety problems, we're asking kids to cross
underneath an incredibly busy road and it potentially
creates environmental and health problems; we were
looking at the industrial waterfront where there
could be toxins that need to be remediated and things
like that. So we're really worried... you know,
parents were talking about it; eminent domain, that

1
2 came up a lot here; I don't know why that's not more
3 of a conversation at the SCA, but certainly, it feels
4 like there's something broken in the siting process
5 and that we can't allow health and safety concerns to
6 be compromised at the need of finding schools and we
7 certainly shouldn't be in that position.

8 LEONIE HAIMSON: Yeah; I just wanted to
9 say that the City does use eminent domain all the
10 time for private developers, whether it's for the
11 arena in Downtown Brooklyn or Willets Park where you
12 have many, many business owners who complained that
13 their companies were basically going to be
14 dismantled, and if there's one, I think driving need
15 that's purely ethical to use eminent domain, it would
16 be for our schools; much more than the interests of
17 private developers. So I think that the School
18 Construction Authority and the DOE should be
19 encouraged, if there is no other option and you have
20 a situation like Sunset Park or others where kids
21 have been bused for years because there's no room in
22 their schools for the Kindergarten students, that
23 that should be an appropriate option to be
24 considered.

CHAIRPERSON DROMM: 'Kay. Alright.

Thank you very, very much; appreciate you coming in.

Our next panel will be the Rev. Jacques DeGraff from

the Alliance for Minority and Women Construction

Workers, Sandra Wilkin from the Alliance for Minority

and Women Construction Workers and Lou Coletti from

the Alliance for Minority and Women Construction

Workers. Please come forward. Be seated, sure,

anywhere you'd like. [background comments] Alright,

so we'll also bring up Elizabeth Velez. [background

comment] Okay, very good. [background comments]

And Elizabeth is also from the Alliance for Minority

and Women Construction Workers. [background

comments] So reverend, would you like to start?

REV. DEGRAFF: I'd be delighted. Good

afternoon, Mr. Chairman. My name is Rev. Jacques

Andre DeGraff and I'm the Co-Chair for the Alliance

for Minority and Women-Owned Construction businesses.

I'm also a past recipient of the City's MWB Advocate

of the Year Award. As a leader and grandparent I am

concerned about our City schools; for over 20 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 and business 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 creation and wealth creation in all of New York's communities, I am proud of the efforts on 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, New York City agencies are required to issue quarterly reports on compliance to these goals. When the first quarter is issued for this administration, the SCA will once again be on 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 now threatened by the outdated

1 emergence of Scaffold Law. Because of these unfair
2 standards under this law, New York has seen insurance
3 companies fleeing this market. New York is the only
4 state in the country with this unfair standard. The
5 SCA's policy has ballooned from \$100 million to \$250
6 million for the current year. How many classrooms
7 would that build? This City Council has been a
8 champion for progressive causes, Mr. Chairman; we
9 today ask that you not only pass this budget, but
10 that you pass for a resolution calling for Albany to
11 reform Labor Law 240 and to reform it now. To you
12 and your members, I also want to introduce -- would
13 you stand -- all of these contractors are working
14 currently in mentor programs around the City and
15 State; many of them are here at the City Council
16 today for the very first time to stand up, they're
17 taking time away from their businesses, everyone here
18 is making a dollar sacrifice to be a witness to back
19 up and amplify what my colleagues and I are saying.
20 We need your help in the City Council, we need you to
21 do as you have always done, lead in America by your
22 example and by your actions. We thank you for your
23 attention today.
24
25

CHAIRPERSON DROMM: Well thank you, Reverend and I just wanna thank the men and the women who came out; it was an impressive show; I actually asked my assistant to find out who had walked into the chambers earlier in force and so it's good to see you out here and you definitely have an impact on the Council when you come out like this and participate in this democratic process. Now it takes us time to get through all of the issues, but it's well worth the investment in terms of the Council hearing what your concerns are and certainly with Rev. DeGraff's testimony this morning... this afternoon I should say at this point... your voices are being heard, so thank you. And who would like to go next?

[background comments]

LOU COLETTI: Oh. I guess I'll go. My name is Lou Coletti: I'm both President of the Building Trades Employers' Association of New York City and Co-Chairman of the Alliance for Minority and Women-Owned Contractors. Mr. Chairman, let me say thank you for even asking the question about the impact of the Scaffold Law. I'm not gonna go through the need for classroom space; I mean I think you've had enough testimony about it; it's clear to see why

you're concerned about trailers, since 44 percent of all the total trailers in the City are in Queens; I wanna go to the insurance issue.

Last year the cost of insurance to the SCA was \$95 million a year; this year, and they only have a pol... and it's really not a policy; I'll get into that in a minute; they're gonna be paying \$234 million, not for an insurance policy, \$234 million that comes out of their capital budget that they must put to pay for potential claims and any claims over that. The more money we spend on insurance and legal fees, the less money in the \$12 billion budget before you is going to build classroom spaces, and with all due respect, you heard the SCA say, well we have \$650 million in this budget for insurance; that isn't enough. Just take \$234 million and multiply it times five years and you're over \$1 billion; that's almost 8 percent of the \$12 billion capital budget before you and I'm suggesting to you; you can build 3-5,000 new classroom seats, 14 new schools, with that money. We need your help, we need you to pass a Home Rule Resolution, to write to the Governor, to write to the Assembly Speaker, to write to the senate leadership and say that the Scaffold Law needs to be reformed

1
2 now; it's taking New York City taxpayer money and
3 putting in the pockets of trial attorneys who I
4 classify -- if the Wall Street people are the
5 1-percenters; the trial attorneys are the
6 1.5-percenters, okay, they're doing very well. When
7 you compare this to the cost of a similar size
8 program in New Jersey, their insurance costs \$25
9 million a year. Why? Only one reason; as the
10 reverend said, New York State is the only state in
11 the country and we believe in the world that has this
12 129-year-old statute. Now that's not to say that we
13 can't reform it in a way that preserves the right of
14 every injured worker to file a lawsuit, we can; that
15 we are not looking to run away from the
16 responsibility of the owner; the contractor to
17 provide a safe work environment; that's our
18 responsibility. But when you don't wear a hard hat
19 or you don't wear your belt and you fall down, we
20 should have the right under the American
21 Jurisprudence system, to present our case in court;
22 that's not the way it is. [bell] Let me conclude by
23 giving you a comparison; let's suppose this were a
24 criminal trial, you go into a Grand Jury and you're
25 indicted and then you don't have an opportunity to go

1 into a court of law and present your case; that's
2 exactly what the Scaffold Law is. So I think you for
3 the opportunity to speak; this is costing us billions
4 of dollars that's getting taken away from building
5 the classroom space where needed; there is a solution
6 if rational people sit down; we really ask the
7 Council to weigh in on this, to pass a Home Rule
8 message, a resolution, get on the phone with your
9 assembly and senate colleagues and tell them reform
10 is needed now. Thank you.

12 [background comment]

13 CHAIRPERSON DROMM: Alright. Thank you.
14 Did any of you other people wanna give testimony as
15 well? Yes? Okay.

16 SANDRA WILKIN: Thank you, Chairman and
17 good afternoon. My name is Sandra Wilkin, President
18 of Bradford Construction Corporation. I am also co-
19 founder and President Emeritus of Women Builders
20 Council. I have a long history in working with the
21 City Council; most recently when the City passed
22 Local Law 1, 2013; it served as landmark legislation
23 that helped level the playing field and increased
24 procurement opportunities for minority and local
25 businesses.

Eighteen years ago I became certified as a woman business enterprise within New York City at the School Construction Authority; it was my very first opportunity work on public projects. I was taught safety protocols and how to keep projects on time and on budget. This program is called the Mentor Program; many of the contractors, as Rev. DeGraff said, are here today. It has 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 the Minority Women Business Enterprises and can achieve success in helping to build public projects. Bradford Construction, 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 practices. This past year the mentor contractors have built projects with a construction value of approximately \$15 million, utilizing a workforce of over 1,000 local minority and women

workers from every borough. In spite of the success there is a significant problem looming, as you have heard, regarding New York State Labor Law 240. This law has resulted in skyrocketing insurance costs for the contractors; in turn, it has resulted in inability for contractors to secure required project insurance, and inability to afford project insurance can lead to being eliminated from bidding on public projects and reducing the pool of qualified bidders, and consequently, this will impact all public construction budgets.

In addition with the Authority, such as the SCA, MTA and the Port Authority, all of whom have owner-controlled insurance programs. The cost of public project [bell] insurance has and will continue to increase astronomically under the current law. It is conceivable that we can have companies from other states having a competitive advantage over our local City businesses. New York State, as we have mentioned, 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

1 entities. Fact: Current Scaffold Law contributes to
2 the higher cost of maintaining all schools and public
3 buildings in the city of New York, insurance costs of
4 construction companies have risen in many cases from
5 100-300 percent this year alone as a result of the
6 law. The SCA insurance, as you know and heard, that
7 the wrap-up program faces higher construction and
8 maintenance for the schools; less money there will be
9 to build the nation's finest schools. The national
10 recognition of the programs here and the cost-
11 effective way that SCA has continued to realize what
12 they have in terms of the programs here, the benefit
13 of students and teachers who are able to have state-
14 of-the-art educational facilities and the citizens of
15 New York whose tax dollars are saved. And it is also
16 a... Council Members of the Committee on Education who
17 benefit by knowing that the continuation of the
18 Mentor Program creates local workforce employment,
19 better contractors, better schools, all of which
20 result in a better New York. Today we're hoping that
21 with the issue with the Scaffold Law we can find your
22 support and a resolution that we can bring to New
23 York State for support of reform of the law. Thank
24 you.
25

CHAIRPERSON DROMM: Thank you. And next, please.

ELIZABETH VELEZ: Yes. Good afternoon; my name is Elizabeth Velez; I'm president of a 40-year-old construction firm based here in New York City; I'm also Chairperson of the Latino Builders Council, so I speak to you today representing the Latino Builders Council and the Alliance for Minority and Women-Owned Businesses.

Chairman Dromm, you wisely noted the increasing costs associated with the wrap-up program insurance; this insurance ensures the safety of all the users of the school, reduces New York City liability and allows for many MWBE firms, many of them in the room, to gain experience and capacity in the construction industry through the Mentor Program, the irrefutable reason that this wrap-up program has gotten so out of control and in fact threatens our capital program; is due to the Scaffold Law.

I'm here today in support of the School Construction Authority's five-year Capital Plan and all the good work that they do. We are asking today for support of the SCA's five-year plan and also for a City Council resolution to support reform to the

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2 antiquated, outdated and harmful Scaffold Law that
3 penalizes New York State and small businesses in the
4 construction industry; I couldn't have said it better
5 than my colleagues here at the table. Thank you for
6 your attention and help.

7 CHAIRPERSON DROMM: Well thank you very
8 much. Thank you very much; I hear your concern; it's
9 a shared [background comment] concern as well, which
10 is why I did bring it up, although I didn't question
11 it as in-depth as I might have liked to at that
12 point, but we should have a conversation; I'm gonna
13 ask one of my staff people to reach out to you as
14 well and we'll follow up this conversation.

15 [interpose]

16 REV. DEGRAFF: Mr. Chairman... [crosstalk]

17 CHAIRPERSON DROMM: Yes.

18 REV. DEGRAFF: if I might; we appreciate
19 your words and your encouragement and your insight
20 because of your personal experience, particularly
21 because much of it was from Queens. We have one more
22 colleague here who is also from Queens and his
23 organization is one of the most venerable in the
24 State, the Association of Minority Entrepreneurs, and
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2 if we could... your committee could indulge him so that
3 he could be spoken; his name is James Heyliger.

4 CHAIRPERSON DROMM: James, just say your
5 name in the microphone and we're gonna need you to
6 fill out one little form. [background comment] Oh
7 we got it here. Okay, very good. James, go ahead...
8 [interpose]

9 JAMES HEYLIGER: Yes. James Heyliger;
10 I'm the President of Association of Minority
11 Enterprises of New York City; we are a 38-year-old
12 minority women-owned trade association; our primary
13 mission is advocacy and technical assistance. I am
14 also the Co-Chairman of New York City Minority
15 Business Leadership Council, which consists of 15 of
16 the largest Hispanic, Indian, African-American, Asian
17 Trade Association and Chambers of Commerce. We came
18 together about a year ago to pass the new MWBE law
19 with the help of the City Council. One of the things
20 that I need to bring to your attention, since you've
21 heard all the other documentation; the amount of
22 contractors you saw stand up a moment ago this time
23 next year will no longer exist if the Scaffold Law
24 isn't reformed. The danger here, with education and
25 economic development being the primary scourge of our

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2 respective communities, the Scaffold Law is an
3 economic depressant for our community. We cannot
4 afford the type of insurances that's gonna be laid
5 out. MTA, which has a mentoring program, School
6 Construction Authority has a mentoring program, SBS
7 is trying to put one together; we went eight years to
8 put these programs together and because of the trial
9 lawyers' no-show job that they want for the Scaffold
10 Law, we're about to lose all of that. What I need
11 you to clearly understand here; any company in New
12 Jersey or Texas can come to New York and outbid us,
13 given the way the Scaffold Law treats the situation.
14 I have grandchildren who work in the industry,
15 they're construction workers; I need their safety
16 just as much as anybody needs their safety; we're not
17 opposed to safety; that is an erroneous fact that the
18 trial lawyers are putting out. We are all for
19 safety, we have our children, they have some of their
20 kids as workers for them; the issue here is not to
21 get away from safety, the issue here is safety for
22 everybody and equity position. As the head of a
23 company, I employ my son; he's got to be protected as
24 well, so we need you to understand the Scaffold Law
25 will decimate the minority business community not

only in the public sector, but the private sector; we will lose a minimum of 25 percent of all the minority and women-owned workers in this town if this Scaffold Law is allowed to proceed and all we're simply asking is; we've already spoken to the governor's people; we've already pressed the issue; we're gonna lean heavily on our elected officials. My position in my community, if you go against the Scaffold Law we're gonna have to change your position and Mayor Koch eliminated the recall legislation; we might bring that back in. But we cannot afford for you to say that this is something on the peripheral; this is our bread and butter; if we don't work our people in our respective communities don't work. You have to understand that black, Hispanic and Asian workers come to us for their work. Go to any construction site in this town and you will find that we are almost absent, so if we're not there as a contractor or the subcon... we don't get to work; now you put the Scaffold Law on top of us, that's even worse. And the final point that I'd like to raise; we're right in this. Cornell University and the Albany Institution have said that the Scaffold Law is the worst thing for construction in the City of New York.

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2 If you check out that report you'll find that the
3 Scaffold Law as presently constituted is nothing but
4 a no-show job for the trial lawyers. All we're
5 asking you to do is to consider a referendum, support
6 us for a reform of the... it should be a give and take;
7 the same thing about being able to afford your...
8 confront your accuser, should be the same thing in
9 the construction industry. So we pray upon you,
10 please have a meeting within your folks [bell] and
11 have them to consider the resurrection, have them to
12 consider that this is very, very important. I know
13 there's only a handful of you here, but there'll also
14 be a handful of us here next year if this law is a
15 concern.

16 CHAIRPERSON DROMM: Well thank you very
17 much for that impassioned testimony and I wanna
18 assure you that the Council is very committed to MWBE
19 programs and we have always been, and so hearing this
20 testimony today has shined a light on an issue I
21 think that is of importance to us as well and I look
22 forward to having a discussion with you after this
23 hearing on how we can assist you in that matter.

24 [background comments]

25 CHAIRPERSON DROMM: So thank you.

SANDRA WILKIN: Thank you, and look forward to meeting with you.

CHAIRPERSON DROMM: Thank you. 'Kay.

[applause]

CHAIRPERSON DROMM: 'Kay. And I'm going to call our last person to give testimony and if there's anybody else who wants to give testimony, you'd have to sign up with one of these little pieces of paper with our sergeant at arms over here and he'll give you that opportunity, but our last and certainly not least is Rob Bowen from the Interrelated Assessments and Resolutions. Thank you, Rob. You've got the table to yourself, I think, so [laughter] maybe waiting to be last is best, I don't know.

[background comments]

ROB BOWEN: Good afternoon Chairman. First of all, thank you for holding the meeting and thank you for your attendance at last Thursday's SEPAC meeting; we really appreciated your comments as well as your attendance, as well as your commitment and I'd like to say good afternoon to Committee Counsel Schomburg; it is so good to see you still here.

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2 My name is Rob Bowen and just for the
3 record, I'm not a minority; I'm an African man born
4 in America and there is nothing minor about the
5 history heritage and culture of my ancestors.

6 My theme here is transparency and I'm
7 gonna talk in terms of the class size. Councilperson
8 Flowers [sic] had talked in terms of 22 versus 33, in
9 terms of the co-location; I'm suggesting that every
10 report card has the specific class size for that
11 class, the average class size for grade, for the
12 school, for the district; for New York City, as well
13 as the building's original capacity, maximum capacity
14 and the current capacity. One of the situations that
15 our parents really are not as involved as we would
16 like them to be; they become involved over the
17 charter school issue and I think part of that is a
18 lot of the situations they just don't know, so when
19 we talk in terms of class size, if that parent is
20 looking at their child's report card and seeing that
21 there are 33 in their child's class and the student
22 average or the district's average or the City's
23 average is 20; they'll get involved.

24 And regarding projections, the Deputy
25 Chancellor talked in terms of making projections and

I would like to see their projections over the last 10 years; what were they and how accurate were they? Then we can accurately assess the validity of the statement about projections.

Regarding the capital budget, in 2005 a booklet came out on the capital budget and one of the statements was made that there's the hidden budget -- pensions, benefits and interest on the capital budget's borrowed money. My question is; how much is it? We should be talking about that.

And then I had a question on the trailers and the classrooms and it was answered. My question was; is that part of the capital budget? And recognizing that it is, I added -- if so, can this be shown as a subset statistic for the "number of classrooms by grade, by district?"

And those are basically my questions; I really appreciated this hearing; I've been here and I appreciated Councilperson Barron's and Councilperson Maisel's and others who made some very pointed statements and I think if we had direct answers, it would go a long way to giving true transparency, and these are basic things that can easily be done, we do have the technology to put that on the report cards;

it's not as complicated as they make it seem going from Excel to... you know, your request before. [bell] So again, thank you so much; I'm right on.

CHAIRPERSON DROMM: Well thank you... don't run yet; I have a little comment to make... [crosstalk]

ROB BOWEN: Oh, okay.

CHAIRPERSON DROMM: I think you brought up some very interesting ideas, number one; [background comment] I also wanna thank you for having given me the opportunity to speak before the SEPAC; I really appreciated that and I thought it was very beneficial; I do really believe in parental involvement in our schools, I fee that that's vitally, vitally important; I think if parents knew and understood the size of the children's classes, [background comment] I think that it would also create real strong allies for us in terms of our movement to better improve our public school system. You know there was a year when I had 38 children in my class, 38, and it was a contract violation, but the issue was that you have to have 17 or more to open a new class and we didn't have the 17 [background comment] to open the new class. So when parents found out though, the principal then made

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2 arrangements [laugh] to fix that situation for us and
3 so I really do agree with you and so I think today we
4 had a very good hearing; we asked a lot of questions;
5 I think there remain a lot of other questions to be
6 asked; certainly this is the preliminary budget;
7 we're going to next have a hearing on the...
8 [background comment] next... on Thursday with the
9 preliminary budget; then in May we'll have the
10 Executive Budgets as well that we have to look at,
11 the final details, and then we need to make some
12 decisions from there, but your participation here
13 today is very valued and I thank you very much for
14 coming out. [interpose]

15 ROB BOWEN: Mutual benefits. Thank you
16 so very much...

17 CHAIRPERSON DROMM: Thank you. Thank
18 you.

19 ROB BOWEN: to you and the panel.

20 CHAIRPERSON DROMM: Thank you. And with
21 that, this meeting is adjourned... [gavel] at 1:46 p.m.
22 [laugh] Thank you.

23

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 16, 2014