

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

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B E F O R E:

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Chairperson

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[gavel]

CHAIR: Okay good afternoon and welcome to the Education Committee's oversight hearing on overcrowding in New York City public schools. We'll also hear testimony today on, on a resolution that I sponsored, resolution 563, which I'll talk more about shortly. Overcrowding is a longstanding severe and growing problem in New York City schools. A July 2014 report by the Independent Budget Office found that overcrowding in city schools increased steadily from 2007 to eight through 2012 and 13. In fact the 2014 audit by the Controller's Office found that 36 percent of the city's school buildings were overcrowded in the 2011 12 school year. In addition the number of students impacted by overcrowding is going. The IBO found that 40.3 percent of total enrollment attended school in overcrowded buildings in the 2007 to eight school year. But by the 2012/2013 school year the number had grown to 43.5 percent of students. It's important to note that the IBO defines a building as overcrowded if its utilization rate exceeds 102.5 percent rather than the 100 percent standard used by the controller and

1  
2 others. The IBO also found the highest rate of  
3 overcrowding in elementary schools with median  
4 utilization rates of 101.3 followed by high schools  
5 at 90.2 percent and middle schools at 82.2 percent  
6 in 2012 to 13. But even these figures underestimate  
7 the problem because the DOE's enrollment capacity  
8 and utilization report known as the blue book is  
9 widely considered inaccurate leading DOE to create  
10 a working group in 2014 to reevaluate it. In fact  
11 one of the findings of the court in the campaign  
12 for fiscal equity the CFE lawsuit was that  
13 overcrowding is even worse than reported because  
14 the blue book overstates school's capacities.  
15 Further court of appeals decision in CFE  
16 specifically sited overcrowding and overly large  
17 class sizes, class sizes as deficiencies preventing  
18 students from receiving a sound basic education.  
19 Overcrowding can result from a variety of factors  
20 including enrollment growth due to increases and  
21 birth rates and immigration as well as new housing  
22 development. Policy changes can also impact  
23 overcrowding. For example the city's pre-k  
24 expansion initiative has increased pre-k enrollment  
25 from just under 20 thousand in 2013 to 14 to more

1  
2 than 53 thousand students this school year with  
3 plans to expand that number to over 70 thousand by  
4 the fall of 2015. Colocations of both district and  
5 charter schools can also lead to overcrowding. In  
6 the case of school colocations instructional space  
7 is lost because each school needs its own  
8 administrative offices, spaces to provide services  
9 for students with disabilities, and other  
10 specialized spaces. In order to accommodate these  
11 additional space needs classrooms are often  
12 converted into offices or other needed spaces. I  
13 want to take a moment to clarify something. I've  
14 read numerous statements in the press to the effect  
15 that charter colocations don't contribute to  
16 overcrowding because schools where charters are  
17 collocated have lower utilization rates than the  
18 average. I don't believe that is always the case  
19 especially since the formula used to determine  
20 under or over utilization seems to be somewhat of a  
21 mystery. Furthermore when charters grow to their  
22 full size many times the school building will  
23 exceed 100 percent capacity as indicated in the  
24 DOE's educational impact statements. Research shows  
25 that overcrowded schools have a negative impact on

1 both students and teachers. For example crowded  
2 schools are noisier which affects children's  
3 reading abilities and cognitive development and  
4 results in lost instruction time due to noise  
5 distractions. In addition studies have found that  
6 teachers are more stressed, have more absences and  
7 are more likely to experience burnout when schools  
8 are overcrowded. Students in crowded schools also  
9 tend to have larger class sizes which have a  
10 negative effect on student learning. Overcrowded  
11 schools often convert specialized spaces such as  
12 science labs, libraries, music and art rooms into  
13 regular classrooms negatively impacting instruction  
14 in these subjects. Too often instruction occurs in  
15 hallways, closets, stairwells, and other  
16 inappropriate spaces in overcrowded schools.  
17 Further multiple lunch periods are needed to  
18 accommodate all students in overcrowded schools  
19 starting as early as 9:30 in the morning and  
20 continuing until 2:30 in the afternoon in some  
21 cases. How can we expect children to be able to  
22 focus and learn when they're hungry. The DOE's  
23 efforts to address overcrowding have fallen far  
24 short. The DOE's analysis has identified a citywide  
25

1 need of approximately 49 thousand seats. But  
2 because of funding constraints the capital fund  
3 proposes to fund just 32,629 new seats including  
4 seats that were funded but not started in the prior  
5 capital plan. Critics say that the DOE's projection  
6 of seat needed is far too low. The control's audit  
7 found that a need for 85 thousand additional seats  
8 just to address the 520 over utilized schools  
9 identified in the 2011-12 blue book. Advocate also  
10 say that the DOE's projection of 49 thousand  
11 doesn't account for seats needed to reduce class  
12 size or to accommodate students currently in  
13 trailers called TCUs which DOE says will all be  
14 removed by the end of this five year capital plan.  
15 Clearly this is an important topic and we have a  
16 lot to examine today regarding overcrowding in city  
17 public schools. The committee also looks forward to  
18 hearing testimony from parents, students,  
19 educators, advocates, union CEC members, and others  
20 on this issue. As I stated earlier we will also  
21 hear testimony on Resolution 563 today. That  
22 resolution calls upon the New York state  
23 legislature to reject any attempt to raise the cap  
24 on the number of charter schools. In 1998 the state  
25

1 legislature passed the New York charter School's  
2 act reauthorizing the creation of up to 100 charter  
3 schools which are publically funded but privately  
4 operated schools. Since that time the cap on the  
5 number of charter schools allowed to operate in New  
6 York state has risen twice. In 2007 the New York  
7 state legislature doubled the number of charter  
8 schools allotted in the state from 100 to 200 in  
9 20, and in 2010 the cap was raised again to allow  
10 an additional 260 charter schools making a total of  
11 460 charters available statewide. More than half of  
12 the new charters authorized in 2010 or 156 out of  
13 260 remain unused. Under the current state charter  
14 cap up to 256 of the state wide charter school  
15 total of 460 can be located in New York city.  
16 Currently 197 charters are operating in the city.  
17 Another 34 have been approved and 25 remain unused  
18 under the cap for New York City. Since charter  
19 schools were first authorized there has been no  
20 comprehensive independent evaluation of charter  
21 school operations and had been relatively few  
22 audits of charter schools conducted by the state  
23 controller to date. Audits of charter schools that  
24 have been conducted by the state controller have  
25

1  
2 found significant numbers of deficiencies and  
3 mismanagement including conflicts of interest,  
4 failure to complete required checks of criminal  
5 history and inadequate systems of internal controls  
6 over basic financial operations in some cases. A  
7 November 2014 report by the center for popular  
8 democracy and the alliance for quality education  
9 estimates that New York could stand to lose 54  
10 million dollars in charter school fraud in 2014  
11 alone. Because charter schools are publically  
12 funded it is important to conduct a comprehensive  
13 assessment before committing substantial further  
14 investment. Additionally as part of the 2014 state  
15 budget legislation New York City is the only  
16 district now required to provide free space to all  
17 new or expanding charter schools either by  
18 collocating the charter in a city school building  
19 or by paying for rent in private space. According  
20 to the New York City Charter School Center the city  
21 would have to pay the lessor of the actual rental  
22 cost or a total amount of up to two million of,  
23 excuse me up to 2,775.40 per pupil in 2015 to 16.  
24 There are not many city schools that are  
25 sufficiently underutilized to accommodate such

1  
2 colocations as most schools are near or at capacity  
3 thus the city will increasingly have to pay for  
4 rent for charter schools in private space. Under  
5 the existing cap the city will have to provide  
6 space for an additional 59 new charter schools as  
7 well as any existing charters that wish to expand.  
8 Raising the cap will create an undue financial  
9 hardship for the city because of this new  
10 requirement for providing free space to charter  
11 schools. Therefore Resolution 563 calls upon the  
12 New York state legislature to reject any attempt to  
13 raise the cap on the number of charter schools. I  
14 would like to remind everyone who wishes to testify  
15 today, excuse me, that you must fill out a witness  
16 slip which is located on the desk of the Sergeant  
17 of Arms near the front of the room. If you wish to  
18 testify in resolution 388, 388 please indicate on  
19 the witness slip whether you are here to testify in  
20 favor of or in opposition to the resolution. I also  
21 want to point out that we will not be voting on  
22 this resolution today as it is just the first  
23 hearing. To allow as many people as possible to  
24 testify testimony will be limited to three minutes  
25 per person. And please note that all witnesses will

1  
2 be sworn in before testifying. So I'd like to say  
3 we've been joined by my colleagues in the council,  
4 council member Alan Maisel from Brooklyn is here  
5 and Council member Mark Treyger is here as well.  
6 There are about three or four hearings going on at  
7 the same time. The teachers are here on time as  
8 usual. And the principal is here on time as usual  
9 because we know we don't go to school late; never  
10 did, never will. And we're here. So they will be  
11 joining us though seriously because those other  
12 hearings I also will have to step out to go to  
13 another hearing and then come back so I get  
14 attendance in the other meeting. But anyway we'll  
15 take that as we go along. And I guess without  
16 further ado I will introduce Elizabeth Rose the  
17 acting deputy chancellor for the division of  
18 operations from the Department of Education and  
19 Loraine Grillo the president and CEO of the School  
20 Construction Authority. And I need to ask you to  
21 raise your right hand so I can swear you in. Do you  
22 solemnly swear or affirm to tell the truth, the  
23 whole truth, and nothing but the truth and to  
24 answer council member questions honestly?

25 ELIZABETH ROSE: I do.

1  
2 CHAIR: Okay. I don't know who would  
3 begin. Ms. Rose?

4 ELIZABETH ROSE: That would be me. Thank  
5 you. Good afternoon Chair Dromm and all the members  
6 of the Education Committee here today. My name is  
7 Elizabeth Rose, acting deputy chancellor for the  
8 Division of Operations at the New York City  
9 Department of Education. I am joined by Loraine  
10 Grillo, president and CEO of the New York City  
11 School Construction Authority. We are pleased to be  
12 here today and discuss our work as it relate to  
13 overcrowding in New York City schools. This  
14 administration is committed to ensuring that all  
15 our students have access to a high quality  
16 education in school facilities that provide a sound  
17 instructional environment. Overcrowding in New York  
18 City is a complex issue with many causes and  
19 solutions. In September of 2014 we opened 11 new  
20 sites creating over 5,000 new seats for our  
21 students. And we are on track to open 42 new  
22 locations this September for an additional 13,324  
23 seats in the 2015/2016 school year that, including  
24 new pre-k sites. Even with new seats we recognize  
25 that overcrowded buildings exist in certain

1  
2 geographic pockets throughout the city. We define a  
3 school building as overcrowded if its utilization  
4 rate is greater than 100 percent as reflected in  
5 our annual report on capacity, enrollment, and  
6 utilization commonly known as the blue book. To  
7 assess capacity and utilization we apply citywide  
8 standards for space requirements and class sizes at  
9 every grade level. For Kindergarten through third  
10 grade the standard is 20 students per class. In  
11 grades four through eight the standard is 28 per  
12 class. And in high school the standard is 32, 30  
13 students per class. Based on the 2013 2014 blue  
14 book the most recent year available the system is  
15 at 93 percent utilization. While the 93 percent  
16 utilization figure suggests that the DOE has  
17 sufficient capacity to meet demand we know that in  
18 districts across the city, the supply of seats is  
19 not perfectly aligned with where students live or  
20 wish to attend school. As a result we have  
21 individual buildings and in some cases entire  
22 neighborhoods that are overcrowded. And in other  
23 cases we have buildings and neighborhood that are  
24 underutilized. By borough the utilization rates are  
25 86 percent for Brooklyn, 88 percent for Manhattan,

1  
2 93 percent for the Bronx, 99 percent for Staten  
3 Island, and 105 percent for Queens. Of our  
4 approximately 13 hundred 11 building this excludes  
5 TCUs and other buildings that do not have student  
6 capacity. 575 buildings, about 44 percent have a  
7 utilization rate that exceeds 100 percent. Almost  
8 three-fourths of these buildings house a single  
9 school. And only one-quarter of these buildings  
10 hold collocated schools. Of the over utilized  
11 buildings 80 percent are elementary school  
12 buildings and the vast majority house a zoned  
13 school. We also find that overcrowding is prevalent  
14 in our most in demand high schools such as Francis  
15 Lewis, Towns in Terrace [phonetic], Midwood,  
16 Brooklyn Tech, Curtis, Bronx High school of  
17 Science, and LaGuardia High School of Music and  
18 Performing Arts to name a few. Schools that offer  
19 attractive programs and a wide array of programming  
20 are attracted to students and made raw students  
21 from all boroughs. The DOE places a high priority  
22 on meeting student demand and ensuring that  
23 students have access to high quality programs.  
24 Addressing overcrowding here would require we limit  
25 our students' ability to gain access to such highly

1  
2 sought after schools and programs. For our school  
3 communities overcrowding is primarily experienced  
4 as larger class sizes compared to the class size  
5 standards used by the DOE to calculate capacity. In  
6 all cases the DOE applies class size figures that  
7 are below the maximum allowed by the United  
8 Federation of Teachers Contract. While class sizes  
9 may be larger than the targets used by the DOE to  
10 calculate capacity in the blue book students still  
11 receive specialty instruction such as art, music,  
12 and science. In the last capital plan the DOE  
13 funded upgrades to ensure science laboratories were  
14 available to all high school students. When  
15 specialty instruction rooms are not available  
16 students may receive specialized instruction in  
17 their main classrooms. The Office of Space  
18 Planning, OSP, within the Division of Operations is  
19 responsible for monitoring, building, and school  
20 overutilization and devising appropriate strategies  
21 to reduce overcrowding. I'd like to depart from my  
22 testimony at this time just to introduce Tom  
23 Torraco [sp?] the chief executive of our space  
24 management group, and sitting next to him Rich  
25 Bochicchio [sp?] the executive director of the

1 Office of Space Planning who are with us today.  
2  
3 OSP regularly conducts cross departmental meetings  
4 with the SCA, the Office of District Planning, the  
5 Office of Student Enrollment, the Division of  
6 School Facilities, and Superintendents to evaluate  
7 seat need and consider strategies to relieve  
8 overcrowding. Strategies to alleviate and address  
9 overcrowding including great expansions, grate...,  
10 rezoning of elementary and middle school catchment  
11 areas, opening of new schools, conversion of  
12 inefficient spaces and existing school facilities  
13 and building new capacity. Among other projects the  
14 Office of Space Panning is implementing a system to  
15 better track overutilization and monitor the  
16 strategies we are using to alleviate overcrowding.  
17 An example of our efforts to reduce overcrowding  
18 include our work with community education councils  
19 which have the authority to approve zoning lines.  
20 And other community stakeholders to rezone the  
21 catchment areas of elementary and middle schools.  
22 Since the 2010/2011 school year 217 schools have  
23 been rezoned. Of these schools nearly 60 percent  
24 have experienced a decrease in utilization in the  
25 first year after rezoning. After three years 70

1 percent of these school's utilization rates  
2 declined. Because rezoning only impacts the  
3 incoming grade level each year the full impact of  
4 rezoning is felt after six years for elementary  
5 schools and after three years for middle schools.  
6 For instance in District 20 in Brooklyn there has  
7 been extreme population growth and an increased  
8 number of overcrowded buildings over the past  
9 several years especially at the elementary school  
10 level. In 2011 and 2012 two rezoning plans were put  
11 forth by the DOE and were approved by CEC 20 to  
12 shrink the zones of PS69 and PS105 among others. In  
13 Just three years by shrinking the size of the PS69  
14 and PS105 zones and by utilizing new and additional  
15 capacity at nearby schools both PS69 and PS105 had  
16 seen decreases in enrollment and had fewer students  
17 on a wait list. In fact for the first time in  
18 several years PS 105 did not need to cap an  
19 overflow kindergarten students this year. Moreover  
20 the full effects of the rezoning will not be  
21 realized for several more years after larger  
22 cohorts graduate and smaller cohorts of students  
23 enroll. In some cases we may open a new school or  
24 program in existing underutilized space to attract  
25

1 students from outside a zone and alleviate  
2 overcrowding in nearby buildings. Last year in  
3 District 24 in Queens we relocated a gifted and  
4 talented program from IS61 in Corona to IS73 in the  
5 Maspeth and Elmhurst neighborhoods. The majority of  
6 students attending the program were actually zoned  
7 to IS73 so relocating the program both shortened  
8 the travel distance for most students and  
9 alleviated overcrowding at IS61. Currently over  
10 half of our overcrowded buildings are located in  
11 areas where we have funded new capacity in the 2015  
12 to 2019 capital plan. New capacity is an important  
13 tool to tackling areas of overcrowding. However  
14 resource constraints mean we cannot depend solely  
15 on new capacity to address overcrowding. The  
16 proposed 13.5 billion dollar fiscal year 2015 2019  
17 capital plan reflects the citywide need of 49  
18 thousand seats and will create approximately 33  
19 thousand new seats. Within our capital plan we  
20 prioritize funding to address overcrowded areas  
21 where we are unable to rezone or there is no  
22 underutilized capacity nearby. The capital plan  
23 also include funding for this administration's  
24 priority to remove all transportable classroom  
25

1 units known as TCUs and to reduce class sizes.  
2 Specifically 480 million has been allocated to  
3 remove TCUs and redevelop the yard space where the  
4 TCUs are located. And here I'm going to correct  
5 what is in the written testimony. Since October  
6 2013 we have removed 47 TCUs and have developed  
7 plans to remove 94 additional TCUs. We are also  
8 working with principals and superintendents to  
9 develop plans to enable the removal of the  
10 remaining TCUs. Plans include building new capacity  
11 in overcrowded areas, supporting schools to better  
12 utilize the space in their main buildings, and  
13 assessing the needs for potential changes to zoning  
14 or other enrollment adjustments. The class size  
15 reduction in the capital plan recognizes the need  
16 for targeted investment of additional resources to  
17 bring class sizes down in areas that might not  
18 otherwise require new capacity. Funding set aside  
19 in the class size reduction program will allow us  
20 to build approximately 4,900 new seats. An  
21 interdepartmental group within the DOE is in the  
22 process of conducting an analysis to determine the  
23 areas where these seats will be allocated. In  
24 addition to the significant financial investments  
25

1 in the capital plan and in response to longstanding  
2 concerns raised by school communities and other  
3 stakeholders. Last spring Chancellor Farina  
4 established a bluebook working group to review the  
5 way space is reflected in the blue book. The group  
6 comprised of parents, teachers, principals,  
7 advocates, elected officials, and SCA and DOE staff  
8 has focused its work on understanding the  
9 underlying formulas that determine current bluebook  
10 utilization figures and discussing recommendations  
11 that would improve the way our communities  
12 understand how space is used. Changes we have  
13 already implemented as a result of this groups  
14 recommendations include adjusting the bluebook  
15 formulas so that enrollment in TCUs is now included  
16 in the main buildings current enrollment and  
17 creating a more user friendly bluebook formula for  
18 school communities. The group has recently  
19 submitted its preliminary recommendations to the  
20 mayor and the chancellor and we will soon  
21 publically release a final report. It is important  
22 to note that over the past six years total  
23 enrollment in New York City school buildings has  
24 increased by over 34 thousand students. At the same  
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1  
2 time the number of overcrowded buildings has  
3 remained relatively constant. The increased  
4 enrollment and relatively constant number of  
5 overcrowded buildings over the past several years  
6 suggests that the strategies the DOE has been using  
7 to address overcrowding have allowed us to enroll  
8 and educate an increasing number of students in our  
9 public schools. That said we know that far too many  
10 of our students attend an overcrowded school and we  
11 are omitted to working creatively and  
12 systematically to reduce the number of over  
13 utilized school buildings in the city finally one  
14 of the most vital tools to help reduce overcrowding  
15 is to ensure that every neighborhood school  
16 provides its students with a high quality  
17 education. This remains the administration's top  
18 priority. The city council has been a strong  
19 partner in our efforts to reduce overcrowding and  
20 we look forward to our continued collaboration.  
21 Thank you for the opportunity to testify today. We  
22 will take your questions.

23 CHAIR: President Grillo you having any  
24 words? No? Okay. Alright well thank you very much  
25 Deputy Chancellor for your testimony today. I want

1  
2 to say first we've been joined by Council Member  
3 Inez Barron and Council Member Mark Levine, also  
4 former educators. So I want to thank them for being  
5 here. A lot of information to digest in your  
6 testimony. And often times take time to really  
7 understand exactly what's going on. So let me just  
8 start off by asking you first of all how many  
9 students are currently enrolled in overcrowded  
10 schools. So what would the total number of students  
11 be there. Because you mentioned some figures about  
12 45 percent or something like that I think in your  
13 testimony of the schools are not overcrowded but  
14 how many students is that actually involved that  
15 are in these overcrowded schools because I think  
16 that tells a more real picture.

17 PRESIDENT GRILLO: Thank you Chairman.  
18 Excuse me, I have laryngitis.

19 CHAIR: Oh okay I didn't know.

20 PRESIDENT GRILLO: Currently there are  
21 490 thousand students in overcrowded..

22 CHAIR: 490 thousand?

23 PRESIDENT GRILLO: Yes.

24 CHAIR: Well that's...  
25

1  
2 PRESIDENT GRILLO: 58 percent of those  
3 students are in elementary school.

4 CHAIR: So that's a good 40, I mean just  
5 estimating, good 40 percent or 45 percent of our...

6 PRESIDENT GRILLO: Correct.

7 CHAIR: ...of our student population...

8 PRESIDENT GRILLO: Right.

9 CHAIR: ...that's in these overcrowded  
10 schools. So the situation to me is still pretty  
11 dire and it's something that really requires us to  
12 look more deeply at it because I think that number  
13 is actually the number that we can go by. You know  
14 I taught as you know in District 24 I've told you  
15 these stories before in PS199 in Sunnyside. And  
16 literally one day they came into the classroom,  
17 they came into the uh, I was in the staff room and  
18 they opened the maintenance closet which was next  
19 to the classroom, pulled out the pitchfork, the  
20 rake, the shovels, threw up a coat of paint and  
21 turned it into the speech room. And one of the  
22 things that we see happening in schools like 199  
23 and other schools particularly in 24 and in 30 which  
24 is really the epicenter I think of the overcrowding  
25 and I think now we're hearing more about District

1  
2 20 as well. Is the, the picture of the use of  
3 rooms for purposes that they were not originally  
4 intended. So for example in 199 the girl's locker  
5 room and the boy's locker room are now currently  
6 classrooms. The dressing rooms behind the stage are  
7 now classrooms, full classrooms by the way,  
8 sometimes with reduced number of students. How many  
9 schools are like that where you have those types of  
10 situations occurring.

11 ELIZABETH ROE: So we don't have a  
12 number of schools of schools with that particular  
13 set of circumstances. One of the things that we  
14 have one and again this was at the recommendation  
15 of the blue book working group was to adjust our  
16 survey that feeds into the bluebook so that  
17 principals have the opportunity to note that a room  
18 is not being used for its originally intended  
19 purpose which I think is why, was very glad to see  
20 the, the blue book working group formed. Because I  
21 think on that level principals many, many do know  
22 the history of their building. Some don't though  
23 actually because it's the overcrowding situation  
24 particularly in these districts that I mentioned  
25 before is so old that it, it predates even the

1 principals who are in those buildings now and don't  
2 know that perhaps a science lab at one time is now  
3 a classroom or whatever. But that also I think  
4 gives us a better feel or exactly what is happening  
5 in the schools. So you know I don't think we can  
6 say that, and obviously... I mean... hate to go back...  
7 but that's my own experience but I think it's  
8 typical of other situations in these overcrowded  
9 districts. To say that they're at 149 percent or  
10 whatever it may be isn't exactly accurate either  
11 because there probably is like more like 200  
12 percent because they're using those rooms in a way  
13 in which they weren't originally intended. Will  
14 that be part of the new bluebook working groups  
15 reporting back to us?

17 PRESIDENT GRILLO: That, again I  
18 apologize for the voice, but that will be included  
19 in the, the annual principal survey that informs  
20 the bluebook. So that information will be folded in  
21 but it will not stand out in the new bluebook. But  
22 it will show up in the principal survey.

23 CHAIR: So let, let me, let me go off on  
24 a, on another little bit of, so with the  
25 transportables in your testimony you say that we're

1 making some progress which I think is good. And,  
2 and let me go to another example. At 125, IS125 I  
3 noticed in one of the reports that I have here  
4 before me they're due for removal of the  
5 transportables and, in 2017. In the list of the  
6 schools that are due for removal of the  
7 transportables that means just the removal or does  
8 that also mean the construction of the new school  
9 or the new addition or the, the wing?

11 ELIZABETH ROSE: So the removal of TCUs  
12 in some cases is related to addition or other new  
13 capacity very nearby. In other cases it, we are  
14 able to remove the TCUs without requiring new  
15 capacity. Whether that is working with principals  
16 to better organize their space in their existing  
17 buildings or frankly we have some cases where TCUs  
18 have simply remained past the time when they were  
19 needed. So not all of them are dependent upon new  
20 additions.

21 CHAIR: So Deputy Chancellor when I hear  
22 you say that you help principals reorganize their  
23 space it causes a little bit of concern for me  
24 because it goes back to the question that I was  
25 asking you just before this, prior to this, about

1  
2 the utilization of space for which it was not  
3 intended. And I think that you know principals find  
4 creative ways when they have to but one of the  
5 things that I think that we should really be  
6 looking at and I hope that we can get some of this  
7 information from the new bluebook is to go back to  
8 having those labs, the music rooms, the cluster  
9 rooms in our schools. And so that causes me a  
10 little bit of concern when I hear that.

11 ELIZABETH ROSE: I was not referring to  
12 removing cluster rooms or labs or other specialty  
13 spaces in that process.

14 CHAIR: Do you anticipate a day coming  
15 when we can go back to having those rooms used for  
16 the original purpose with the current plan?

17 ELIZABETH ROSE: So most schools do in  
18 fact continue to have specialty rooms and spaces  
19 for specialized instruction. I don't have a  
20 specific of in some of the more overcrowded  
21 districts where we have new capacity how many of  
22 those schools may or may not be missing some of  
23 those rooms.

24 CHAIR: So that also brings up a point  
25 in your testimony. And I think I underlined it,

1 just let me go back to it for a second. Where you  
2 were talking about they get the programs like  
3 reading... while class sizes may be larger than the  
4 targets used by the DOE to calculate capacity in  
5 the bluebook students still receive specialty  
6 instruction such as art, music, and science. Often  
7 times though in many of these overcrowded schools,  
8 and I'm wondering if you can acknowledge this to be  
9 correct they're pushing programs. So you have a  
10 teacher doing science from a cart. Actually that'  
11 what I did before, in the two months between being,  
12 having won the primary election until the last, to  
13 the day in November when I quit to come into the,  
14 into the council it was do science off of a push  
15 cart or music or even library in some cases. In  
16 your statement is that, are you including the  
17 provision of those services when teachers use carts  
18 to push into classrooms?  
19

20 ELIZABETH ROSE: We, it is certainly not  
21 the intent that schools would not have specialty  
22 spaces. We do know that that sometimes does occur  
23 because of the overcrowding and we are working to  
24 address those areas of overcrowding particularly in  
25 heavily over utilized districts where we need new

1  
2 capacity. And we acknowledge that we need new  
3 capacity. Districts 24, district 30 as you  
4 mentioned, district 20, district 15, many of those  
5 areas we don't have alternatives to building new  
6 capacity. But we also in other districts have  
7 opportunities to better utilize underutilized  
8 spaces in order to help address some of those  
9 situations.

10 CHAIR: So has the protocol for  
11 identifying school sites and reducing over, over,  
12 overcrowding change at all since the Bloomberg  
13 administration?

14 PRESIDENT GRILLO: Actually no it  
15 hasn't. But I will say what has changed is the  
16 cooperation and help of the city council members in  
17 identifying those spaces and we appreciate it.

18 CHAIR: So that takes me to another  
19 question. And this is a general question. But have  
20 we considered the use of eminent domain in regard  
21 to sites in some of these overcrowded districts  
22 because I know for certain that in District 30 and  
23 24, perhaps in 20, I don't know Council Member  
24 Treyger will confirm this, the issue is we just  
25 don't have land. And I think we need to begin to

1  
2 look at some ways to acquire this land for public  
3 purposes.

4 PRESIDENT GRILLO: Actually Chairman we  
5 do use eminent domain, we use it rarely, but we do  
6 use it. And the most important things to remember  
7 about it is we will not displace homeowners. We  
8 will not displace religious organizations and  
9 active businesses that have people working. So  
10 those are really our criteria for that. But  
11 certainly we have used it in certain cases and we  
12 will continue.

13 CHAIR: That's good. And so that is part  
14 of the consideration. So I'm going to stop here  
15 now. I'm going to let my colleagues ask some  
16 questions. And I think the first person on the list  
17 now is Council Member Alan Maisel followed by  
18 Council Member Treyger and then Levine.

19 COUNCIL MEMBER MAISEL: Thank you Mr.  
20 Chairman. I met, I think either Chairman Dromm said  
21 it or maybe, maybe I heard it someplace else that..  
22 schools are not considered to be a factor in  
23 overcrowding?

24

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1  
2 ELIZABETH ROSE: What I said is the vast  
3 majority of the overcrowded buildings in the city  
4 are single organization district school buildings.

5 COUNCIL MEMBER MAISEL: Alright. So  
6 would you agree though that if you have a charter  
7 school going into a underutilized school it does  
8 prevent the school district from being flexible in  
9 that if there are overcrowded schools surrounding  
10 that public school that you could no longer rezone  
11 because now that school is filled up. So in effect  
12 it eliminates one of the tools to alleviate  
13 overcrowding in the district. So it's not just the  
14 school that has the charter school, it impacts the  
15 whole district, do you think that's a fair  
16 statement?

17 ELIZABETH ROSE: So it is, it limits the  
18 potential to use some of that space for rezoning.  
19 But it also attracts students who may be in  
20 overcrowded schools. So it, it's an alternative  
21 strategy... [cross-talk]

22 COUNCIL MEMBER MAISEL: Yeah but that  
23 would have to be a very very small number.

24 ELIZABETH ROSE: ...force students out of  
25 the zone.

1  
2 CHAIR: Yeah most of the charter...  
3 [cross-talk] schools as I understand it are  
4 relatively small. So that last part can't be too  
5 significant. The main thing however is I, I think  
6 would be much more significant if we had the  
7 ability without charter schools to rezone whole  
8 blocks out of a overcrowded school or out,  
9 overcrowded several schools and put them into a  
10 underutilized school as... And having been in the  
11 business for a very long time myself I was Chairman  
12 of the school board, I was chairman of the Zoning  
13 Committee, we did that. But then we didn't have  
14 charter schools to worry about.

15 ELIZABETH ROSE: Well, and we have made  
16 many efforts to rezone many of our schools. As I  
17 mentioned in the testimony we've in fact succeeded  
18 in rezoning 217 schools over the past few years.  
19 And we would have been able to rezone more beyond  
20 that. In some cases no matter, despite our working  
21 closely with CECs some of our proposed rezonings  
22 were not passed.

23 COUNCIL MEMBER MAISEL: Does these...  
24 [cross-talk]

25 ELIZABETH ROSE: But we are, we are...

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COUNCIL MEMBER MAISEL: Yep, thank you.

ELIZABETH ROSE: ...we're, we're very happy to work with CECs to rezone schools.

COUNCIL MEMBER MAISEL: The, the other question I had is the role of the community district education councils. Do they actually, even though the law says that they're supposed to be involved under the Bloomberg Administration I don't think they were involved at all. And I know that rezoning is supposed to take place every odd year, or can take place every odd, just not required but it can. So does, do the local education councils, are they going to have a role to play in discussion of overcrowded schools and possible rezoning?

ELIZABETH ROSE: So they have a very large role to play in discussions of overcrowded schools and rezoning. And in fact under the prior administration and today the Department of Education can propose rezoning for overcrowded schools. But we cannot implement rezoning unless it is passed by a vote of the CEC.

COUNCIL MEMBER MAISEL: Right.

ELIZABETH ROSE: So they have... [cross-talk]

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2 COUNCIL MEMBER MAISEL: That by the way  
3 was not the case before. Because in the two  
4 education councils in my district, they complained  
5 to me that when it came to local rezoning they were  
6 bypassed by the Department of Ed. Under the  
7 previously... [cross-talk]

8 ELIZABETH ROSE: Let, let's discuss  
9 those situations... [cross-talk]

10 COUNCIL MEMBER MAISEL: ...limited..

11 ELIZABETH ROSE: ...offline.

12 COUNCIL MEMBER MAISEL: ...administration.

13 ELIZABETH ROSE: I'm happy to discuss  
14 those, whatever those situations were offline.

15 COUNCIL MEMBER MAISEL: Okay thank you  
16 very much.

17 ELIZABETH ROSE: But we cannot pass  
18 rezoning without the CEC.

19 CHAIR: Okay. Council Member Treyger.

20 COUNCIL MEMBER TREYGER: I'd like to  
21 actually begin by noting that typically at these  
22 types of hearings we would hear from former deputy  
23 chancellor Kathleen Grimm may she rest in peace..  
24 [cross-talk]

25 ELIZABETH ROSE: Thank you very much.

1  
2 COUNCIL MEMBER TREYGER: ...because this  
3 would be a hearing that you would definitely be at  
4 and we, she's a loss for the DOE and for the entire  
5 city of New York. Just a couple questions on, over  
6 the counter students and, and this issue of  
7 enrollment. I taught at district 20 in the high  
8 school. And one of the challenges was that you had  
9 students coming in from other countries... [cross-  
10 talk]

11 ELIZABETH ROSE: Mm-hmm. And so how does  
12 the DOE deal with making sure that we don't  
13 exacerbate existing space issues at schools where  
14 many immigrant families are settling in. And how is  
15 that being evenly dispersed among all the schools  
16 in the nearby area.

17 ELIZABETH ROSE: So when a student comes  
18 in over the counter meeting sort of in the few  
19 weeks before school begins in September they first  
20 meet with an admission's advisor. We open admission  
21 centers in each of the boroughs and assess where,  
22 where the student is at educationally, what their  
23 potential needs are. That admission advisor then if  
24 they have a zoned school that would be where they  
25 would be sent to attend their zoned school. They're

1  
2 also potentially placed in choice schools that have  
3 seat available. So we try to best match the needs  
4 and interest of the students with the seats that  
5 are available in each of those locations. So we try  
6 to do, make that the best fit for each student.

7 COUNCIL MEMBER TREYGER: But have there  
8 been cases where students from new countries come  
9 in and are placed in schools that are already  
10 overcrowded?

11 CHAIR: So it is possible that they  
12 would be placed in a school where the utilization  
13 is above 100 percent. So using that definition yes  
14 that is possible. The, in each school every year  
15 has an enrollment projection of the number of  
16 students that it is anticipated to serve. And so  
17 the seats available for over the counter are based  
18 on what is that school's enrollment projection for  
19 the year and how many students do they currently  
20 have enrolled for the appropriate grade level?

21 COUNCIL MEMBER TREYGER: Because my  
22 concern is that these were kids that were also very  
23 vulnerable in our system. They are, it's possible  
24 that they're English language learners. And when  
25 they're placed in a situation where the school's

1  
2 already overcrowded those needs sometimes fall  
3 through the cracks. I'm curious to know are if, if  
4 there's a charter school in the area where the  
5 family's coming in do charter schools have to take  
6 these, over the counter kids.

7 ELIZABETH ROSE: So charter schools  
8 admission is regulated by state law.

9 COUNCIL MEMBER TREYGER: Mm-hmm.

10 ELIZABETH ROSE: And there, there  
11 admissions have to go by lottery which is managed  
12 in the spring time. So if a student comes in new to  
13 the system in that summer period what we would call  
14 over the counter it is unlikely that they would be  
15 eligible for charter school seats.

16 COUNCIL MEMBER TREYGER: So to be clear  
17 just, so if there is a public school that's at 100  
18 percent capacity and a charter school at 70 percent  
19 capacity and a new family comes in they are not  
20 going to that charter school at that time is that  
21 correct.

22 ELIZABETH ROSE: Most likely yes.

23 COUNCIL MEMBER TREYGER: A question just  
24 to give you an example of when this happens this  
25 was a, a colocation proposal that happened during

1  
2 the Bloomberg years but it took effect under this  
3 administration. There's a school, Seth Low Junior  
4 High School IS 96. They are right on the boarder of  
5 21 and 20. And I appreciate the, the, the candor of  
6 the testimony that district 20 is one of the most  
7 overcrowded districts in the city of New York.  
8 There was space in Seth Low Junior High School to  
9 accommodate the volume of growth from District 20  
10 from elementary schools to middle schools. But  
11 instead of working out an arrangement where  
12 district 20 kids would go to Seth Lowe they decided  
13 to move forward with a colocation with success  
14 academy. And obviously we still want to address  
15 this issue but can you explain how are these  
16 determinations made where you had a situation where  
17 District 20 is extremely overcrowded. You have Seth  
18 Lowe which is right on the boarder of 21 and 20.  
19 They could have taken in the 20's growth. But  
20 instead they placed with the colocation. Tell me  
21 how that process is supposed to work and how we can  
22 make sure it never happens again.

23 ELIZABETH ROSE: Well I'd like to talk  
24 about this administration...

25 COUNCIL MEMBER TREYGER: Right.

1  
2 ELIZABETH ROSE: ...and how our process  
3 will work in this administration. So first of all  
4 there's several aspects to your question. One is  
5 the assessment of space and how that space is used.  
6 And here we are increasing our engagement and our  
7 discussions with the local community, with district  
8 superintendents, with principals, with elected  
9 officials we want to discuss how we will be using  
10 our buildings where we have available space. We  
11 also have a new law that does require us to assess  
12 potential space for charter colocations or pay  
13 rental assistance through an appeals process. We  
14 are assessing the space needs that we have very  
15 carefully. And that includes our needs for District  
16 75 students. It includes our needs for other  
17 programs that we might have at the DOE. It includes  
18 the potential for rezoning and how to best use our  
19 space. There're very few of our underutilized  
20 buildings that we believe have potential space for  
21 charter colocation or for an additional  
22 organization. So we want to assess the needs more  
23 carefully. We want to work with the communities and  
24 elected officials and go forward from there. But

1  
2 our core focus is ensuring that we are working  
3 closely, more closely with our communities.

4 COUNCIL MEMBER TREYGER: I, I have one  
5 final question and then I have a question maybe  
6 we'll follow up offline about some TCU situation in  
7 my district particularly with PS97 and 101. We met  
8 with the staff before but... Just want to make sure  
9 you know Mayor de Blasio has a very ambitious  
10 housing plan to preserve over 100 thousand units  
11 and to build many units as well. Can you discuss  
12 the collaboration between the, that housing plan  
13 and, and the DOE because one of the concerns we  
14 keep hearing about over and over and over again in  
15 my district was rezoned some years ago. But some  
16 districts are now going through that rezoning and  
17 eventually this will be an issue in my district as  
18 well is the issue of school space as we're trying  
19 to accommodate the growth of population. So can you  
20 discuss the level at the extent to which this  
21 collaboration between the agencies are making sure  
22 that we're not exacerbating overcrowding conditions  
23 already.

24 PRESIDENT GRILLO: Right. Yes we're,  
25 we're very very clear about our participation with

1  
2 city planning, we meet with them regularly. We are  
3 working with them on their rezoning plans and we of  
4 course have a very loud voice as it relates to the  
5 school needs. And they are looking at this very  
6 comprehensively. We're working very  
7 comprehensively, we're working really closely, we  
8 understand you know 160 thousand new market rate  
9 and affordable housing. And we are working.. like  
10 for example in east New York we are specifically  
11 looking at schools and what the needs will be, so  
12 yes.

13 COUNCIL MEMBER TREYGER: Alright. Thank  
14 you Chair.

15 CHAIR: Thank you very much Council  
16 Member Treyger. Council Member Levine.

17 COUNCIL MEMBER LEVINE: Thank you Chair  
18 Dromm. Hello to you both, great to see you. My  
19 district includes part of community school district  
20 six in northern Manhattan, partly myself, partly  
21 Council Member Rodriguez. You know this district  
22 well, happened to be the, the origin of the  
23 campaign for fiscal equity lawsuit. And a district  
24 which suffered some of the worst overcrowding in  
25 the city in decades past particularly in the boom

1  
2 years of the 90s. And evict, a district which was a  
3 victim as much as any other of the flaws in the  
4 bluebook as it has currently been applied so that  
5 throughout the district we lost all sorts of space  
6 for arts and music and science and other facilities  
7 because it was repurposed as classrooms. The  
8 district hasn't been in the news as much today and  
9 overcrowding has been reduced some since the boom  
10 years. But the reality today is still pretty rough.  
11 We've got seven schools in the district which have  
12 either trailers or annexes of some temporary  
13 structure, a third of the schools in the district  
14 have no art room, a third have no music room, many  
15 have no science or computer rooms, Mott Hall the  
16 district's only GNT middle school has no gym,  
17 cooking facility, or library. I could go on and on  
18 and on. You're familiar with this?

19 ELIZABETH ROSE: Yes.

20 COUNCIL MEMBER LEVINE: So this, this  
21 district desperately needs the current bluebook to  
22 be thrown out so that we can have a more rational  
23 accounting for space. And I want to give you a  
24 chance to comment but I just want to give you one  
25 piece of information which illustrates the

1  
2 absurdity of the status quo. We have three  
3 buildings in the district which were all built at  
4 the same time roughly in the 90s that are basically  
5 the exact same blueprint, PS4, PS5, PS8. Each of  
6 them has had over 100 students added to their  
7 allowable enrollment without any additional  
8 classroom space being built. And each of them today  
9 at a different capacity. I don't know exactly what  
10 they are but they're all different even though it's  
11 the exact same school exact same floor plan. So  
12 tell us about when, when we can expect some relief  
13 in district 6.

14 PRESIDENT GRILLO: Well first let me  
15 recognize Council Member that there was a, since I  
16 co-chaired the Bluebook working group I can tell  
17 you clearly that there was a very strong voice of  
18 the concerns of district 6 that participated very  
19 strongly and we heard our concerns, we hear your  
20 concerns and I think that some of our  
21 recommendations will address the information that  
22 you have requested based upon you know prior use  
23 of, of a, of a room whether it was designed for a  
24 particular purpose or not. As we said earlier the

25

1  
2 principal survey will now include that information.  
3 So a lot of this will be much more transparent.

4 COUNCIL MEMBER LEVINE: What is the  
5 timeline here? Your recommendations been made  
6 public yet?

7 ELIZABETH ROSE: Soon.

8 COUNCIL MEMBER LEVINE: Soon? Will this  
9 be in time for the next school year? Will it affect  
10 this year's capital budget?

11 ELIZABETH ROSE: Well I think we are  
12 hopeful that we will be able to incorporate some of  
13 the recommendations, many of the recommendations  
14 that were made by the Bluebook working group. And  
15 just from a process perspective expect that some of  
16 them, we would be able to implement for the current  
17 year's Bluebook and some of them might have to be  
18 in the following year simply from a computer  
19 program and timeframe.

20 COUNCIL MEMBER LEVINE: When does the  
21 ink dry on this year's Bluebook? Like what, the  
22 clock's ticking at this point right? How much time  
23 do we have?

24 PRESIDENT GRILLO: ...March.  
25

1  
2 COUNCIL MEMBER LEVINE: The end of  
3 March?

4 PRESIDENT GRILLO: Yes.

5 COUNCIL MEMBER LEVINE: So that's three  
6 or four weeks so that's really a short timeline.  
7 Last I checked there was no additional capacity  
8 fund, capacity building funded for district 6 in  
9 the capital plan. Is that still the case?

10 PRESIDENT GRILLO: That is the case.

11 COUNCIL MEMBER LEVINE: Does, does  
12 nothing even in the preliminary analysis of this  
13 Bluebook working group indicate that there might  
14 need to be additional capacity in the plan for  
15 District 6.

16 PRESIDENT GRILLO: I think the Bluebook  
17 Committee worked on the formulas and what  
18 information will, will go into the Bluebook but the  
19 calculations have yet to be determined.

20 COUNCIL MEMBER LEVINE: Well just... I'll  
21 close by emphasizing that we're, we're in desperate  
22 need of some relief uptown. We are anxiously  
23 awaiting the results and, of the Bluebook working  
24 group. And we're really hopeful that it'll be, be,  
25 the beginning of what was a very difficult era for

1  
2 us in the beginning of, of a much more rational  
3 fair allocation of resources for our district.

4 Thank you.

5 CHAIR: Thank you very much... Council  
6 Member Barron.

7 COUNCIL MEMBER BARRON: Thank you Mr.  
8 Chair. And thank you to the panel for coming and  
9 presenting your testimony. Just a few questions.  
10 What is the formula for the number of so called  
11 specialized classrooms beyond instructional,  
12 general instruction classes; the art room, library,  
13 music, what's that formula? What should every  
14 school have in terms of the additional space for so  
15 called specialized rooms?

16 [cross-talk]

17 PRESIDENT GRILLO: Oh, okay. I was going  
18 to say that those are some of the issues that were  
19 addressed with the Bluebook working group so you  
20 will see some changes in that but...

21 ELIZABETH ROSE: So currently for  
22 elementary schools students with zero to 150  
23 students would have one specialty classroom.  
24 Schools of 151 to 250 students would have two  
25 specialty classrooms. 251 to 750 students would

1  
2 have three specialty classrooms. 751 to 12 hundred  
3 and 50 would have four. And above 12 hundred 51  
4 students would have five. At the middle school and  
5 high school levels the approach I different for  
6 every specialized classroom that they have. The  
7 assumption is that that classroom can only be used  
8 five periods a day.

9 COUNCIL MEMBER BARRON: So the board of  
10 education thinks that a school population of 500  
11 students can suffice with three specialty rooms?

12 ELIZABETH ROSE: That is the... [cross-  
13 talk]

14 COUNCIL MEMBER BARRON: That's the  
15 formula?

16 ELIZABETH ROSE: ...current standard. Yes.

17 COUNCIL MEMBER BARRON: So they have to  
18 pick then which of the so called specialty rooms  
19 they would have... decide between a band, library,  
20 art room... [cross-talk]

21 ELIZABETH ROSE: So...

22 COUNCIL MEMBER BARRON: That's...

23 ELIZABETH ROSE: ...library is not  
24 included in what we define as a specialty  
25 classroom.

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COUNCIL MEMBER BARRON: Okay.

ELIZABETH ROSE: These are things like art, music, science. You can have a band you, in your music room. Or it can rehearse in an auditorium. Of course many schools also have a multipurpose room.

COUNCIL MEMBER BARRON: It's difficult when I had my band in school to have them rehearsing in the auditorium when we were using that for mass school programs and for special events. And the auditorium was half, shared space with the lunch room. So, and that would have been very difficult if I had not had the space to do that. Also in the elementary schools we had a science resource room which was critical. So it just it baffles me that the formula for the number of rooms is as limited as it is. And I would certainly hope that you would revisit that. So you said it doesn't include libraries as a specialty. What about computer labs?

ELIZABETH ROSE: Computer lab would be considered a specialty room.

COUNCIL MEMBER BARRON: So you, you have to pick from a computer lab or...

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ELIZABETH ROSE: So...

COUNCIL MEMBER BARRON: ...science... Yes?

ELIZABETH ROSE: The, the current approach to using computers is actually to embed the technology in regular classrooms and, and the Chancellor strongly prefers that computers become part of regular instruction rather than be separated into a separate computer lab.

COUNCIL MEMBER BARRON: I think that that's foresight... that's, that's near, that's not long range, I don't think that you can expect the classroom teacher who is incorporating that instruction in, in the day has the same skills as a trained teacher who can have a group of children to have them working on projects... and we're talking about trying to teach children how to do coding... I don't think you would think that your classroom teacher has those kinds of capabilities. So I think that that also needs to be revisited to think that you should not have a separate computer room in addition to the technology that's going on in a day to day basis. And I, as we talk about stem and having... I can't see that you don't think you need a computer room in every school. I really, I'm, I'm

1  
2 glad I asked the question because I'm shocked with  
3 the answer. I'm shocked with the answer. But, now  
4 you did say that the CEC is very much involved in  
5 the rezoning. If the CEC objects to the rezoning  
6 proposal does it die?

7 ELIZABETH ROSE: If the CEC does not  
8 pass a rezoning proposal than the zoning lines do  
9 not change.

10 COUNCIL MEMBER BARRON: Okay that's,  
11 that's interesting. That's good to know. And  
12 finally the campaign for fiscal equity lawsuit, the  
13 findings were that in fact the formula that New  
14 York City used to determine student capacity and  
15 overcrowding was flawed.

16 ELIZABETH ROSE: Mm-hmm.

17 COUNCIL MEMBER BARRON: And I'm  
18 concerned that as we're talking now about  
19 determining what capacities schools have it still  
20 needs to be adjusted so that as space is given up,  
21 or as space is captured from what exists to make  
22 another classroom such as what the chairman has  
23 discussed that doesn't then influence the capacity  
24 formula to say oh we're now at capacity. We're no  
25 longer over capacity. We're, and in terms of the

1  
2 TCUs I have a particular high school in my  
3 district, district 19, half of the student  
4 population in the high school uses the TCUs. The  
5 other half of the student population are in  
6 classrooms that I'm sure are not 500 square feet.  
7 So what is your plan, what is your proposal in  
8 terms of accommodating the students in that high  
9 school?

10 ELIZABETH ROSE: So I don't know which  
11 specific school you're referring but we would work  
12 with the principal to assess what is possible in  
13 that school. And if we cannot accommodate all of  
14 the students in that school we would also look at  
15 what are the potential changes or adjustments to  
16 enrollment o that we could enroll students in other  
17 schools that have available capacity in order to  
18 over time reduce the enrollment at that school so  
19 that we could remove those... [cross-talk]

20 COUNCIL MEMBER BARRON: So that sounds  
21 to me like you're saying you would eventually phase  
22 that school out?

23 ELIZABETH ROSE: Not at all. It sounds  
24 like, the school needs to ultimately... we either  
25 have buildings that are able to accommodate

1  
2 students or we need, will need to make adjustments  
3 to the total enrollment. That's not the same thing  
4 as phasing a school out. It's saying the building  
5 can accommodate 400 students therefore we can't  
6 enroll 800 students in that building.

7 COUNCIL MEMBER BARRON: And so what  
8 would be the possibilities of putting into the  
9 capital plan the construction of a new high school  
10 to accommodate that school which as I have pointed  
11 out half the students are in TCUs, the other half  
12 are in spaces that are not 500 square feet.

13 ELIZABETH ROSE: Right. So we do have  
14 funding in the capital plan for additional high  
15 schools in... Queens and also in Staten Island where  
16 our high schools are over utilized in aggregate.  
17 In, in Brooklyn where in aggregate we do see more  
18 space availability we would potentially assess are  
19 there other buildings that could potentially better  
20 house that school. Or how would we need to  
21 potentially adjust enrollment.

22 COUNCIL MEMBER BARRON: Finally as the,  
23 as the state legislature is pushing the governor to  
24 adhere to the settlement of the CE, of the CFE  
25 lawsuit and as we can expect to have smaller class

1 sizes how are we going to accommodate the children  
2 who are now not 20 and 24 and 28 but in lower  
3 class, in smaller class sizes, how are we going to  
4 accommodate those additional classrooms that are  
5 going to be needed?  
6

7 ELIZABETH ROSE: Well in, certainly if  
8 the funding from C for E does material...

9 COUNCIL MEMBER BARRON: No not C for E  
10 CFE the campaign for fiscal equity.

11 ELIZABETH ROSE: If that funding does in  
12 fact materialize in many, in some areas we will  
13 have the additional classroom space that those  
14 students would be able to be served in smaller  
15 classrooms. In some areas we already know where we  
16 already have extreme overcrowding. We would not be  
17 able to spread out into smaller classrooms but we  
18 would be able to provide additional staff,  
19 additional teachers, so that we could create  
20 greater, better ratios for those students and have  
21 greater small group instruction.

22 COUNCIL MEMBER BARRON: Thank you. Thank  
23 you Mr. Chair.

24 CHAIR: Thank you very much Council  
25 Member Barron. Just to follow up a little bit on

1  
2 what Council Member Barron was hitting on before in  
3 regard to specialty rooms, is gym considered a  
4 specialty room?

5 ELIZABETH ROSE: No gym is separate from  
6 specialty instruction.

7 CHAIR: Because one of the, the big  
8 issues, and you know I, I, I signed onto some  
9 legislation that Council Member Crowley is  
10 proposing as well in terms of reporting bill in  
11 regards to the number of periods that children get  
12 gym which I think is an important issue as well.  
13 But in, in many schools where you do have just one  
14 gym for example and you have you know 25 periods a  
15 week let's say where the gym teacher can use that.  
16 I don't think it could be utilized more than 25 or  
17 in elementary school maybe, maybe if you go up to  
18 30. But you have 44 classes and none of them are  
19 going to be able to, you know none of the, the ones  
20 that are above the, either the 25 or the 30,  
21 whatever figure you want to take, are able to.. Do  
22 considerations like that get taken.. Do things like  
23 that, do situation like that get taken into  
24 consideration when talking about overcrowding.  
25 Because you know gym is a state mandate for that

1 number of periods that are supposed to be offered.  
2 But obviously in a school where you have 44  
3 classrooms, homerooms, and only 25 gym periods  
4 available a week you're not even going to meet the  
5 minimum state requirement for the 25 never mind the  
6 kids who don't have a gym period at all.

8 ELIZABETH ROSE: So certainly in our  
9 space constrained city gyms are very large spaces  
10 and they are very precious resources. And we want  
11 all of our students to have physical education as  
12 part of their regular education and as required.  
13 There are many other ways of providing physical  
14 education in addition to a traditional gym class  
15 that includes sports teams that may meet after  
16 school or before school. It includes, we've in some  
17 buildings have created weight training rooms and  
18 fitness centers that enable additional students to  
19 have physical education. We have created programs  
20 such as our move to improve program to increase  
21 physical activity in regular classrooms so that  
22 students can have a, a bit of a break and can get...

23 [cross-talk]

24 CHAIR: Deputy Chancellor let me just...

25 [cross-talk]

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ELIZABETH ROSE: ...physical activity.

CHAIR: Let me, let me just on that point to tell a classroom teacher to push the tables and chairs aside in a regular classroom to do gym is just not acceptable. It really is not acceptable. And so just, I think let's just be honest that is not an option that should be available to anybody. They, when you talk about physical education kids need to run to play ball you know to jump rope. And those opportunities are not available when you're talking about doing jumping jacks in a classroom. You know I, just really is not. And so I have to take exception with that statement from an educational perspective.

ELIZABETH ROSE: Mm-hmm. Yeah we also have for, have a program called No gym no problem. And so that is one where we work with schools to help them utilize the facilities that they have in order to help meet physical education needs.

CHAIR: To me it's not meeting the mandate but we'll argue that at the, at the hearing on the legislation that we're proposing. I also want to ask about, each, even room for teachers. So when I was a cluster, a social studies cluster

1  
2 teacher I did not have a desk. I had a window sill.  
3 And all of my lessons had to sit on the windowsill,  
4 or the ones that I could fit on the window sill.  
5 This is true. We had one cluster room. We had eight  
6 teachers in the cluster room because we had no  
7 regular specialty rooms in the school at all. And  
8 so I'm wondering if when we are doing school  
9 construction or taking into consideration  
10 utilization of space do we take into consideration  
11 space for cluster teachers so they can have a desk  
12 at least. I mean actually in the contract I think  
13 it says that they're required to have a desk. But  
14 to be honest with you I never really grieved it  
15 because I knew I was only going to get a window so..

16 PRESIDENT GRILLO: I'm sorry. We include  
17 in our new construction certainly teacher  
18 workrooms. And in those workrooms very often there  
19 are a number of desks that are stationary. So  
20 that's for new construction. And we've also again  
21 as part of the Bluebook working group addressed  
22 those issues in admin spaces including teacher  
23 workrooms in admin spaces.

24 CHAIR: Sometimes I think principals  
25 don't think to think that. I mean principals do a

1  
2 good job and everything but I think that the focus  
3 is often times on the students as it should be. But  
4 in order to do adequate preparation and feel  
5 professional I think minimally every cluster  
6 teacher should have a desk and a computer... that's  
7 another issue because I did not have access to any  
8 computer, I had to, I was told that if I wanted to  
9 use a computer to access my DOE emails which was  
10 required and which was sent back to the principal  
11 to check on me if I hadn't answered them. But I  
12 didn't have access to a computer during the day  
13 because I didn't have access to a desk. I think  
14 those things need to be really taken into  
15 consideration. And especially how we're going to be  
16 able to do that in older school buildings. Now I,  
17 I've seen the, the great example and I want to  
18 compliment you on what you've done at IS230 with  
19 the gym. I mean that's like a state of the art gym  
20 with the the running machines and all that. So I do  
21 compliment you. But I, I think we need to think  
22 also in terms of our older buildings how we do  
23 that. Follow-up on a few more questions. The 49  
24 thousand figure that we have for the seats that we  
25 currently need, by the way I received testimony

1  
2 today at this hearing, although they're not able to  
3 attend, from the independent budget office stating  
4 that they're figure is really more around 74  
5 thousand needed seats. So I just want you to know  
6 that and, and that's what IBO is going to come out  
7 with. And that testimony will be, putting to, on  
8 the record later on today. But how do you come to  
9 that 49 thousand seats?

10 PRESIDENT GRILLO: Sure. Sure. We, as  
11 you know solicit two independent demographers. They  
12 perform projections but independently. And then  
13 those projections are, are produced by grade, by  
14 district, by grade, by district for elementary and  
15 middle schools and by grade, by borough in high  
16 schools. And for elementary and middle school level  
17 we derive demographic enrollment projections for  
18 subdistricts by multiplying districtwide enrollment  
19 projections by the project... this is very  
20 complicated and we layer all of this with housing  
21 starts and information from city planning and HPD  
22 and all of that. We, again will have a lot more of  
23 this information available after the Bluebook  
24 working group recommendations come through because  
25 all of those, those numbers will likely change. So

1  
2 yes we do, we use demographers. We've been within  
3 one and two percent accuracy every single time.

4 CHAIR: So President Grillo... [cross-  
5 talk]

6 ELIZABETH ROSE: If I could just add...

7 CHAIR: I'm sorry.

8 ELIZABETH ROSE: ...to Ms. Grillo's  
9 testimony, to her response; we do in that process  
10 assess are there underutilized buildings nearby.

11 PRESIDENT GRILLO: Right.

12 ELIZABETH ROSE: So that we consider can  
13 we potentially rezone, can we potentially draw  
14 students to other buildings nearby so that new  
15 capacity is not the only solution to addressing the  
16 needs of overcrowded areas.

17 CHAIR: These people who go out and do  
18 these assessments, demographers perhaps.

19 ELIZABETH ROSE: Mm-hmm yes.

20 CHAIR: Are they the same people we've  
21 always used and have they been retrained in terms  
22 of what to look for, in terms of... [cross-talk]

23 PRESIDENT GRILLO: Well...

24 CHAIR: ...space usage.  
25

1  
2 PRESIDENT GRILLO: Well there's a,  
3 there's a couple of different ways that we do this.  
4 First of all we do an annual survey that the  
5 principals themselves fill out. So they tell us  
6 exactly how each room is being used. We've even  
7 this year because of our Bluebook working group  
8 we've even sent out as part of our consultants sent  
9 out to every school a team to measure every room so  
10 we had that exact information. So principals don't  
11 have to do that kind of thing every year as well.  
12 So that's, that's, that's one part of it. The  
13 demographers that we have, we had one consistent  
14 demographer for a number of years and about five  
15 years ago we put in our RFP and hired a second  
16 independent demographer just to verify. But let me  
17 reassure you that for the last 10 years or so we  
18 have been within two percent accuracy of actual  
19 enrollment. And we have even over projected rather  
20 than under projected.

21 CHAIR: Okay. Does the capital plan take  
22 into consideration the mayor's plan for the  
23 additional I guess about 160 thousand market rate  
24 units on top of the 200 thousand affordable units  
25 that he's projecting in his plan?

1  
2 PRESIDENT GRILLO: Yes actually we are  
3 working, as I mentioned earlier we are working very  
4 very closely with city planning on their rezonings.  
5 We sit with them as they're making, as they're  
6 finalizing their plan so yes we certainly do.

7 CHAIR: How many UPK seats were added to  
8 schools that were already overcrowded, were over  
9 utilized?

10 ELIZABETH ROSE: I, I don't have a  
11 breakdown of specifically where UPK seats were  
12 added within DOE buildings. What I can tell you is  
13 that of the additional seats, or additional seats  
14 in DOE buildings this year for UPK we've added  
15 about 3,150 additional pre-k seats for the 2014/15  
16 school year. The majority of the new pre-k seats  
17 that lead to our enrollment of 53 thousand students  
18 in full day pre-k were in New York City early  
19 childhood centers.

20 CHAIR: CBECS.

21 PRESIDENT GRILLO: Yeah.

22 ELIZABETH ROSE: Correct.

23 CHAIR: Okay. [cross-talk] Leonie  
24 Haimson released a report in June of 2014 that  
25 showed that a survey of 550 principals or 86

1  
2 percent say that their class sizes were too large  
3 to provide a quality education and that the common  
4 three factors that prevented them from reducing  
5 class size are the lack of control over enrollment,  
6 lack of space, and lack of funding. How do you  
7 respond to that?

8 ELIZABETH ROSE: Well first off I'd say  
9 we acknowledge that class sizes in elementary  
10 grades are above the standards that we are using  
11 for our capacity calculations. So we acknowledge  
12 that the average class sizes are higher than 20 in  
13 grades K to three. They are in fact lower than our  
14 standards in grades, in middle school grades and  
15 high school grades. So the majority of the  
16 overcrowding is occurring in our elementary schools  
17 and that I very consistent with the data that we've  
18 shared earlier this, today.

19 CHAIR: Which is really kind of  
20 interesting right because we have early child class  
21 reduction initiatives, we have a lot of scientific  
22 studies and knowledge that in order to really be  
23 effective in turning kids' lives around or lifting  
24 them up out of poverty what we need to do is to  
25 have small class sizes and individualized

1 instruction on the elementary school level and even  
2 in the early childhood level. And so that's why I  
3 think a hearing like this is so vitally important  
4 to turning that situation around and, and, and even  
5 the way that class sizes are structured within the  
6 UFT contract for example we start with a lower  
7 class size in, in the, the lower grades and then it  
8 builds up I think to 34 in the fourth grades and  
9 above in, into the high school. It concerns me when  
10 I hear that the, that the overcrowding is mostly in  
11 the elementary schools. The, that being said what  
12 are, what about the allocation of spaces in  
13 collocated schools? Just any, and, and I'm not just  
14 talking charters, I'm talking any collocated  
15 school. When you look at the, the, the possibility  
16 of collocating a school do you take into  
17 consideration the sharing of spaces such as  
18 bathrooms and the specialized rooms, the use of gym  
19 for example, and cafeterias?

21 ELIZABETH ROSE: So first of all I want  
22 to thank you for recognizing that collocation is  
23 related to district schools. It's related to  
24 District 75 schools. And then in fact most of our  
25 collocations are between two DOE schools or DOE

1 school and a District 75 program. So thank you for  
2 that. So yes we absolutely take into consideration  
3 how, what are the shared spaces that are available  
4 and ensuring that there are sufficient spaces for  
5 the schools. Wherever possible we try to provide  
6 securable space for the schools, that, while it  
7 does not require separable bathrooms that is  
8 something that many schools appreciate or something  
9 that, that frequently in the way we plan space in a  
10 building we are able to accommodate. And we do look  
11 at you know can we, can students be fed in the  
12 lunch period, in the cafeteria appropriate lunch  
13 times? We absolutely look at potential gym space. A  
14 vast majority of our colocations are in fact  
15 district district or districts D75 and I think  
16 there is another way that we can best use our  
17 resources to serve all of our students.

18 CHAIR: Let me ask a little bit about  
19 actual square footage. I think that the DOE  
20 redefines the size of full size classrooms down to  
21 500 square feet per classroom from what was 600  
22 feet previously. And this is smaller I think in, in  
23 many places, than many places around the country.  
24 And does the building code require 20 square feet  
25

1  
2 per student? And if so doesn't that violate  
3 regulations, especially if you have...

4 PRESIDENT GRILLO: Right.

5 CHAIR: ...30 kids in the classroom?

6 PRESIDENT GRILLO: Right. Well our  
7 standard classroom is 750 square feet.

8 CHAIR: Is how many?

9 PRESIDENT GRILLO: 750 square feet.  
10 There are occasionally those schools that require  
11 smaller class. We cap that at 25.

12 CHAIR: So then they're technically  
13 violating the building code?

14 PRESIDENT GRILLO: Again we cap that  
15 number at 25.

16 CHAIR: Okay and, and, and finally  
17 President Grillo if we were to fund the extra 16  
18 thousand seats that are not in the plan what would  
19 be the cost estimate for that?

20 PRESIDENT GRILLO: It would be about 1.7  
21 billion.

22 CHAIR: 1.7 billion?

23 PRESIDENT GRILLO: Correct.

24 CHAIR: Okay thank you.

25 PRESIDENT GRILLO: You're welcome.

1  
2 CHAIR: Okay we do have a couple extra  
3 questions, other questions. Council Member Levin  
4 followed by Chin and Deutsch.

5 COUNCIL MEMBER LEVIN: Thank you very  
6 much. [cross-talk]

7 CHAIR: We were joined by you and we're  
8 also joined by Council Member Antonio Reynoso and  
9 Mark Weprin. And we were joined by Council Member  
10 Garodnick and Williams previously.

11 COUNCIL MEMBER LEVIN: Thank you very  
12 much Deputy Chancellor, President Grillo nice to  
13 see you. I just had a couple of questions because I  
14 have instances where I have overcrowding in my  
15 district on the elementary school level. Can you  
16 give us a full list of the elementary schools  
17 across the city that have to place zoned children  
18 on a waiting list? Is there a complete list that's,  
19 that's made public of, of those schools, those  
20 elementary schools, zoned elementary schools that  
21 have a waiting list for zoned children?

22 ELIZABETH ROSE: So I can check if that'  
23 a list that we have shared and can follow up with  
24 that. What I can say is that the kindergarten  
25 admissions process that we instituted I guess now

1  
2 about two or three years ago where families  
3 actually apply and rank their choices for where  
4 their child would attend kindergarten. Through that  
5 process and I think as a result of that process we  
6 have actually seen a significant reduction in the  
7 number of students who are on wait lists for their  
8 zoned kindergarten.

9 COUNCIL MEMBER LEVIN: But it, it still  
10 exists right?

11 ELIZABETH ROSE: It, it does still  
12 exist. I think it is, it's gone down from about 125  
13 different schools to now about 63 different  
14 schools? Yes, I'm getting a nod... [cross-talk]

15 COUNCIL MEMBER LEVIN: 63 schools..  
16 [cross-talk]

17 ELIZABETH ROSE: ...63 schools...

18 COUNCIL MEMBER LEVIN: ...across the city.

19 ELIZABETH ROSE: ...this year had wait  
20 lists for their, zoned wait lists for their  
21 kindergarten.

22 COUNCIL MEMBER LEVIN: What are the, the  
23 tools in DOE's toolbox or DOE an SCA's toolbox for  
24 how to best address that? What's, what, what do you  
25 do in those instances?

1  
2 ELIZABETH ROSE: Well in terms of  
3 further reducing the number of students on wait  
4 lists we in some cases use rezoning which we, we've  
5 discussed a bit earlier today. So we work with CECs  
6 to attempt to rezone local neighborhoods to take  
7 advantage of underutilized capacity that might be  
8 nearby. We open choice programs, sometimes do a  
9 language or gifted and talented programs again to  
10 try to draw students to underutilized schools  
11 nearby, where the district overall is in need of  
12 capacity we may have new capacity funded in the  
13 capital plan and some combination of all of the  
14 above.

15 COUNCIL MEMBER LEVIN: Do you track... so  
16 when SCA is looking at its capital plan you, you  
17 look at city planning data that tells you, in terms  
18 of and, and building permit data, like housing  
19 starts correct?

20 PRESIDENT GRILLO: That's correct, yes.

21 COUNCIL MEMBER LEVIN: Does the  
22 Department of Education look at that same data when  
23 determining how many classrooms or how many classes  
24 that you're going to place in a, say a  
25 kindergarten. For example I have a zone in my

1 district that is on the verge of, of having a  
2 waiting list. It's overcrowded significantly. It's  
3 on the verge of having a waiting list, likely to  
4 have a waiting list this year. And there's a  
5 significant amount of housing, new housing that is  
6 going to be built in the next five years. Or it's  
7 being built now and it's being occupied. I just  
8 drove over the Brooklyn Bridge yesterday and saw  
9 that you know they've outfitted some, some  
10 apartments in, in the new building in that  
11 district, in that zone.

12 ELIZABETH ROSE: Mm-hmm.

13 COUNCIL MEMBER LEVIN: So we're seeing  
14 it, it happen now. It's going to happen more in the  
15 next five years. I know that SCA's looking at the,  
16 the, the zoning, the housing starts to determine  
17 overall capacity. Is DOE looking at those housing  
18 starts in the zone to say... to, to, to inform how  
19 many kindergarten classrooms it's going to place in  
20 that school.

21 ELIZABETH ROSE: So we work extremely  
22 closely together. We sit by, side by side today  
23 and, and we talk constantly so that everybody in  
24 the planning side that looks at how many  
25

1  
2 kindergarten classrooms we might have is very aware  
3 of what we're looking at from the long term capital  
4 plan side, the long term seat need in those  
5 neighborhoods.

6 COUNCIL MEMBER LEVIN: Okay. Because  
7 yeah, because I think that it's, it's certainly  
8 something we're, we're on a kind of a, seems like  
9 right now we're on a one way track in that  
10 particular zone and it's leading towards  
11 overcrowding and waiting lists and we need to kind  
12 of figure out how to, how to best address that.

13 ELIZABETH ROSE: And, and the, the first  
14 thing that we would like to discuss and, and talk  
15 about with the, the CEC is are there opportunities  
16 for potential rezoning to take advantage of  
17 capacity nearby?

18 COUNCIL MEMBER LEVIN: Okay. Alright we  
19 could talk more about that offline. Thank you very  
20 much for answering my questions. And thank you very  
21 much, very much Mr. Chairman for allowing me to ask  
22 questions. Thanks.

23 ELIZABETH ROSE: Thank you.

24 CHAIR: Absolutely. Council Member Chin.  
25

1  
2 COUNCIL MEMBER CHIN: Thank you Chair. I  
3 know you talked about it earlier, the whole idea of  
4 imminent domain... I mean just an example like in my  
5 district we have all these as of right buildings  
6 going up. And we know that they're going to  
7 continue to overcrowd our school and it's, and it's  
8 been very difficult to find sites to build school.  
9 So I know that earlier President Grillo you talked  
10 about that you have used Imminent Domain. So will  
11 you continue, maybe work with us to identify a site  
12 that we could imminent domain them to use it for  
13 school especially because we have all of these you  
14 know as of right developer just building these big  
15 towers...

16 PRESIDENT GRILLO: Right.

17 COUNCIL MEMBER CHIN: ...down here. And  
18 with rezoning it's going to be more and more in  
19 different neighborhoods. And it's going to be very  
20 hard to find public space.

21 PRESIDENT GRILLO: Sure Council Member.  
22 We look forward to continuing working with you and  
23 your office on locating space down in, in your  
24 particular area, sure. And you know that we are  
25 always available to have those conversations. We

1  
2 appreciate the fact that we've heard from, from  
3 your office because you're the folks on the ground  
4 so you know where these things are going on. And  
5 any information you can give us we'll be there.

6 COUNCIL MEMBER CHIN: So that you, you  
7 are willing to use this imminent domain tool if  
8 you, it's needed.

9 PRESIDENT GRILLO: If it's needed,  
10 absolutely.

11 COUNCIL MEMBER CHIN: Okay. And the, and  
12 the last question is that I know that you were able  
13 to get some preschool space. Are you looking at  
14 some of these, so as of right development when you  
15 find out that they are going up to really talk to  
16 the developer about getting some more pre-k space?

17 PRESIDENT GRILLO: Absolutely.

18 COUNCIL MEMBER CHIN: Because they're  
19 not, you know they don't have to come in to ask for  
20 anything... [cross-talk]

21 PRESIDENT GRILLO: No no.

22 COUNCIL MEMBER CHIN: ...that's a right.  
23 So they don't have to tell us anything, they don't  
24 have to talk to us. But I guess you know if you  
25 know about them you know can you also proactively

1  
2 go to them and say even though you're as of right  
3 but you're going to be overcrowding our school and  
4 if you can give us space..

5 PRESIDENT GRILLO: See we try to take a  
6 different approach. The approach is you will be so  
7 fortunate to have a pre-k in your building that all  
8 your apartment will go very very quickly because  
9 parents love it. And that's really the way we've  
10 been marketing it and yes we've had some success.

11 COUNCIL MEMBER CHIN: And that, and that  
12 has been successful?

13 PRESIDENT GRILLO: Sure.

14 COUNCIL MEMBER CHIN: So you should  
15 share with the council in terms of buildings that  
16 you're able to do that.

17 PRESIDENT GRILLO: Sure. Absolutely.

18 COUNCIL MEMBER CHIN: Okay. Thank you  
19 Chair.

20 CHAIR: Council Member Deutsch.

21 COUNCIL MEMBER DEUTSCH: Thank you  
22 Chair. I have a similar question to Council Member  
23 Levin. My question is parents have a hard time  
24 sometimes, a very difficult time bringing the,  
25 bringing the children to schools especially if it's

1  
2 not nearby. So I do have a lot of development going  
3 up in my district and most recently have one  
4 building that's going to have 500 apartments,  
5 another one just several blocks away with almost a  
6 thousand apartments. And I have a lot of  
7 development going on all over. So number one what  
8 type of coordination do you have with DOB, with  
9 HUD, with City Planning in regards to construction?

10 PRESIDENT GRILLO: Yes we work very very  
11 closely with City Planning and DOB, HPD. We look at  
12 new housing permits. And again as the council  
13 member just mentioned earlier if it is not an as of  
14 right facility we certainly work closely with City  
15 Planning and try to incorporate schools into those  
16 projects as much as possible. But when we're  
17 determining need we use that information from city  
18 planning, from HPD to determine what the needs are  
19 in the district.

20 COUNCIL MEMBER DEUTSCH: Now the  
21 question is, you mentioned if it's not as of right  
22 but if it's as of right or not as of right at the  
23 end of the day the construction if it's as of right  
24 the construction does come up. So like for example  
25 in a certain area that I have the 500 apartments I

1  
2 have one school which is PS100 which is 115 percent  
3 capacity, then Coney Island Prep which is 182  
4 percent, and Lincoln High School which is 118  
5 percent. That's all the schools nearby. So how do  
6 you deal with that?

7 PRESIDENT GRILLO: Again as we said  
8 earlier what we do is recognize where there is need  
9 and we use that information to inform that, that's  
10 our bluebook, that's what determines our capacity  
11 need. Now the allocation of resources of course is  
12 difficult if we, if we determine that the funding  
13 is down the road or the, the, the need is down the  
14 road we would put that need into a later year of  
15 our plan because we have current need in certain  
16 districts; 24, 30, 20, district 15 that are  
17 overcrowded right now. But if there's development  
18 that's going on you know several years from now  
19 then we'll certainly move that you know down the  
20 road down the couple of years.

21 COUNCIL MEMBER DEUTSCH: Now is it  
22 possible for the Deputy Chancellor is it possible  
23 to do like some type of presentation because the  
24 area what we have developed is surrounded by many  
25 high rise buildings with thousands and thousands of

1  
2 people. So I need to, we need to bring some  
3 information to them and they're very concerned  
4 about the local schools that, that is one of  
5 several issues that they are concerned about.

6 ELIZABETH ROSE: We'd be happy to meet  
7 with you or have someone come to a community board  
8 or, or other...

9 COUNCIL MEMBER DEUTSCH: Thank you.  
10 Thank you very much I appreciate it.

11 CHAIR: Alright so I think that's going  
12 to be about it for us here. I thank you for coming  
13 in and for providing us with testimony. And we look  
14 forward to continuing to work with you on this  
15 issue.

16 ELIZABETH ROSE: Thank you.

17 CHAIR: Thank you very much. Okay I'd  
18 like to call the next panel please. Leonie Haimson  
19 from Class Size Matters, Jacquelin Febrillet Local  
20 372, Sarita Subramanian from the New York City... oh  
21 they are here... from the New York City Independent  
22 Budget Office, okay, Nancy Northrop from CPAC. Okay  
23 thank you I'd like to ask all of you if you'd  
24 write, raise your right hand please. Swear you in.  
25 Do you solemnly swear or affirm to tell the truth,

1  
2 the whole truth, and nothing but the truth, and to  
3 answer council member questions honestly? Okay. And  
4 want to start with Leonie I think over here. And I  
5 may have to leave just to go take that vote and  
6 come back. So please excuse me. And I also want to  
7 apologize for mistakenly saying I didn't think the  
8 IBO was here and they obviously are.

9 LEONIE HAIMSON: Hi, my name is Leonie  
10 Haimson. I head Class Size Matters, a citywide  
11 organization dedicated towards reducing class size.  
12 We put out a report last spring called Space  
13 Crunch. In it we have many detailed analysis of  
14 enrollment projections and the inadequacies of the  
15 capital plan. So I'm going to just quickly  
16 summarize some of our findings which is that if you  
17 look at the enrollment projections by the two DOE  
18 consultants and you add the housing starts over  
19 them which is what the DOE says they do you find  
20 that the need is at least 100 thousand new seats.  
21 And so this capital plan is entirely inadequate. We  
22 found similar statistics on school overcrowding  
23 getting worse. I'm happy to say we had the exact  
24 same figures for how many students are in  
25 overcrowded schools, 490 thousand in all right now.

1  
2 60 percent of our elementary school students are in  
3 overcrowded schools and the situation has gotten  
4 worse. And again these, these, this data  
5 underestimates the amount of overcrowding in our  
6 schools as the chancellor and others have admitted  
7 today and that we are, hope to get better figures  
8 that actually reflect the real needs of students  
9 for smaller classes, pre-k, and a well-rounded  
10 education, gym and lunch time at reasonable times,  
11 etcetera. This capital plan will only produce less  
12 than half of the actual seats needed. In terms of  
13 the trailers it only is going to remove a small  
14 number of trailers. It's not going to do the job at  
15 all. The DOE also continues to misreport the number  
16 of students who are actually in trailers. They  
17 report about 7,000 whereas the real number is more  
18 like 10 thousand. Because to this day they refuse  
19 to count high school students in trailers as part  
20 of their official count for, for reasons that I  
21 cannot possibly explain. We also estimated how many  
22 pre-k seats were created in schools that were  
23 already overcrowded. And our estimate is at least  
24 11,800 this fall. So the previous administration  
25 took actions that made overcrowding worse including

1 the colocation, policies, this administration is  
2 continuing to make overcrowding worse with no real  
3 plan to alleviate that. And I just wanted to make a  
4 couple more points about the, the actual estimates  
5 I got from the IBO about doubling the seats in the  
6 capital plan they said would cost 125 million  
7 dollars a year. And I think that's completely in  
8 the capacity of this city council to approve. Just  
9 recently there was a very controversial plan, a  
10 billion dollar contract awarded to a corrupt  
11 contractor for over two billion dollars initially  
12 that was reduced to one billion dollars. They cut  
13 100 million dollars a year out of that plan when I  
14 and reporters started asking about it. So you have  
15 100 million dollars right there. And I strongly  
16 urge the, the, the city council to expand the plan  
17 to more nearly provide the needs of our students or  
18 else our schools will be even more overcrowded in  
19 the years to come. And there's no plan that I've  
20 seen to really align with the mayor's plan to do a  
21 big increase in housing development. And then I  
22 just wanted to talk briefly about the resolution on  
23 the charter cap which I strongly, I strongly  
24 support. I'm, I'm sorry that the DOE wasn't asked  
25

1  
2 about how much raising the cap would cost in terms  
3 of facility given the state law that requires all  
4 new and charter schools to either get space in our  
5 already overcrowded schools or get free rent at the  
6 city's expense. We did a very rough calculation  
7 this morning because we wanted to know. And we're  
8 not expert at this but since nobody else is giving  
9 the numbers we tried to do this. 250 new charter  
10 schools we estimated would cost the city, the city  
11 and state an additional 833 million dollars a year  
12 if you were going to provide the subsidy for rent  
13 and that subsidy is likely to go up. The city's  
14 cost would be, of that portion would be about 357  
15 million dollars per year which is a huge amount and  
16 would nearly triple the amount of seats in the  
17 capital plan and really allow for uncrowded  
18 facilities, smaller classes and all the rest. So I  
19 think that this charter cap is critical that it not  
20 be raised. I think in the future if it is raised  
21 the only new schools that are going to get new  
22 facilities are charter schools and the city won't  
23 be able to afford to build any new public schools  
24 anymore. And rather than expanding parent choice  
25 it's going to limit parent choice because the only

1  
2 space for parent's kids are going to be charter  
3 schools so they will be forced into charters in the  
4 future. Thank you very much.

5 CHAIR: Okay thank you Leonie. I had  
6 some questions but I'm going to let it go.. hear the  
7 rest of the testimony. I'm going to run and I'll be  
8 right back. Okay. Thank you. Next please.

9 Good afternoon Chairman Dromm and  
10 members of the City Council Education Committee. My  
11 name is Sarita Subramanian and I am a senior  
12 Education Budget and Policy Analyst at the New York  
13 City Independent Budget Office. Thank you for the  
14 invitation to testify today on overcrowding. My  
15 written testimony includes details of the analysis  
16 but today we'll focus on our findings and  
17 especially in particular districts many of which  
18 have already been highlighted here today.  
19 Overcrowding has been a persistent and well  
20 documented problem in certain pockets of New York  
21 City Public School System for many years now. Using  
22 the 13/14 bluebook we estimate roughly 75 thousand  
23 new seats would be needed to alleviate  
24 overcrowding. In SCA's most recent capital plan  
25 they plan to increase capacity by 47 thousand seats

1 through 20, 23, 24 and there are still roughly 13  
2 thousand additional seats that SCA identifies as  
3 needed but which are not included in the current  
4 plan due to limitations in funding. Finally we  
5 estimate over 156 thousand unused seats across the  
6 city. Although some of these are already committed  
7 to growing schools some of them could be used to  
8 alleviate overcrowding in other buildings. We  
9 recognize the challenges in doing so include  
10 political, administrative, and geographic hurdles.  
11 In addition to looking citywide the district level  
12 analysis is presented in the attached table. Our  
13 analysis identifies four districts with the  
14 greatest number of seats required to eliminate  
15 current overcrowding. More than 5,000 seats in each  
16 district. They are in descending order districts  
17 20, 24, 26, and 25. The four districts are expected  
18 to receive new seats in the current capital plan  
19 but also have significant additional need that  
20 cannot be met in the plan which suggests that  
21 overcrowding will likely persist. In District 20 in  
22 Southwest Brooklyn the district with both the  
23 greatest need for seats to eliminate existing  
24 overcrowding and the expect, the greatest expected  
25

1 enrollment growth that district is expected to get  
2 over 45 hundred new seat second only to District  
3 24. Most of the seats would come online by the 20,  
4 21, 22 school year. However the additional seats  
5 represent just 58 percent of the seats needed to  
6 eliminate existing overcrowding in the district.  
7 District 24 in western queens where more than 72 50  
8 seats are needed to eliminate existing overcrowding  
9 also has the most planned new seats in the SCA  
10 plan. More than 85 hundred seats would come online,  
11 more than sufficient to eliminate existing  
12 overcrowding. But SCA projects that more than 44  
13 hundred additional seats will be needed due to the  
14 rapid increases in enrollment expected for our pre-  
15 k through eight grades. Districts 25 and 26 in  
16 eastern queens require more than 52 hundred and 62  
17 hundred seats respectively to eliminate existing  
18 overcrowding and will gain fewer seats that  
19 necessary to do that. District 26 is only expected  
20 to gain 900 seats falling more than 53 hundred  
21 seats short of what would be a, what would be  
22 needed to eliminate the current level of  
23 overcrowding. In District 25 the 22 80 plan seats  
24 will fall about 2,000 seats short of what would be  
25

1  
2 needed. Additionally both districts have some  
3 projected need that is not funded in the current  
4 plan. Finally districts four and 19 have no planned  
5 new capacity but could experience greater need as  
6 they were among the six neighborhoods targeted for  
7 upzoning under the mayor's affordable housing plan.  
8 In conclusion the SCA's capital plan for new  
9 capacity generally targets those districts with the  
10 greatest needed due to existing overcrowding and  
11 future expected enrollment growth. While there are  
12 some districts in the city where planned new  
13 capacity would be sufficient to alleviate existing  
14 overcrowding there are other districts where the  
15 anticipated new seats would fall short. Districts  
16 20 and 24 have the greatest current and future need  
17 that are also expected to receive the largest  
18 number of new seats in the plan. Districts 25 and  
19 26 are also among the districts that need the most  
20 seats but are expected to receive significantly  
21 fewer new seats than the other two district. Given  
22 the high cost of constructing new capacity the DOE  
23 will have to continue to explore other ways of  
24 using its excess capacity currently 156 thousand  
25 seats whenever possible. In conjunction with adding

1  
2 new capacity to the system the DOE should continue  
3 to encourage students to enroll in buildings with  
4 unused seats by placing attractive programs or  
5 schools in those facilities. Thank you again for  
6 your invitation to testify and I would be happy to  
7 answer any questions.

8 COUNCIL MEMBER MILLER: Thank you. And  
9 as you can see I am not Council Member Dromm, I am  
10 Council Member Miller and I am actually here to ask  
11 questions myself but asked to, been asked to stand  
12 in while Council Member Dromm runs across the  
13 street. So we will pass it on to the next person to  
14 testify.

15 JACQUELIN FEBRILLET: Alright thank you.  
16 Good afternoon members of the committee. My name is  
17 Jacquelin Febrillet. I am the Political Director  
18 for Local 372. I'm here on behalf of President  
19 Shaun Francois who is in Albany today. First I want  
20 to begin by thanking you for the opportunity to  
21 provide testimony. We're going to be addressing  
22 Resolution 563. Local 372 represents more than 23  
23 thousand DOE employees which also include school  
24 crossing guards with the NYPD. We represent school  
25 crossing guards, school aids, health aids,

1  
2 substance abuse workers, parent coordinators,  
3 family paraprofessionals, and school lunch  
4 employees. Most Local 372 members work in the  
5 communities in which they live. They spend money,  
6 pay taxes, and vote in those communities. While  
7 most of our members do perform services in the  
8 traditional public schools we also have members in  
9 charter schools, mostly conversion schools. I'm  
10 here today on behalf of the local to urge the city  
11 council to acknowledge the need to unionize all  
12 public school staff. The staffers who work in  
13 charter schools are no different than those who  
14 work in public schools. They're entitled to fair  
15 wages, due process, and benefits and union  
16 representation. First if a charter is collocated  
17 with a traditional public school we run the risk of  
18 burdening our students with overcrowding as we're  
19 having this hearing here is because of overcrowding  
20 charter schools would only exacerbate the  
21 situation. Subsequently this possibility of  
22 overcrowding will overwhelm school staff especially  
23 when mixtures of union and nonunion employees are  
24 housed in the same building. In addition a school  
25 crossing guard takes responsibility, a local 372

1  
2 school crossing guard takes responsibility for  
3 pedestrian crossings no matter the person who needs  
4 to cross the street whether it is say charter  
5 student. They don't, they don't make a distinction.  
6 How will a school crossing guard be able to handle  
7 the additional influx of charter students without  
8 additional hands on deck. Currently we have over  
9 300 school crossing guard vacancies. We're unable  
10 to fill these vacancies, one of the reasons is  
11 because of the low pay and the low hours. Now we're  
12 here addressing school overcrowding but we also  
13 need to make sure that our children are safe. We  
14 need additional hands on deck when it comes to  
15 school crossing guards. Also by having unionized  
16 staffing there's more oversight. I'm here quoting  
17 the state controller's report. In the report it  
18 says that there's a failure to complete required  
19 employees' criminal records for charter schools.  
20 Under the DOE all staff is fingerprinted. Their,  
21 their background, backgrounds are being checked  
22 because they have to work with, with children. If  
23 you unionize the staff within the charter schools  
24 this would not be happening. Simply put the  
25 unionization of school staff both public and

1  
2 charter will ensure that all students receive  
3 quality support in all areas outside and inside the  
4 classroom providing them with the foundation they  
5 need for academic success. The unionization of all  
6 school staff ensures that our education dollars are  
7 being spent on servicing the students rather than  
8 in reaching outside interest groups to the  
9 detriment of students. Again I'm going to quote the  
10 state controller's report where it says that 54  
11 million dollars in charter fraud happen in 2014. We  
12 need to unionize. Unionize, unionize the school  
13 employees. We applaud the committee for addressing  
14 the concerns around in the very important issue of  
15 charter schools in New York City and we thank you  
16 for your time.

17 COUNCIL MEMBER WILLIAMS: Thank you.

18 NANCY NORTHROP: So I just go? Good  
19 afternoon. My name is Nancy Northrop. I am the Co-  
20 chair of the Chancellor's Parent Advisory Council  
21 which represents all the president's councils and  
22 through them all the PAs and PTAs in New York City.  
23 I am here today to advise you of the positions  
24 approved by CPAC on both of these issues as part of  
25 our Lobby Day 1 sheet we're taking with us tomorrow

1  
2 when we head up to Albany to lobby our state  
3 legislatures. We have copied our Lobby Day 1 sheet  
4 on the back. So it's, so this is what I'm speaking  
5 of. But this is our Lobby Day 1 sheet on the back.  
6 We are urging our state legislatures to build more  
7 schools and I'm quoting CPAC strongly supports the  
8 urgent need to build more schools in New York City.  
9 Aside from the government we invite developers to  
10 invest in our schools as well in particular by  
11 constructing early childhood education centers and  
12 new residential and office space. Currently  
13 students are stuffed into jam packed classrooms  
14 with average class sizes well above those mandated  
15 by the courts. Many first graders throughout New  
16 York City sit in classrooms of 30 or more students.  
17 Many high school students have so many students  
18 they are forced to hold sessions in shifts.  
19 Thousands of high school students are forced to  
20 travel for hours via subway and busses to attend  
21 high schools in other boroughs and the DOE has  
22 turned DOEs into warehouses into schools that lack  
23 gyms and auditoriums. Approximately 10 thousand  
24 students including 3,000 D75 students are currently  
25 housed in trailers. Construction is booming in New

1  
2 York City suggesting the need for schools will only  
3 grow and the space needed to build schools will  
4 only become more expensive and harder to find.  
5 Until more schools can be built and overcrowding  
6 reduced extra support needs to be provided in  
7 overcrowded classrooms. In addition we are urging  
8 our state legislatures to maintain the current  
9 carter, charter cap. And again quoting from our  
10 Lobby Day 1 sheet; CPAC supports maintaining the  
11 current charter cap at 460 schools in New York  
12 state until issues can be resolved. We  
13 fundamentally oppose the colocation of any, of any  
14 school, any schools with the exception of D75  
15 schools without meaningful community involvement.  
16 The city and state need to work together to find  
17 appropriate space for new charters before the cap  
18 is raised. We therefore urge you as well to  
19 maintain the current charter cap and work with both  
20 the DOE and private developers to ensure that more  
21 schools can be built or are built. Thank you.

22 CHAIR: Alright good to be back. And  
23 took care of business. I did have some questions  
24 for the IBO first. I, sorry I missed your testimony  
25 but I don't know if it was explained in this

1  
2 written testimony that you gave... how did you arrive  
3 at the 74 thousand figure?

4 JACQUELIN FEBRILLET: Sure so as you  
5 mentioned the, we estimate 75 thousand new seats  
6 would be needed. We use a capacity level of 102.5  
7 percent...

8 CHAIR: So the same capacity that DOE is  
9 using, am I right?

10 JACQUELIN FEBRILLET: That's correct  
11 yes. And...

12 CHAIR: So what, how come the difference  
13 in the numbers then?

14 JACQUELIN FEBRILLET: I would have to  
15 have more information on how... I believe that they  
16 use a number of a hundred percent. Some, that could  
17 account for, that probably accounts for a large  
18 portion of the difference. We use the, I use the,  
19 the bluebook to obtain that so it should be the  
20 same data.

21 CHAIR: Okay so they're using 100  
22 percent, you're using 102?

23 JACQUELIN FEBRILLET: Uh-huh yeah it's  
24 correct.

25 CHAIR: But even still... I'm...

1  
2 LEONIE HAIMSON: [off mic] They would  
3 then find need for more seats than you would if  
4 they're using 100 percent.

5 CHAIR: Yeah Leonie let's, let's  
6 address it in the mic, Leonie Haimson.

7 LEONIE HAIMSON: Oh yeah. So what, well  
8 I'll, I'll tell you what we did.

9 CHAIR: Okay.

10 LEONIE HAIMSON: We took averages  
11 between the two enrollment projects developed by  
12 the DOE consultants. We averaged the two of them.  
13 We added the building starts using the city  
14 planning formula. And that came up to, out to 100  
15 thousand right there. In addition there are 33  
16 thousand seats needed for schools where in the  
17 districts that average above 100 percent right now.  
18 So it's 33 thousand seats plus almost 100 thousand  
19 seats just from the enrollment projections. So  
20 that's how we did it. Now I think the DOE subtracts  
21 what they call underenrolled schools, the seats  
22 from under enrolled schools, that may play into it.  
23 But the explanation just given that the IBO, I  
24 don't even know why the IBO uses 102 percent, that'  
25 never made any sense to me. But in any case given

1  
2 that they use a more expansive view of school  
3 capacity than the DOE the number should come out  
4 reversed rather than you showing the need for more  
5 seats than the DOE's 49 thousand. You see what I  
6 mean?

7 JACQUELIN FEBRILLET: So what I hadn't  
8 realized is that they do subtract from that excess,  
9 what they call excess, or what we call excess  
10 capacity. That's the 156 thousand number that I  
11 stated that we, the 75 thousand just reflects the  
12 number of seats needed to bring every building to  
13 at least 102 percent of capacity or less.

14 LEONIE HAIMSON: [off mic] So did you  
15 look at enrollment projections?

16 CHAIR: So let me, let me just, let me,  
17 let me go back to, to Leonie...

18 LEONIE HAIMSON: Okay.

19 CHAIR: So in your projections...

20 LEONIE HAIMSON: Right.

21 CHAIR: ...do you take into account use of  
22 room, specialty room, etcetera, so forth, and so  
23 on?

24 LEONIE HAIMSON: So unfortunately I mean  
25 we use the bluebook numbers. So we don't take into

1  
2 account the need to reduce class size to expand  
3 pre-k to return cluster rooms to their original  
4 uses or any of those things. So our estimates are  
5 just using the DOE current utilization formula plus  
6 the enrollment numbers, enrollment projections that  
7 we got from the DOE consultants and from housing  
8 starts. So if you took those numbers into account  
9 the need would be way over 100 thousand seats. It,  
10 it's just the, the current capital plan doesn't,  
11 doesn't nearly meet the needs of the system even  
12 without revamping the bluebook.

13 JACQUELIN FEBRILLET: I would just like  
14 to state... so we came up with a number of 102.5  
15 percent, that was a number that we used in a report  
16 released I believe in 2009 or 10 on overcrowding in  
17 large and small schools. We looked at many  
18 different sources. So one of the sources we looked  
19 at was at the national level they use a, a  
20 utilization rate of 105 percent. We chose 102.5  
21 percent which is sort of half way between 100 and  
22 105 because there are a lot of very large schools  
23 in our building and, in our system so we thought  
24 that that was a more accurate representation. We  
25 also don't think, we also want to account, wanted

1  
2 to account for the fact that if a, a school had one  
3 student or five students over its capacity that  
4 that wouldn't be considered the same as a school  
5 having two or three classrooms worth of students.  
6 So that's where we got that... [cross-talk]

7 CHAIR: So it seems to me to be  
8 somewhat... I don't know what the word would be...  
9 unfair maybe to take the DOE's numbers if they're  
10 subtracting the numbers in districts that are  
11 underutilized because it doesn't address the issue  
12 of the overcrowding in the districts that are most  
13 highly overcrowded. Because you can't ship the kids  
14 from Glendale...

15 JACQUELIN FEBRILLET: Right.

16 CHAIR: ...to Harlem on a daily basis if  
17 that's where the, if the, if, if the, if the  
18 underutilized schools are, whatever those  
19 underutilized schools may be.

20 JACQUELIN FEBRILLET: Yes and that's,  
21 that's why we chose to represent that number of  
22 excess capacity as a separate number because some  
23 of, because of these geographic limitations as you  
24 mentioned... And we looked at the district level and  
25 so districts are very large and it's very hard to

1  
2 say exactly how seats could be used between  
3 buildings.

4 CHAIR: So I'll, I'll go a little step  
5 further. It seems to be somewhat dishonest actually  
6 to calculate numbers in that way because you know  
7 it doesn't, it has no impact then, or very little  
8 impact on the number of seats that are needed in  
9 the most overly crowded areas. Am I correct.

10 LEONIE HAIMSON: So the school  
11 construction authority once upon a time said to an  
12 ordinary person a school should be at about 80  
13 percent capacity to feel like it's working right.  
14 And anything over that seems overcrowded. And I  
15 would hope that the bluebook figures when they are  
16 reformed and revamped come out to something like  
17 that so that I would think that a proper accounting  
18 for the space kids really need will, will bring  
19 down, will bring those numbers so that nearly all  
20 schools throughout the system will be shown to be  
21 overcrowded. So the 102 percent is really, should  
22 come down much lower.

23 CHAIR: So one of the concerns I also  
24 have with the testimony from the DOE, I got a  
25 little bit into it but not fully as much as I would

1  
2 like to have, and maybe you share this concern as  
3 well, is that they're continuing to use the same  
4 demographers number one. So I think you're going to  
5 come up with basically the same results. And two  
6 that I believe on part of President Grillo she said  
7 that they had not really made any changes from the  
8 prior administration to this administration. Did  
9 you hear that also. And, and do you care to comment  
10 on that?

11 LEONIE HAIMSON: Yeah I mean the only  
12 change they made in the capital plan really was to  
13 add 4,000 seats for class size reduction which if  
14 the bond act passed which have still not been cited  
15 as degrade level or, or area of the city or  
16 district which concerns me. Because it means it's  
17 going to take a very long time to get those seats  
18 in gear. We, we hear all over the city that they  
19 are not aggressive about finding sites, that  
20 charter schools are finding sites, that buildings  
21 are going up, that there's a lot of development,  
22 and the school construction authority says we can't  
23 find any sites for school so they can't even spend  
24 the money they claim that's already in the plan.  
25 And parents have to go out and search those sites

1 and identify them and then fight for them  
2 constantly so that those schools are built. And I  
3 think what Lorraine Grillo also said about we are  
4 always addressing current need and not really  
5 looking at what future need is because the current  
6 needs are so great is a huge problem because it  
7 means they're always just catching up. They're  
8 always behind. And they will continue to be behind  
9 unless they have a more aggressive plan, they have  
10 more funding, and they really look at requiring  
11 developer to create schools inside their buildings.  
12 Because others, other, other states have something  
13 called impact fees which require developers to, to  
14 pay into a fund that will then go for  
15 infrastructure including schools and, and New York  
16 City does not have that. And they are not  
17 aggressive in terms of negotiating with developers.

18 CHAIR: Okay I... go to Ms. Jacquelin  
19 Febrillet. I hope I'm saying it right. Thank you.  
20 Okay Febrillet. I, I appreciate your support of  
21 Resolution 563.

22 JACQUELIN FEBRILLET: Yes.

23 CHAIR: I share many of your concerns  
24 about the unionization of workers because having  
25

1  
2 been a teacher in 1984 I remember is doing a lot of  
3 the duties that some of your members actually now  
4 do...

5 JACQUELIN FEBRILLET: Thank you.

6 CHAIR: ...and was relived of those duties  
7 so that we could focus more on teaching and the  
8 impact on the, the impact that the unions had in  
9 terms of making that a possibility. And I think a  
10 lot of people often times forget that. So I want to  
11 thank you for your testimony. We, we are also very  
12 concerned about your, the school, school crossing  
13 guard issues that you're... [cross-talk]

14 JACQUELIN FEBRILLET: Yes we're very  
15 concerned with the school crossing guards.  
16 Currently there are over 300 positions that are  
17 going, are unfilled. And there is a need for school  
18 crossing guards throughout the city. Our school  
19 crossing guards only work four hours a day  
20 unfortunately which doesn't make a lot of sense. In  
21 between they have to go, either go home or hang out  
22 by the school waiting or their ship to begin. They  
23 could be utilized. They could be doing something.  
24 Also something that is absolutely detrimental;  
25 school crossing guards make \$9.88 an hour which

1  
2 goes to the issue of a living wage. Now they take  
3 care of our kids. And they don't discriminate  
4 between public school charter school kids. They  
5 don't discriminate whether it's your grandmother,  
6 your mother, or your cousin crossing the street.  
7 We've lost many school crossing guards throughout  
8 the years because they put their lives on the line  
9 to make sure that we and our children are, get  
10 safely to schools. And I think we're doing them a  
11 disservice by not first giving them a higher wage  
12 and additional hours. A lot of them are single  
13 mothers to grandmothers. Their aunts, their uncles.  
14 And again we're doing them a disservice by not  
15 really first of all increasing the, the, the wage  
16 and giving them additional hours. With community  
17 schools coming out there and, and after school  
18 programs there is some need for the schools to stay  
19 open later. There's also, you're going to need a  
20 school crossing guard there to make sure that the  
21 kids are not being harassed, that they're getting  
22 home, into the program safely. And if that's an  
23 issue we're going to talk more about during the  
24 NYPD hearing. But I really would love your  
25 assistance when it comes to the school crossing

1  
2 guards because the positions are there but nobody,  
3 it's very difficult to have them filled.

4 CHAIR: So you, your, your main idea,  
5 the reason why they're not filled is because the  
6 low pay.

7 JACQUELIN FEBRILLET: The low pay, \$9.88  
8 an hour, and also the hours. It's two hours in the  
9 morning and two hours in the afternoon. There's a  
10 big gap. Years ago that worked because a lot the  
11 members were moms that had children in the school  
12 so they can be there for their children. But now  
13 anyone can apply for these positions and we welcome  
14 them. We want them to apply for these positions but  
15 why work four hours a day; two in the morning and  
16 two in the afternoon when you could work one or two  
17 job that you can do within those hours?

18 CHAIR: And they have to be vetted  
19 almost...

20 JACQUELIN FEBRILLET: Absolutely.

21 CHAIR: ...the same way as a police offer  
22 am I right?

23 JACQUELIN FEBRILLET: Yes they're vetted  
24 by the NYPD. And one thing that I don't think other  
25 people understand once you're in the NYPD it's a,

1  
2 it's a stepping stone. A lot of our school crossing  
3 guards have become traffic agents. Once you're  
4 already in the NYPD system it's easier to get a job  
5 within the NYPD. We need to create some sort of  
6 latter. We need to be able to advertise these  
7 positions because currently the school crossing  
8 guard positions are mostly advertised at the  
9 precinct. But I don't know about you I've been a  
10 good girl all my life but I'm not going to go into  
11 a precinct to see if there's a job available. So  
12 that's something also we need to work on.

13 CHAIR: Okay well thank you.

14 JACQUELIN FEBRILLET: Thank you.

15 CHAIR: And Ms. Northrop finally on, as  
16 Co-chair of the Chancellor's Parent Advisory  
17 Council. I'm so glad, and I'm sorry I wasn't here  
18 to actually hear it but looking through your  
19 testimony as well. The issue of overcrowding in our  
20 high schools. Now I made reference to the fact that  
21 elementary schools you know is where you really  
22 require the lower class size. But some of the  
23 examples of overcrowding that I've heard of it's  
24 just simply outrageous in the way that they have to  
25 schedule the days in some of the high school

1  
2 buildings. And so I'm glad that you shine some  
3 light on that situation in the high schools.

4 NANCY NORTHROP: Yeah if I could just  
5 add as you know the other hat I wear is this,  
6 president of the Queens High School Presidents  
7 Council which represents all the PAs and PTAs in,  
8 in Queens but at the high school level. And I think  
9 to some degree that, that it's a bit of a, a  
10 misnomer to talk about higher levels of  
11 overcrowding at the elementary school level when in  
12 a sense a lot of this is hidden overcrowding at the  
13 high school level. But having these schools have,  
14 have sessions in shifts with some schools starting  
15 at 7:00 in the morning and ending at 6:00 at night  
16 and kids coming in at various times during the day.  
17 Also the fact that so many kids are on busses going  
18 all over the city to find... they're actually able  
19 in a sense to find those empty spaces and empty,  
20 empty seats and other areas but it's requiring kids  
21 to go, in some cases travel an hour or two by  
22 subway and bus to get to their schools. I was  
23 talking to a principal at one of, at a struggling  
24 school in Bayside which is way the heck out in  
25 Queens and he talked about he has students coming

1 in from the Bronx. And that's just ridiculous.  
2 That's you know probably three hours out of their  
3 day just in terms of transportation. So that's sort  
4 of some of the hidden, hidden nature of  
5 overcrowding. And I did just want to, if I, since  
6 I've got the floor here to mention one thing on,  
7 that in the testimony today when Elizabeth Rose who  
8 I have the utmost respect for but discussed sort of  
9 laid, laid out well we have Townsend Harris, Bronx,  
10 Science and all these schools that are so  
11 overcrowded, do you want us to take seats away.  
12 And, and what I want to sort of say is a response  
13 and to think about this is no that's not the  
14 answer, the answer's to build more grade schools  
15 like that so that those schools aren't overcrowded,  
16 kids don't have to commute from, you know two hour  
17 to get from Queens to Bronx High but instead you  
18 have a nice state of the art science high school  
19 located in a geographically central area in Queens.  
20 That's the solution. It's not, it's not to, it's  
21 not to you know give justification for the  
22 overcrowding in these schools.

24 CHAIR: Well I couldn't agree more. And  
25 I want to go on to the next panel. But I also do

1  
2 want to thank you for your support for these  
3 charter school cap resolution as well. So thank you  
4 very much. Thank you to the panel and we look  
5 forward to continuing to work with you again.

6 LEONIE HAIMSON: And just one point  
7 there are renewal schools that are severely  
8 overcrowded as well. [cross-talk]

9 CHAIR: There are what...

10 LEONIE HAIMSON: Renewal, you know the  
11 struggling schools that face closure? Long Island  
12 city I think is a, like 120 percent. So it's not  
13 true that the only overcrowded schools are those  
14 that are so desirable and doing so well.

15 CHAIR: Thank you. Alright our next  
16 panel will be Lisa Donovan from CEC1, Shino  
17 Tanikawa from CEC District 2, Randy Levine from  
18 Advocates for Children, and Alison Loeb from  
19 Columbia Secondary School. Okay when I ask you if  
20 you'd raise your right hand. Do you solemnly swear  
21 or affirm to tell the truth, the whole truth, and  
22 nothing but the truth and to answer I guess the  
23 only council member left's questions honestly? Okay  
24 thank you very much. Who would like to start? Okay.

1  
2 LISA DONOVAN: Hi. Before I speak in  
3 favor of the resolution 563 asking that there not  
4 be an increase in the charter cap in New York State  
5 I first wanted to say that as a member of the  
6 bluebook working group I think it's really  
7 important that we understand that if the  
8 recommendations of the bluebook working group are  
9 indeed adopted we're going to see that the current  
10 levels of overcrowding have in fact been  
11 understated and we're going to see a real increase  
12 across the board in those numbers. And I think it's  
13 going to more accurately reflect that a number of  
14 our students are being deprived of services,  
15 mandated services, art, gym, appropriate lunch  
16 times, etcetera. And I think that it'll be a more  
17 accurate reflection but we're going to see those  
18 numbers go way up and what we're looking at now  
19 severely understates it.

20 CHAIR: Well and thank you for your  
21 service on that committee. I think that's been a  
22 very important committee. Looking forward to the  
23 recommendations moving forward. Thank you.

24 LISA DONOVAN: Great thank you. Us too.  
25 One of the things I wanted to talk about and why

1  
2 I'm in favor of the resolution is that District 1  
3 like a lot of communities is currently going under  
4 a charter feeding frenzy. Because of the governor's  
5 bill that offered free space to charter schools all  
6 of a sudden we're inundated with proposals. We just  
7 fought back a proposal from Eva. We got a two year  
8 reprieve. We have two middle schools who have  
9 proposed to come in. And I'm here today to talk  
10 about one particular charter school that under the  
11 guise of a, of a renewal, a routine renewal is  
12 actually asking for expansion. It will double in  
13 size by adding middle school grades but this school  
14 has not served any English language learners for  
15 most of its history in District 1, was authorized  
16 by the DOE in 2005. It's been collocated for 10  
17 years in PS142 which does no special magic, no set  
18 asides, no special staffing or marketing yet that  
19 school serves the district average which is the  
20 citywide average for ELLs. But the charter school  
21 has served none until 2012 when they took in four  
22 students arriving at a grand total of two percent  
23 of ELL students and that's in part because they do  
24 not offer a curriculum that supports ELLs. They  
25 treat English language learners with a full

1  
2 immersion approach and then only offer academic  
3 intervention. That school was allowed to replicate  
4 at such a good model they had to make two of them  
5 and collocated in my district. That school also  
6 serves a very small number of ELLs and I think that  
7 as long as we have a law on the books from May 2010  
8 that requires charters to serve a proportionate  
9 number of high need students including ELLs as well  
10 as, well as other subgroups that that law needs to  
11 be respected. Schools cannot be renewed, increased,  
12 added, replicated, until they are serving all the  
13 students much like our district schools are. And in  
14 District 1 we pay a lot of attention to that. We  
15 don't just hold charters to those standards. We  
16 measure and extort the same thing from our, our  
17 regular schools. We want all of our neighborhood  
18 schools to reflect our diversity and serve all of  
19 our kids equitably.

20 CHAIR: We've had teachers from charter  
21 schools come in here on various occasions.. I think  
22 the last hearing that I had on ELLs as a matter of  
23 fact, and, and prior to that also that stated  
24 essentially that it was an immersion program  
25 completely and that there were no special

1  
2 considerations made for ELL students, so just  
3 completely out of touch with anything really that  
4 needs to happen to support those ELL students.

5 Thank you.

6 LISA DONOVAN: Thank you.

7 CHAIR: Next please.

8 SHINO TANIKAWA: Good afternoon. Thank  
9 you for having me here and thank you for having  
10 this hearing. My name is Shino Tanikawa. I am the  
11 President of the Community Education Council for  
12 District 2 and I'm currently serving as the co-  
13 chair of the bluebook working group. I have two  
14 daughters; one has graduated from the public school  
15 system and in a public college in New York City as  
16 well as a younger one who's a seventh grade at a  
17 public middle school in District 2. So I've, I'm  
18 presenting with you with a official letter from the  
19 Community Education Council District 2 on school  
20 crowding, overcrowding issues. One of the biggest  
21 problems that we see in the way we operate right  
22 now is the projection method which has been brought  
23 up at this hearing already. But particularly there  
24 are three separate issues that we see critically  
25 important. One of them is the SCA's use of the

1 subdistrict, planning subdistrict which is a rather  
2 arbitrary division geographic division within which  
3 they do capital planning. The lines for the  
4 subdistrict does not line up with anything, not  
5 even the community boards, not even the zoned  
6 elementary school boundaries. They are rather  
7 arbitrary lines that divide particular borough into  
8 these planning subdistricts. So when they're  
9 planning within that geographic area that does not  
10 make sense at the community and neighborhood levels  
11 we run into problems because they generate numbers  
12 that are not reflective of what's going on on the  
13 ground. Secondly they use a, a secret number that I  
14 a Manhattan wide coefficient. So when they have a  
15 ULERP and/or variance and they're looking at  
16 buildings and looking at the number of units they  
17 apply the coefficient which might work well if  
18 you're looking at Manhattan wide projections. But  
19 those coefficients vary from neighborhood to  
20 neighborhood. As you can see some neighborhoods  
21 have more families, some neighborhoods have more  
22 single people. So the application of a borough wide  
23 coefficient that's from the... does not work well at  
24 the neighborhood scale. Likewise they look at what  
25

1 we call birth yield. That is the number of children  
2 born in a particular year ending up in a public  
3 elementary school five years later. That number is  
4 also variable from neighborhood to neighborhood. In  
5 this particular neighborhood we're in community  
6 board 1. That number is very high. Nearly 55 to 60  
7 percent of babies born in a particular year end up  
8 in a public school system in the area five years  
9 later. The number is very different on the upper  
10 east side. It could be as low as 30 percent yet the  
11 SCA continues to use a citywide or borough wide  
12 number and thereby creating overcrowding situations  
13 in neighborhoods. So we are recommending these  
14 changes, very simple to do, just do the projections  
15 based on neighborhood based coefficients and  
16 neighborhood based data. We think we can have more  
17 accurate pictures. We've had eight new elementary  
18 schools in District 2, two new middle schools in  
19 District 2 since 2009 and a few schools that have  
20 expanded capacity in the same time yet all these  
21 schools came about because of parent advocacy. We  
22 screamed until we were blue in the faces and the  
23 SCA finally came around and build us this schools.  
24 We are grateful that these schools were built but  
25

1  
2 we shouldn't have to work so hard to convince them  
3 that we need schools. They have the tools to  
4 project better. I think it's time that we push them  
5 to do that. Finally I do have to say we have  
6 complaints but the bluebook working group has been  
7 a remarkable collaborative process and we hope to  
8 continue that work with the SCA. We're waiting for  
9 the first set of recommendations to come out but  
10 we're hopeful that there's quite a bit of work left  
11 to do and we would like to work with the, the SCA  
12 and continue the collaboration that we've started.  
13 So I'm hopeful that things will be changing.  
14 Finally I know my time's up but I would like to  
15 share with you a resolution we passed in District 2  
16 several years ago calling for a moratorium on  
17 charter applications in District 2 and perhaps  
18 citywide. There is ample evidence that the charters  
19 are not any better than the district public schools  
20 and until we can prove that there is a need for  
21 charter schools citywide we support the resolution  
22 to call for not increase the cap on charter  
23 schools. Thank you very much.

24 CHAIR: Thank you for your testimony.  
25 And I do believe that the DOE is open to further

1  
2 discussion on the bluebook even after the, the  
3 recommendation and the changes come about. So thank  
4 you. Next please.

5 ALISON LOEB: Whoops. There, thank you  
6 so much. Chair Dromm thank you so much. I'm a  
7 parent of the Columbia Secondary School in Harlem.  
8 I'm a, my son is a minority there. The school is  
9 overwhelmingly African American and Latino and the  
10 rest other such as us. It's one of the best schools  
11 I've ever had the pleasure of being acquainted  
12 with. Now CSS is collocated with two other schools  
13 in what they call the Ralph Bunche Campus. The  
14 problem is the Ralph Bunche Campus is one building  
15 with no fields, no, no place for the kids to have  
16 recess that's entirely theirs. It's also shared by  
17 the community. And in 2007 we were told we were  
18 only being temporarily housed there along with an  
19 elementary school. So you've got 770 middle-  
20 schoolers and high schoolers sharing hallways and  
21 stairwells and a whole bunch of things with  
22 elementary school student as well as with Kip Star  
23 which was moved in before the school had finished  
24 growing. So we... [cross-talk]

1  
2 CHAIR: Where is the Ralph Bunche  
3 School? What street?

4 ALISON LOEB: It's, I'm sorry it's 123<sup>rd</sup>  
5 street between Amsterdam and Morningside.

6 CHAIR: It's right near the Grand  
7 Houses?

8 ALISON LOEB: Exactly right next to the  
9 Grand Houses.

10 CHAIR: Okay because I was the director  
11 of the Grand Houses Daycare Center...

12 ALISON LOEB: Ah.

13 CHAIR: ...when I was... daycare center  
14 director so.

15 ALISON LOEB: So you know the area.

16 CHAIR: I know the area and, and so I,  
17 I'm also familiar with the school. So go ahead..

18 [cross-talk]

19 ALISON LOEB: Well the school serves  
20 Northern Manhattan and it's a STEM school. It's a  
21 greatly underfunded STEM school and we won't get  
22 into that but it's part of the problem. The space..  
23 so we were being told we were temporarily housed  
24 there. And all of a sudden the building  
25 disappeared. The money that we were owed per class

1  
2 disappeared. We're talking about 100 thousand  
3 dollars per year that just went up in smoke and now  
4 we're, we're struggling. So if we're struggling I  
5 can't imagine what everybody else is going through.  
6 The colocation was based on an inaccurate bluebook  
7 footprint that ignores storage, offices, shared  
8 spaces such as the auditoriums cafeterias, I know  
9 you've heard all this before I'll try to make it  
10 fast. So three students at CSS have to share one  
11 locker if you can imagine what that's like in the  
12 winter. Students changing for phys. ed. [phonetic]  
13 spill over into the hallways because of small  
14 bathrooms. And I was there when these kids were  
15 changing and Kip Star kids had to go right past  
16 them looking at these other schools having to  
17 change. In inclement weather there are 64 students  
18 per gym class inside in an elementary school sized  
19 gymnasium and in good weather the students have to  
20 find space in the park and there's no dedicated  
21 space for the kids. After school sports for all  
22 schools are limited since all schools need the same  
23 facilities from 3:00 to 6:00 p.m. now this is  
24 interesting. Testing is compromised in a building  
25 that houses K to 12. In April high school students

1  
2 have to stay in their classrooms so hallway noise  
3 and P.E. classes won't interrupt state testing for  
4 K through 5 and middle school students. For the  
5 June High School regions the reverse happens. Wow,  
6 that was fast. Okay I'm going to let my two  
7 colleagues finish up with you but thank you so much  
8 for your time.

9 CHAIR: Well thank you. And look you  
10 know I think it's really important for parents to  
11 be involved. And no matter how many times we hear  
12 about gyms and specialty rooms and stuff we need to  
13 keep drilling that into peoples' minds because the  
14 impact of not having that is really terrible. And  
15 knowing that school and when I started in that  
16 school there was, there was a pool in that school  
17 if I'm not mistaken. And that, has that pool been  
18 used for the public schools?

19 ALISON LOEB: I, maybe my other  
20 colleagues can... it's not actively used by us. It's  
21 mostly used by PS125. But I don't even know how  
22 active... how, how much... [cross-talk]

23 CHAIR: That was a valuable resource to  
24 that community..

25 ALISON LOEB: Fabulous resource.

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CHAIR: ...and to those kids.

ALISON LOEB: But I have no idea about how it's maintained. I have no idea... [cross-talk]

CHAIR: But your, your student are not getting the advantage of it.

ALISON LOEB: There might be a class once in a while but since we're limited in, in terms of people who can actually be there it doesn't happen as much as we'd like.

CHAIR: Mm-hmm. You know and when we were talking about having gyms and stuff in schools there are some schools that have two gyms. In the old day, well I guess still you have the girls and the boys gym right, you know. And then you had the pool. So you had all these opportunities to have physical education in the schools which I think with the, you know the creation of small schools, although there are some benefits to having the small schools. But the colocation of them never was really taken into account and the impact that it would have on these types of facilities and, and what it would mean. And to lose that pool is really I think a, a big loss to that community so...

1  
2 ALISON LOEB: It's huge but you also  
3 have elementary school sized facilities for middle  
4 and high school students.

5 CHAIR: Oh that's, of course that's...  
6 given, and I, I get that too but it's just not a  
7 good situation. Thank you.

8 RANDIE LEVINE: Good afternoon. Thank  
9 you for the opportunity to speak with you today. My  
10 name is Randie Levine and I'm the Policy  
11 Coordinator at Advocates for Children of New York.  
12 For more than 40 years Advocates for Children has  
13 worked to promote access to the best education New  
14 York can provide for all students, especially  
15 students of color and students from low income  
16 backgrounds. When AFC does workshops for families  
17 on the transition to kindergarten parents often  
18 gasp when we mention the typical class size.  
19 Families, especially those whose children have  
20 disabilities worry about how their children will  
21 get the specialized attention they need when the  
22 teacher has to focus on 22 or many more additional  
23 children. I want to tell you about some of the  
24 cases that have come through advocates for children  
25 over the past year. Over the past year we had at

1  
2 least four cases in which parents sought assistance  
3 to keep their children in a school that was working  
4 well for them but had notified them that they would  
5 need to transfer during the school year as a result  
6 of overcrowding. In one of these cases an entire  
7 District 75 class was told to move. The families  
8 that reached out to us did not want to move their  
9 children, they wanted to keep them there but had no  
10 choice. AFC has also heard from families of  
11 students with disabilities receiving related  
12 services such as speech therapy, physical therapy  
13 or counselling in hallways and in supply closet.  
14 There are issues of privacy and safety implicated  
15 here as well as logistical difficulties for  
16 providers and students in terms of juggling  
17 materials and equipment needed for these critical  
18 services. And this fall we received a particularly  
19 troubling call from a parent of a student with  
20 special needs in a high school self-contained class  
21 that was meeting in the school's locker room,  
22 bathroom stalls and all. Only after the parent  
23 complained were the students moved from the locker  
24 room to a small office, too small though to  
25 comfortably hold 15 adolescents. Based on these

1 cases we look forward to working with the city  
2 council to address the issue of overcrowding in  
3 schools. Turning briefly to city council resolution  
4 number 563; AFC supports the ultimate goal of this  
5 resolution as we believe it is premature to raise  
6 the cap on the number of charter schools before  
7 putting laws and practices in place that adequately  
8 protect students' civil rights in the context of  
9 school discipline and ensure that charter schools  
10 serve high needs populations. In our recent report  
11 civil right suspended an analysis of New York City  
12 charter school discipline policies. We found that  
13 many charter schools have discipline policies that  
14 fail to meet due process requirements of the United  
15 States constitution and state law. In our written  
16 testimony we have some examples of those findings.  
17 And we are also concerned about families who call  
18 us wanting to place their children in charter  
19 schools but having difficulty doing so being told  
20 by staff that because of their children's special  
21 needs it's not the right fit. We know that a number  
22 of charter schools are not serving numbers of  
23 English language learners comparable to the  
24 district schools as they're required to do by law.  
25

1  
2 And therefore we support the goal of the resolution  
3 and oppose raising the number of charter schools at  
4 this time. Thank you for the opportunity to speak  
5 with you and I'm happy to answer any questions.

6 CHAIR: Well thank you Ms. Levine. And  
7 just to follow-up, and thank you for validating  
8 what I've had as personal experience in my school.  
9 I think you, I don't know if you were here earlier  
10 when I told you that the locker rooms, the dressing  
11 rooms, the maintenance closets all were used for  
12 one thing or another. I mean the locker rooms were  
13 full classrooms actually. The, the, the  
14 transportables, the TCUs, often times you'd have 34  
15 kids in there and literally I'd have to move my  
16 body so I didn't hit them in the head with my, with  
17 another part of my body because it was so hard to  
18 get around the room. And it just seems to me that  
19 that's a violation of their educational rights and  
20 a matter of educational justice. So I thank you for  
21 that. And I thank you also for your support. And  
22 it's been an issue for me in terms of trying to  
23 frame why I think it's important not to raise the  
24 Chaplin, the cap on charter schools because we  
25 don't know enough yet about what it really means.

1  
2 And discipline policies and I highlighted that at a  
3 hearing here in May when I put on an orange tee  
4 shirt because this is the way that they were doing  
5 discipline in some of the charter schools. And then  
6 two of those issue... And by the way I wrote to the  
7 Special Commissioner of Investigation about that,  
8 that incident that I heard of, or about that  
9 discipline policy that I heard of and they told me  
10 that they could not investigate further because  
11 it's a state issue. And SUNY does not regulate  
12 that. So until SUNY or whoever needs to take care  
13 of that I would agree with you that we should not  
14 be raising the charter cap at this point. Thank  
15 you.

16 RANDIE LEVINE: Thank you.

17 CHAIR: And thank you all for coming in.  
18 I'm going to go to my next panel. Thank you. Kevin  
19 Daly School Leadership Team at the Columbia  
20 Secondary School, Hiroko Suzuki from the Columbia  
21 Secondary School, Tianhao Zhang from the Asian  
22 American Student Advocacy Project, and Jian Liu  
23 from the Asian American Student Advocacy Project,  
24 and Sicilia Green from New York Communities for  
25 Change. Yeah you know can I just ask you to

1  
2 identify yourselves from here because we're missing  
3 one person.

4 KEVIN DALY: I'm Kevin Daly.

5 HIROKO SUZUKI: Hiroko Suzuki.

6 CHAIR: Okay so we know who, okay,  
7 alright thank you. So I need to swear you in. If  
8 you would raise your right hand please. Raise your  
9 right hand. Yeah. Do you solemnly swear or affirm  
10 to tell the truth, the whole truth, and nothing but  
11 the truth, and to answer council member questions  
12 honestly. Okay good. Would you like to start over  
13 here.

14 KEVIN DALY: Good afternoon. Thank you  
15 very much for having us and thank you for holding  
16 this session. My name's Kevin Daly and I'm the  
17 Chair of the School Leadership Team at Columbia  
18 Secondary School which you've already heard a  
19 little bit about. When we heard about this session  
20 we really did decide to come down and, and to try  
21 and speak a few of the stories associated with the  
22 school. Because the issue of overcrowding for us is  
23 complex. And I think that there were a couple of  
24 issues you may have brought up today that aren't  
25 typically associated with just simply number of

1 students per classroom. It took us a letter writing  
2 and petition campaign to get the folks from the  
3 office of Space Planning to come down to our school  
4 and talk to us about the crowding issues that we  
5 had both in relation to the number of students that  
6 we had per classroom especially as the school grew  
7 grade by grade over the last seven years. CSS had  
8 its first graduating class in 2014. But in addition  
9 that we had a number of shared common spaces that  
10 were originally build for elementary school kids  
11 and were now being shared both by ourselves with  
12 our Kip Star charter middle school PS125 as well as  
13 the District Superintendent who maintain offices,  
14 who still maintains offices in the school and a  
15 community facility... up on the 6<sup>th</sup> floor. We were  
16 surprised to find that the DOE told us that we fit  
17 footprint until we finally went ahead and figured  
18 it out ourselves that footprint made absolutely no  
19 reference to, to common spaces. So it was a little  
20 bit daunting to realize that those were trying to  
21 tell us whether or not we are, our capacity was  
22 telling us half-truths. In addition when the DOE,  
23 when the Office of Space Planning recognized the  
24 problems that we had often they forced the painful  
25

1  
2 choices that needed to be made back on us. For  
3 example we, we pointed out that two of our  
4 classrooms were actually illegally small. They  
5 flanked the school library that had been underused  
6 by PS125. In a sweep they declared that that  
7 library now belonged to Columbia Secondary School  
8 and told us that we could either have that library  
9 or convert it to much needed classrooms which is a  
10 really, a terrible choice for, for them to force  
11 upon us. In addition a variety of common space  
12 issues that were, were being discussed and  
13 sometimes argued over in the building committee  
14 were patently the result of there being too many  
15 schools and not enough spaces. So it really, it, it  
16 became an issue where the, the DOE had created  
17 problems and asked us to fight it out amongst  
18 ourselves. So when this announcement was first  
19 presented to me they, it was suggested that  
20 testimony would be to offer some suggestions. And I  
21 have two that I wanted to make sure were, were put  
22 out. One is there's been some suggestion about this  
23 revised and reissued blue book. And I would like to  
24 make sure that the state mandated and city mandated  
25 common spaces are included in all of the

1  
2 calculations that blue book makes in assessing  
3 whether a school is sized correctly. And I also  
4 think there really should be a structured means by  
5 which a building committee, a collection of schools  
6 has the opportunity to show that a problem inside  
7 the building is not created by programmatic issues  
8 but by foundational problem with the size of the  
9 school and to seek redress from the office of space  
10 planning as a result. Thank you very much for your  
11 time.

12 CHAIR: Thank you very much. Next  
13 please.

14 HIROKO SUZUKI: Hi my name is Hiroko  
15 Suzuki. My English might not be good but I'm here  
16 and I'm shaking but I'm here because... [cross-talk]

17 CHAIR: Don't, don't shake we're  
18 alright, we're okay.

19 HIROKO SUZUKI: I came here because my  
20 son beg me to be here. We need a change. I came  
21 here from Columbia secondary. I just want to share  
22 the story. My son Ani [sp?] is attending Columbia  
23 Secondary. He's eighth grade. Last year he tour  
24 prospective student to show Columbia Secondary. The  
25 end of the tour very organized fifth grader with

1  
2 spreadsheet asked him to show art room, music room,  
3 and library. Unfortunately we don't have any of  
4 that.

5 CHAIR: Mm-hmm.

6 HIROKO SUZUKI: My son was so sad and he  
7 love Columbia Secondary and please give Columbia  
8 Secondary more space. And by the way 64 people in  
9 elementary size gym. You know two subway car, that  
10 seat 64. Imagine those people stand up and you know  
11 do the gym. It's very crowded. Thank you very much  
12 for this opportunity.

13 CHAIR: Well thank you very much. And  
14 before I go on to the young people here you know  
15 Mr. Daly I think you still have quality reviews in  
16 the school if I'm not mistaken or some type of  
17 assessment... [cross-talk] and they look at the  
18 program and the education that goes on in the  
19 school.

20 KEVIN DALY: That's right.

21 CHAIR: And as a UFT chapter leader I  
22 was always like infuriated by the fact that they  
23 were so quick to evaluate the teaching without ever  
24 looking at their responsibility or actually  
25

1  
2 abrogating their responsibility to space usage  
3 issues.

4 KEVIN DALY: Absolutely.

5 CHAIR: How do you evaluate teachers  
6 that have to teach in a locker room?

7 KEVIN DALY: That's absolutely correct.

8 CHAIR: You know how do you evaluate gym  
9 teachers who have to give gym in a regular  
10 classroom.

11 KEVIN DALY: That's absolutely right.

12 CHAIR: You know it, it... [cross-talk]  
13 it's just amazing.

14 KEVIN DALY: There was a lot of  
15 discussion about teachers needing to sort of  
16 shuffle chest like around from classroom to  
17 classroom and, and there were certain classrooms of  
18 course that were far more desirable and certain  
19 classrooms that are far less desirable. Nobody  
20 wants to teach in what's essentially a lock, a walk  
21 in closet. I do want to point out to you I do know  
22 about the swimming pool if you wanted to ask me  
23 about it but you don't have to.

24 CHAIR: So go ahead let me know I'm  
25 curious.

1  
2 KEVIN DALY: The, the pool is, is, was  
3 in use by PS125. We had conflict because it was  
4 the, the safety plan that had been filed was filed  
5 some years ago under the egious [phonetic] of  
6 PS125. And so Columbia Secondary's use of it was  
7 complicated by that space plan. In addition we had  
8 some back and forth with the office of space  
9 planning because they had told us that that  
10 basement locker room which was really four tiled  
11 walls, a badly tiled floor, and, and a couple of  
12 hangers was the locker room for the middle school  
13 and high school gym which is up on the fifth floor.  
14 So the idea that they would get the necessary  
15 amount of gym by trekking all the way down to the  
16 basement, changing, trekking all the way back up,  
17 and leaving enough time at the end to do the same  
18 was laughable. However I should point out the pool  
19 is hopefully about to go back into service for an  
20 after school program due to the diligence of a  
21 grant partner that we obtained for a middle school  
22 after, after school programs. But it took outside  
23 effort.

24 CHAIR: It's really a shame to hear that  
25 because that was a beautiful asset in the community

1  
2 there really, really beneficial to the whole  
3 community.

4 KEVIN DALY: Absolutely.

5 CHAIR: Anyway. Well thank you for that  
6 explanation. I want to go on to our students here.  
7 Next please.

8 JIAN LIU: Good afternoon. My name is  
9 Jian Liu [sp?], I'm a senior in Fort Hamilton High  
10 School. I live in Brooklyn. And I immigrated to  
11 this country two years ago. I'm also youth leader  
12 from the Asian American Student Advocacy Project,  
13 ASAP, under the Coalition for Asian American  
14 Student and Families CAASF. CAASF is the nation's  
15 only.. Asian student's advocacy organization and  
16 works to improve the health and wellbeing of Asian  
17 Pacific American. APA children and families in New  
18 York City and three... areas; education, health, and  
19 child welfare. ASAP, a youth leadership program  
20 comprises of New York City public high school  
21 student from all five boroughs. I'm joined by my  
22 fellow ASAP member Tianhao he live in, lives in  
23 Queens. It has been a, a program under the CAASF  
24 for over ten years working to empower young people  
25 to learn to make positive changes in education or

1 through education through advocacy. I would like to  
2 thank Chairman Dromm and members of the Education  
3 Committee for holding this important oversight  
4 hearing on the issue of school overcrowding.  
5

6 Overcrowding has long been a major issue in my  
7 school. Fort Hamilton High School is one of the  
8 most populous high school in New York state with  
9 around 4,400 student attending, attending school  
10 every day. In my school a class of typical contains  
11 around 40 student. Our seat are very close to each  
12 other's. Once the condition, air conditioning is  
13 broken down on the day of May or June it would be  
14 unbearably hot to stay in a cramped room for one  
15 period. When the bell rings one can see that like  
16 from each tall burst out stream of student wearing  
17 backpacks or carrying books and folders. They  
18 converge into narrow hallway forming a flood  
19 rushing toward the staircases. As everybody's  
20 trying to get to, get to the next class as soon as  
21 possible the staircases are fully packed at that  
22 moment. If anyone trips it's not unlikely that a  
23 serious stampede would happen. It's... situation for  
24 student relying on the wheelchairs or canes to move  
25 from class to class. Apart from discomfort and

1  
2 safety issues overcrowding also causes  
3 disproportionately high still faculty, student  
4 faculty ratio. Student are not getting enough  
5 attentions from teachers and guidance counsellors.  
6 A guidance counsellor who is assigned to over 300  
7 students... it's impossible to take care of every  
8 single student. Every time I go to my guidance  
9 counsellor for help there are always student  
10 waiting on line. If students stop coming to school  
11 some guidance counsellor don't even bother to bring  
12 up a phone call for the parents. Overcrowding is  
13 undermining students ability to achieve success in  
14 schools. Thank you very much for your time.

15 CHAIR: Next.

16 TIANHAO ZHANG: Good afternoon. My name  
17 Tianhao Zhang. I'm a, I'm also a youth leader from  
18 the Asian American Student Advocacy Project, ASAP.  
19 I'm a junior at Francis Lewis High School Queens  
20 and live in District 19. My family immigrated to  
21 this country three years ago. Thank you again to  
22 Chairperson Dromm for holding this hearing and, and  
23 I'm honored to be able to testify on the issue of  
24 overcrowding schools in New York City. With over  
25 4,000 students Francis Louis High School is one of

1 the most crowded public schools in New York City.  
2  
3 And we see a trend of increasing student population  
4 in recent years. Overcrowded classrooms not only  
5 cause safety issues but also impede students'  
6 ability to receive proper academic and personal  
7 support. Hallways become a dangerous place between  
8 classes. Impatient students will push others to get  
9 through the crowd posing a significant threat to  
10 student safety. Additionally getting to class on  
11 time can be fairly difficult sometimes due to the  
12 sheer amount of traffic in hall, in the hall. Since  
13 the main building has reached its maximum capacity  
14 some students have to go to trailer outside of main  
15 building to take classes. This causes considerable  
16 inconvenience for both students and teachers  
17 especially during the rainy and snowy days.  
18 Overcrowded classrooms also prevent personalized  
19 attention in and out of the classroom. Teachers  
20 almost never have time to give personal attention  
21 to individual students. Teaching these classroom  
22 often, often turn into a conversation between the  
23 teacher and the most active students as more  
24 reserved students tend to hold back opinions in the  
25 fast paced classroom. Sometimes because of time

1 restraint not everybody's question can be answered.  
2 A situation often cause anxiety in students. Also  
3 teachers occasionally seem tired which leads to  
4 ineffective and low quality teaching. Last but not  
5 least hundreds of students to one guidance  
6 counsellor ratio make it almost impossible for  
7 students to get the proper support. Setting up an  
8 appointment to meet one's guidance counsellor is  
9 difficult and a meeting set, typically lasts under  
10 10 minutes. People usually meet with their guidance  
11 counsellor once a, once a year. Some of my friends  
12 even told me that they did not meet with their  
13 guidance for the entire year. Many immigrant  
14 students like myself cannot get a desirable  
15 schedule because our guidance counsellors has  
16 little knowledge of our backgrounds. Worse yet  
17 counsellors hardly ever seek out to talk to the  
18 immigrant students if the students do not go to  
19 them. These students usually end, end up in classes  
20 that do not fit their ability therefore causing  
21 detrimental academic effects in addition to their  
22 struggles with their language barrier. In New York  
23 City one out of five Asian Pacific American, APA,  
24 students is an English language learner. As  
25

1  
2 immigrants or being children of immigrants many  
3 APAs face the daunting challenge of learning how to  
4 navigate the education system, learn English, and  
5 stay on track to graduate, and to be college ready.  
6 These challenges become even more apparent in over,  
7 overcrowded schools. We will like to recommend that  
8 for many overcrowded schools that in addition to  
9 reducing class sizes and improving teacher student  
10 ratios that guidance counsellor also be expanded  
11 with job descriptions that can handle newly arrive  
12 immigrants and also assist in the college readiness  
13 process. Thank you for the time.

14 CHAIR: Well thank you both for coming  
15 in and sharing with us your personal experiences  
16 with the regard to overcrowding in the schools. And  
17 I think he said that at, at the Fort Hamilton  
18 School and at the Flushing, at the Francis Louis  
19 High School in Flushing more than 4,000 students in  
20 each school, that's incredible. That's larger than  
21 my college campus. I went to a place called Marist  
22 College in Poughkeepsie long time ago but we had  
23 about 18 hundred students at that time in a  
24 college, never mind a high school. So and I, I am  
25 pleased that I, I know firsthand in Francis Louis

1  
2 and I think in Fort Hamilton that you're getting a  
3 good education overall the, the Deputy Chancellor  
4 referred to that but simply because of the fact  
5 that students like yourselves are able to survive  
6 in an environment like that doesn't excuse the DOE  
7 from the issue of overcrowding. So that was the  
8 purpose of having this hearing today. And I  
9 definitely appreciate having your first hand  
10 testimony to let us know what it's like to be a  
11 student in those schools. Thank you very much.

12 [cross-talk]

13 CHAIR: Okay thank you and we're going  
14 to call our next panel. Okay Bertha Asistembae  
15 [sp?] and Helicon Zalgaldo [sp?] from PS143 and  
16 Bertha is from PS19 in Corona, 143 in Corona,  
17 Christopher Young from Downtown Brooklyn School  
18 Solution and Rachel Manning from Phys. Ed.  
19 [phonetic] for All Coalition and the Bronx Health  
20 Reach. Okay and I'm going to ask you all if you'd  
21 raise your right hand. Do you solemnly swear or  
22 affirm to tell the truth, the whole truth, and  
23 nothing but the truth, and to answer council member  
24 questions honestly? Okay thank you. Who would like  
25 to start? Over here?

1  
2 BERTHA ASISTEMBAE: [speaking Spanish]

3 DONNA MENDOZA: Hi my name is Donna

4 Mendoza and I'm just going to translate for her.

5 Good afternoon my name Bertha Asistembae and I am

6 a... leader at PS19 and I am a member of Make the

7 Road New York. I have, I have three daughters.

8 Cynthia is 6 and Stephanie's 10. Both are students

9 at PS19 in Corona, Queens. Thanks for the

10 opportunity to testify and for all that you have

11 one to resolve overcrowding. Overcrowding is one of

12 the largest problem we face as parents in districts

13 24 and 30 in Queens. We have kindergarten and 1<sup>st</sup>

14 grade students travelling to Long Island City

15 because they do not fit in our schools. And these

16 students have to wait for a bus on the corner in

17 spite of the, of the cold. Also hundred of students

18 have study in transportables for decades many have

19 to have lunch at 9:45 a.m. or at 1:00 p.m. because

20 it's so overcrowded. The parents have to take them

21 extra clothes when it's cold or wet, or wet because

22 the students are always going in and out of the

23 trailers and the main building for the library or

24 gym or lunch. And if it's snowing children suffer

25 because their feet is wet. But no one, but no one

1  
2 says they are sorry. We have fought to resolve this  
3 problem working with council members like CM Dromm  
4 and Ferreras, Assembly members.. organizations  
5 combined and we have achieved some victories. Like  
6 at PS19 and 92 and some new schools. We know that  
7 much is still has to happen to fix this problem.  
8 There have been conversations about new charter,  
9 charters coming to the neighborhood and I said no,  
10 no to that because while we need more seats in the  
11 schools we have where will, where will we put a  
12 charter school. There is simply not a space. I  
13 think it's important to look at the capital plan  
14 and also to be creative with our design of a  
15 schools. Can we be, can build higher, can we  
16 include schools in new housing constructions, are  
17 we using our space well? No more lunch at 9:45 a.m.  
18 or 1:00 p.m. No more therapy in the halls. No more  
19 lines to using the bathroom. No more waiting on the  
20 streets for a bus. No more trips for over an hour  
21 to study. Overcrowding has to end today. Thank you.

22 CHAIR: [speaking Spanish]

23 BERTHA ASISTEMBAE: [speaking Spanish]

24 CHAIR: [speaking Spanish] And what I  
25 said is that thank you very much for coming, we

1  
2 appreciate very much her efforts. I know her from  
3 PS19. It's a school that has probably the most  
4 overcrowded school in the country. There are over  
5 27 hundred and 50 kids in PS19. 2,750 and they  
6 already built a school across the street which took  
7 four or 500 out but the population is still up.  
8 There is a plan in place to remove the trailers  
9 that are on the school yard but that plan won't be  
10 implemented until after 2017 I believe. So we still  
11 have the issue but we're glad that there finally is  
12 a plan moving forward and I'm very proud of the  
13 parents. And parents have a very strong voice when  
14 they speak up and they unite and they work together  
15 they can create change in their neighborhood. So  
16 thank you very much. Next please.

17 CHRISTOPHER YOUNG: Hi, thanks for  
18 letting me speak on this issue. My name is  
19 Christopher Young. I'm a kindergarten and a, the  
20 founder of a group called downtown Brooklyn school  
21 solutions which is a group of more than 200 parents  
22 living in and around downtown Brooklyn. You may or  
23 may not know it's the fastest growing neighborhood  
24 in the whole city. And when we came to learn that  
25 there's no neighborhood school and there's no plan

1  
2 to build a neighborhood school we became concerned  
3 an started to reach out to politicians. A little  
4 bit of background; it was a largely commercial,  
5 government, retail... it was rezoned in 2004. They,  
6 expected that most would be 979 residential units  
7 built as a result of, of this rezoning. And our  
8 real concern is the ability of the SCA to adjust to  
9 new development. What's really happened in the last  
10 ten years is 6,000 new residential units have been  
11 built. There's 43 hundred in the pipeline, or  
12 there's 43 hundred under construction and 6,000 in  
13 the pipeline. And this, the SCA's still not  
14 planning to build a school. If we use their own  
15 coefficient we determined that they should have  
16 planned for 47 hundred new elementary school aged  
17 kids yet there is only 300 available seats in the  
18 schools in the neighborhood surrounding downtown  
19 Brooklyn that serve downtown Brooklyn which means  
20 within three or four years every one of those  
21 schools in all the surrounding neighborhoods is  
22 going to be over capacity and overcrowded. A recent  
23 report undertaken by the Brooklyn Bridge Park  
24 Corporation, a technical memo using their own SCA  
25 and the City Planning's own data projected the

1 following for District 13 subdistrict 2 that the  
2 population of elementary school kids would go from  
3 3,279 to 46 hundred 97 by 2018 putting all the  
4 schools in the subdistrict at 140 percent capacity  
5 which seems to be a major problem. There is one  
6 District 13 school that's in the next five year  
7 capital plan but it's not expected to go online  
8 until 2022, that's a 757 school seat that's in a  
9 completely different neighborhood and not in  
10 downtown Brooklyn. There are schools that are  
11 already exhibiting the problems of the overcrowding  
12 like PS8 in Brooklyn Heights which is at 140  
13 percent capacity as a result of the development in  
14 the area and are looking to have to drop a  
15 kindergarten class and create waiting lists. So  
16 this is the fate of downtown Brooklyn, the  
17 surrounding neighborhoods that serve downtown  
18 Brooklyn like Covo Hill, Boerum Hill, Fort Greene,  
19 and you know... And the SCA doesn't seem to be able  
20 to adjust adequately to new housing starts and make  
21 accurate projections and respond in a timely  
22 fashion so that they can build new schools to  
23 prevent this from happening. And what we fear is  
24 that there's going to be an acute problem in this  
25

1  
2 part of Brooklyn and we would like to know how we  
3 could compel developers to include schools as part  
4 of their as of right projects, if there was a  
5 mechanism in place, or even get the SCA to use  
6 accurate projections in terms of their planning for  
7 future school building.

8 CHAIR: So all really good questions and  
9 things that we as council members grapple with all  
10 the time. And often times developers can do certain  
11 things as of right and then we have very little  
12 influence in terms of what it is that we can compel  
13 them to do. But even times where we have developers  
14 who request zoning changes or whatever, a change in  
15 the far or whatever it may be it's difficult to  
16 negotiate those things. And even where we have  
17 negotiated those things getting it in writing so to  
18 speak...

19 CHRISTOPHER YOUNG: Yeah.

20 CHAIR: ...and making sure that it's firm  
21 and that it's real, and that it's going to meet the  
22 needs of the area is very important. So it's, it,  
23 it is, it's not just an issue in your district by  
24 the way, and did you say you were 13?  
25

1  
2 CHRISTOPHER YOUNG: That's one of the  
3 weird things. It's split between 13 and 15 and so  
4 the problem is sort of, will be equal in both of  
5 those districts in that area.

6 CHAIR: So looking at the I, IBO report  
7 there was about a need for about 11 hundred and 70  
8 seats in, in District 13 and in 15 33 hundred and  
9 15 seats so...

10 CHRISTOPHER YOUNG: Yeah and I, I think  
11 those estimates are small because they don't look  
12 at every, you know every month there's a new  
13 project of a massive redevelopment. And the school  
14 that's in the current five year capital plan is  
15 actually supposed to be sited at the Atlantic Yards  
16 Project next to Barclay Center and their own impact  
17 statement says that that development alone will  
18 bring 64 hundred units and will bring 14 hundred  
19 elementary school kids but, and the school they're  
20 planning to build there as part of that process is  
21 half as big as it needs to be so... that is the  
22 challenge. I think their numbers... that was Lorain  
23 Grillo in, you met with the SCA and we're working  
24 with Levine and we, we, we're pretty sure that  
25 their estimates are wrong. And even a CB2 report

1  
2 showed that if just existing population of children  
3 that are under the age 5 age into, become school  
4 age they will fill up all the existing excess  
5 capacity. So it's not just housing start that's, is  
6 the problem I, it speaks to your point is, should  
7 they be using the same demographers that they've  
8 been using year in and year out and claiming to  
9 have one percent accuracy even though there's a  
10 huge number of schools that have over you know  
11 crowding problems across the city.

12 CHAIR: Thank you and I, and I agree.  
13 Thank you. Next please.

14 RACHEL MANNING: Okay. Hi, I'm Rachel.  
15 I'm here from Bronx Health Reach and I'm speaking  
16 today on behalf of the Phys. Ed. for All Coalition.  
17 The Phys. Ed. for All Coalition would like to thank  
18 Chairperson Daniel Dromm and the Education  
19 Committee for drawing attention to the critical  
20 problem of overcrowding in New York City schools.  
21 We would like to highlight one of the many costs of  
22 overcrowding. New York City is failing to meet  
23 state requirements for providing our children with  
24 physical education. Research, research shows that  
25 participation and quality physical education

1 enhances student's academic achievement, instills  
2 good habits for healthy living, and teaches  
3 critical skills such as team work. P.E. can help  
4 improve children's' grades and standardized test  
5 scores as well as their concentration and classroom  
6 behavior. P.E. improves physical fitness for all  
7 school children as, and is especially critical for  
8 students with obesity and related health problems.  
9 Approximately one in five New York City public  
10 school students in grades K through eight are obese  
11 and obesity rates are higher in lower income  
12 communities of color. Despite these well documented  
13 benefits DOE schools routinely failed to provide  
14 their students with the physical education required  
15 by state regulations and part of the opportunity  
16 for a sound basic education to which all students  
17 are entitled under the state constitution. Part of  
18 the problem is overcrowding. A health teacher in  
19 the Bronx shared the story of her school where  
20 overcrowding has meant that students with special  
21 needs are unable to get the accommodations they  
22 need to effectively participate in phys. Ed.,  
23 health, and art classes. Our students do not have  
24 enough gymnasiums, playing fields, or playgrounds.  
25

1  
2 Too many of the spaces we do have are failing, are  
3 falling into disrepair. Collocated schools struggle  
4 to schedule sufficient time for P.E. and shared  
5 gymnasiums. As a result it is impossible to give  
6 our students the physical education they need to  
7 promote lifelong habits for healthy living. I also  
8 wanted to point out a distinction between physical  
9 activity and physical education that came up in the  
10 DOE testimony, things like classroom, physical  
11 activity, exercises, and after school sports are  
12 good but typically they can't be counted toward  
13 state mandates for P.E. And P.E. has its own set of  
14 requirements. So citywide efforts to improve access  
15 to P.E. are hampered by the DOE's failure to make  
16 public and in many instances even track basic data  
17 on the equality and amount of P.E. instruction  
18 being afforded to our school children or the spaces  
19 utilized for P.E. instruction. This is why the  
20 Phys. Ed. for all coalition urges the council to  
21 enact Intro 644 which will require the DOE to begin  
22 reporting on all aspects of physical education  
23 including space and facilities in New York City  
24 schools. A City Council reporting bill will be a  
25 critical first step to addressing P.E. issues in

1  
2 New York City by giving parents, communities, and  
3 elected officials the information they need on  
4 whether city schools are meeting P.E. requirements.  
5 A reporting bill can also cast light on the extent  
6 to which overcrowding or lack of space serve as a  
7 barrier to providing students with quality P.E.  
8 instruction. Intro 644 was introduced on February  
9 12<sup>th</sup> by Council Member Elizabeth Crowley and it  
10 already has the support of 19 council members  
11 including chairs of education and health  
12 committees. We urge the council to hold hearings on  
13 this bill and to bring it to a vote as soon as  
14 possible. Thank you.

15 CHAIR: Thank you very much. And I think  
16 we're going to hold hearings on that bill. And part  
17 of what I was discussing with the DOE today around  
18 physical education etcetera is in anticipation of  
19 at some point hearing that legislation. It may take  
20 us a while to get there but we will probably do  
21 that at some point. I also had problems with Deputy  
22 Chancellor... no, who was here today, Rose, excuse  
23 me, I'm sorry explanation that you can hold gym you  
24 know in classrooms. I mean come on it's just like  
25 it, to try, to try to swallow that is just very

1  
2 difficult you know... So it's unacceptable. We're  
3 going to look at that. And thank you. I want to  
4 thank you for coming in.

5 RACHEL MANNING: Thank you.

6 CHAIR: ...testimony. Thank you very much.  
7 Thank you to the panel. We have, thank you... yes we  
8 can do this. And I want to invite our last panel  
9 up. And that will be; Josh Coran former president  
10 of CEC6 who is here with us, and Sarah I believe  
11 it's Margrige [sp?] mm-hmm, years of experience. Oh  
12 we have one more. Mm-hmm. Uh-huh. Okay. Oh, okay.  
13 She didn't come up. Oh, or maybe she was the one  
14 who was... 143. [speaking Spanish] 143. [speaking  
15 Spanish]. Okay, [speaking Spanish]. Yeah. [speaking  
16 Spanish]. Okay. [speaking Spanish].

17 ANGELICA: Yes, thank you. I'm sorry for  
18 being late. That was... [cross-talk]

19 CHAIR: Uh-huh.

20 ANGELICA:...my, my daughter. Yes, my name  
21 is Angelica Selliado [sp?]. I am a parent of PS143.  
22 And I'm here today to speak on behalf of the  
23 parents. You know we are the second most  
24 overcrowded school in District 24. And as you hear  
25 as PS19 we also have our little ones walking from

1  
2 the portables to the main building, children with  
3 the special ed. are walking from the portables to  
4 the main building to get services on the hallways  
5 which is some, pretty sad to see that. Then on the  
6 lunch period we have children, we have to saved as  
7 much time as possible so what happens is that when  
8 children come, the little ones... come to lunch time  
9 they don't, they can't even take off their jackets  
10 because that's time saving. So they have to sit on  
11 their jackets or keep their, you know jackets  
12 zipped... have lunch 20 minutes, clean up the table,  
13 they only have out of those 50 minutes that they  
14 supposedly have for lunch, 20 minutes are really  
15 for lunch, if they don't have time everything goes  
16 away because the next group is coming. So I,  
17 something has to be done. Those trailers have been  
18 sitting there for over, almost 30 years. Probably a  
19 little bit over... I, my daughter started at five  
20 years ago. And the situation is that those trailers  
21 are sitting on parks, parks and recreation land and  
22 we cannot have our building built there because of  
23 the same reason because they are fighting because  
24 we need that land. So to me it sounds not, let's  
25 say illogical that those trailers have been there

1  
2 for 30 years and they cannot be used to build new  
3 school. All those, we have 18 hundred children,  
4 that's double the capacity that... that the building  
5 is supposed to have. And those children need  
6 accommodations to go to school. They, they need to  
7 be provided with quality education. And the  
8 administration has been doing pretty well. We are  
9 satisfied but it is not the same working with 25  
10 children, having 32 children in each classroom all  
11 the time. It's hard to identify sometimes problems  
12 that children need to have because there are too  
13 many children's for one teacher only in the  
14 classroom. So my request today and we have also  
15 gone to our council member Julissa Ferreras... but  
16 nothing has been done. We need that, we need that,  
17 that extension and we don't need it in five or ten  
18 years. Because you know I have a little one and I,  
19 and I started being involved in this four years ago  
20 and I, time passes and nothing is onto PS114. So  
21 how many... last time I went to the... in my district  
22 and I asked them so how many years do we have to  
23 wait? And the person told me well if you, maybe  
24 2019 you may be able to get something. So how many  
25 more generations have to come up. You know to me if

1  
2 the, if children don't have what they need at the  
3 very beginning you know how we expect and have a,  
4 we lost publicity about... you know we are a Latino  
5 community. So we, they're always pushing us about  
6 we have to no more drop outs from the school. So  
7 how can we do that if the little ones don't have  
8 the, the, a good beginning. If they're in  
9 overcrowding classrooms, if they have, they don't  
10 even have sometimes time to do their activities  
11 because just there are no more classrooms. So I  
12 really am here to ask that we need a solution. We  
13 need that extension. We need that building for  
14 PS143.

15 CHAIR: Thank you. I appreciate your  
16 testimony. I don't know if you know but I was a  
17 teacher at 143 in the summer in the 90s, early 90s,  
18 probably 1991 92 maybe 93. So I know the conditions  
19 and nothing has changed you're right. It's the same  
20 trailers that we used in those days that are still  
21 there. And unfortunately I don't think the DOE has  
22 that as a priority to remove those trailers  
23 immediately. Now they are doing something at 19 as  
24 was discussed before but unfortunately it's  
25 basically the same situation. So we go to continue

1  
2 to fight to make that, make people more aware of  
3 that. And, and, and I thank you for your testimony  
4 for coming in, thank you.

5 CHAIR: And you know what I'm assuming  
6 that what you said was the truth, the whole truth,  
7 and nothing but the truth but I didn't swear you  
8 in. So I have to swear in the other members though  
9 because I remembered it so could I ask you to raise  
10 your right hand. Do you solemnly swear or affirm to  
11 tell the truth, the whole truth, and nothing but  
12 the truth, and to answer council member questions  
13 honestly? Alright so who'd like to start over here?  
14 Yep, sure. Oh push the button, the red light should  
15 come on.

16 JOSH KARREN: Good. My name is Josh  
17 Karren, former President of CEC6 the district which  
18 initiated the campaign for fiscal equity. I hadn't  
19 expected to testify here today. I actually came to  
20 film the proceedings for a projected film about CFE  
21 and related subjects. You saw my camera on the  
22 podium earlier. I've done so for many years. In  
23 fact last night I looked at footage of Robert  
24 Jackson sitting in the chair that you presently are  
25 sitting in. That was in 2007 when we were all

1  
2 hopeful there would be a successful resolution to  
3 CFE. Then and now this whole process strikes me as  
4 backwards. It starts with an allotment of seats by  
5 the Department of Education based on their  
6 expectation of what money is available and it's  
7 based on assumptions of what students need,  
8 assumptions which are far short of the standards  
9 enunciated in the CFE lawsuit. We heard testimony  
10 here today that Council Member Barron elicited from  
11 Elizabeth Rose that a 500 seat school would only be  
12 allocated three specialty rooms and that it must  
13 therefore choose between a computer room, or a  
14 science lab, or an art room, or a music room, or a  
15 dance studio when schools in wealthy communities  
16 have all of them. Moreover the class sizes used for  
17 the present bluebook as confirmed by Elizabeth Rose  
18 did not comport with those of the campaign for  
19 fiscal equity recommendations which were 20 for  
20 grades K through three, 23 for grades four through  
21 eight, and 25 for high school. New York City in  
22 fact agreed to those figures in 2007 when signed  
23 the contracts for excellence which it has violated  
24 ever since. The illusion is thus created that New  
25 York City students are being provided what they

1  
2 need because the current... the current term in vogue  
3 whether it be utilization ratio or footprint  
4 etcetera is being met according to the DOE. Though  
5 this may not reflect the education, educational  
6 standard that we seek for our students as  
7 established by CFE and the standards, let alone the  
8 standards set for students in affluent communities.  
9 Now I understand that the city may not have the  
10 space to provide for such, for each school  
11 providing all that it should, may not have the  
12 money to provide those numbers of schools. But so  
13 then what is the purpose of the bluebook. The  
14 bluebook should clearly reveal that the shortfall,  
15 the purpose of the bluebook should reveal that the  
16 shortfall is what it is by specifying how many, how  
17 many seats and how many schools are needed to  
18 provide New York City students with the education  
19 they deserve rather than the current procedure  
20 which is to formulate the bluebook based upon their  
21 notion of footprint and three cluster rooms and  
22 class sizes which are much larger than CFE  
23 standards. If they did an analysis and formulated a  
24 bluebook based upon what students need according to  
25 CFE standards it would provide both the council and

1  
2 parents the ability to know what kind of money is  
3 actually needed to provide for those needs and  
4 enable both the council and parents to actually go  
5 seek it. But at this point everyone is in the dark  
6 because the illusion is given that the bluebook is  
7 accurate. And so while there was conversation  
8 earlier today about the bluebook task force and the  
9 next speaker to my right I'm sure is going to speak  
10 about that, it seems to me that there are reasons  
11 that the department has been so committed to this  
12 notion that that document is reflective of accurate  
13 indications of student need when in reality it is  
14 not. And we have to continue to challenge that  
15 because otherwise I don't think we're going to make  
16 any headway on this matter for another 10 years and  
17 we'll be, all be back here in another hearing in  
18 the same way that I'm come here since 2007.

19 CHAIR: So the illusion may be that the  
20 bluebook is giving accurate information but  
21 certainly this committee under former Chair  
22 Jackson's leadership and hopefully undermine as  
23 well is that we don't really believe what the  
24 bluebook in the past has told us. And part of that,  
25 part of the reason why we're having the hearing

1  
2 today is to put some sunlight on that and to expose  
3 some of that. We do hope because there were some  
4 good people involved in the bluebook working group  
5 that some good things will come out of that and  
6 that we'll eventually get a clearer picture of  
7 exactly how space is dealt with in the school. So  
8 we're hoping to see some, some good come out of  
9 that... [cross-talk]

10 JOSH KARRIN: Well that can't happen if  
11 they maintain its basis on the assumptions that  
12 they do of class sizes which are above the CFE  
13 standards and that three cluster rooms are adequate  
14 for the school. [cross-talk] If they maintain those  
15 basis then no bluebook is ever going to reflect the  
16 need for students to be provided the education  
17 that's guaranteed them by the New York state  
18 constitution.

19 CHAIR: I agree. Yes, next please.

20 SARA MORGRIGE: My name is Sara  
21 Morgrige. I was formerly Chief of Staff and  
22 Education Liaison for Council Member Jackson. I've  
23 been a long time parent advocate and I am a member  
24 of the bluebook working group. So thank you for the  
25 opportunity to speak today. It feels a little weird

1  
2 to be on this side of the room. The consequences of  
3 overcrowding have been documented for a long time.  
4 They've been upheld by the state's highest court.  
5 So what are we talking about when we talk about  
6 school overcrowding. I regret that I couldn't  
7 arrive earlier. I didn't hear a lot of the  
8 testimony today. We talking about too many kids in  
9 the classroom. Are we talking about too many  
10 classrooms in a school building? Are we talking  
11 about too many schools in a building? They're all  
12 overcrowding. They just play out in different ways.  
13 The first and the last kinds get a fair amount of  
14 publicity. Think about the UFT contract in class  
15 sizes. Think about the colocation debate. The  
16 middle kind, the kind where there are too many  
17 classrooms in a building gets a little less  
18 publicity and that's what my testimony is going to  
19 focus on. It's, that kind of overcrowding and how  
20 it's reported in then enrollment capacity and  
21 utilization report or the bluebook. That kind of  
22 overcrowding is what I call stealth overcrowding.  
23 It happens when enrollment creeps up or jumps up  
24 and principals are forced to convert specialty  
25 rooms or non-classroom spaces into regular

1 classrooms. A partition goes up and the art room  
2 becomes two classrooms. The gas jets are capped and  
3 the science lab becomes a general instruction  
4 space. When the bluebook assesses building  
5 utilization you've just added approximately 90  
6 seats to your building capacity, not that you've  
7 lost access to two specialty rooms that support  
8 particular kinds of learning; science and art. In  
9 really overcrowded schools offices become  
10 classrooms, closets become offices, and services  
11 are sometimes provided in bathrooms, something I've  
12 seen at multiple schools in my local district at  
13 the peak of its overcrowding crisis. Including PS8  
14 where bilingual reading instruction and speech  
15 therapy took place in the boy's bathroom outside  
16 the auditorium. In 2001 the New York state supreme  
17 court recognized that the method by which capacity  
18 is counted in overcrowded buildings is misleading  
19 and understates those crowded conditions especially  
20 in buildings that have experienced long term  
21 overcrowding and have converted many spaces. In  
22 2003 the Court of Appeals further defined the  
23 problem by pointing to the correlation between  
24 overcrowding and the lack of cluster and specialty  
25

1  
2 rooms. In 2004 I toured school construction  
3 authority executives through the building of PS8  
4 which was reporting at 94 percent utilization in  
5 the bluebook, had a capacity of 785. So the school,  
6 any school at 94 percent utilization isn't  
7 overcrowded and a district full of schools at 94  
8 percent utilization certainly doesn't justify new  
9 construction at least according to the official  
10 assessment in the bluebook. And the bluebook's the  
11 only game in town. Today's assessment of PS8s  
12 capacity is 481 seats. That's very different from  
13 the capacity of 785 presented in the 2002 bluebook.  
14 I think there's widespread agreement about that  
15 difference being significant. When we toured PS8 in  
16 2014 with the bluebook working group didn't feel  
17 grossly overcrowded. It has an enrollment of 560  
18 but its art room is still partitioned into two  
19 classrooms. The room that was designed for pull out  
20 instruction with an acoustical curtain to divide  
21 it, that's a classroom. And the science lab is a  
22 regular classroom. The previous chancellors and the  
23 mayor very deliberately chose to ignore the  
24 problems with the formula. Because of the lab the  
25 declaration of need to be set at a politically

1  
2 achievable level, not an accurate level. Given that  
3 half the money for new school construction comes  
4 from the state that's an important consideration.  
5 But suppressing the level of need by using an  
6 inaccurate formula makes it impossible to advocate  
7 for the true and undeclared level of need, an unmet  
8 need that impacts students and staff every single  
9 day as I'm sure the testimony here declared. That's  
10 why the decision to create a bluebook working group  
11 to revisit the reporting of school capacity and  
12 utilization is such a bold and laudable one. Hats  
13 off to the chancellor and Mayor de Blasio for  
14 having the political courage to risk quoting an  
15 outcome that would establish a higher level of  
16 need, one that is unlikely to be completely funded.  
17 I'm sure we all understand that correctly reporting  
18 conditions in our schools will not produce the  
19 resources to improve those conditions. It's  
20 inevitable that correcting the errors in the  
21 capacity formula will lead to a larger need for  
22 capacity in order to meet the judicial benchmarks  
23 that Josh spoke of. And it will produce a bluebook  
24 that reports a significantly and greater increased  
25 need for new seats. I'm going to skip a little bit.

1  
2 You can't advocate for a need you haven't  
3 identified and defined. Accurate data to answer  
4 basic questions is, pun intended, elementary. But  
5 it isn't available. That's why the bluebook is not  
6 reliable and that's why the working group has such  
7 a large mission. I didn't know until I came and  
8 read the testimony that the purpose of this is to  
9 create a more user friendly bluebook. Well I  
10 haven't been spending the last year taking time off  
11 from my job and travelling two and half hours each  
12 you know round trip to these meetings in order to  
13 produce a more user friendly document. It was my  
14 hope that we would produce a document that is an  
15 accurate document. So I'm dismayed to learn that  
16 that's the intent of our purpose. Where can...  
17 [cross-talk]

18 CHAIR: Was that in the testimony? Is  
19 that where you're pulling that?

20 SARA MORGRIGE: It's what's in Ms.  
21 Rose's testimony.

22 CHAIR: Okay.

23 SARA MORGRIGE: Creating a more user  
24 friendly bluebook for, format for school  
25 communities.

1  
2 CHAIR: Okay.

3 SARA MORGRIGE: The New York City

4 council can support the shared desire to produce  
5 recommendations that benefit students and families,  
6 can the council live with a statement of need that  
7 may, may not be able to meet? I say yes because an  
8 accurate statement of need would allow for an  
9 accurate settling of capital priorities and an  
10 equitable distribution of resources. I say yes  
11 because after watching the problem be suppressed  
12 since 2001 the education advocacy community is  
13 ready for accuracy. We're tired of watching real  
14 needs be ignored. It may be a political risk to  
15 identify a problem you can't completely solve, but  
16 look at this way the capital plan since the 2001  
17 decision have totaled some 36 billion dollars. Is  
18 it less of a risk to know that you were part of  
19 spending 36 billion dollars based on bad data? Bear  
20 that legacy in mind when you're sitting at the BNT  
21 or voting on the capital plan in June. Providing an  
22 accurate inventory of current capacity is just a  
23 first step toward meeting that need but it won't  
24 happen unless you support it. Thank you very much.

1  
2 CHAIR: Well thank you very much. And  
3 thank you for your perspective because certainly  
4 having had the position that you had you know  
5 firsthand the issues that this committee faces. By  
6 the way I'm not on the BNT but that's another  
7 issue. But we will continue... [cross-talk]

8 SARA MARGRIGE: ...expected to have at  
9 least one or two people who were... [cross-talk]

10 CHAIR: Well your testimony is very  
11 important. Did you have, submit it in writing?

12 SARA MARGRIGE: Yes, Jan has copies.

13 CHAIR: Okay so make sure that I get a  
14 copy because I don't think I have it here. But the  
15 point I was going to make now escapes me but I  
16 will... I know where to get you.

17 SARA MARGRIGE: It'll come to you in the  
18 middle of the night.

19 CHAIR: Exactly. Well thank you for  
20 coming in and providing testimony. I really  
21 appreciate it very much. Thank you. And with that  
22 I'm going to say that this meeting is adjourned at  
23 4:40 p.m. Thank you very much.

24 [gavel]

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 March 17, 2015