

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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December 2, 2008

Start: 01:15pm

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HELD AT: Council Chambers
City Hall

B E F O R E:

ROBERT JACKSON
Chairperson

COUNCIL MEMBERS:

Maria del Carmen Arroyo
Bill de Blasio
Simcha Felder
Lew Fidler
Helen Diane Foster
Dan Garodnick
Vincent Ignizio
Melinda Katz
Oliver Koppell
Jessica Lapin
Domenic Recchia
Jimmy Vacca
Peter Vallone
Albert Vann
Gail Brewer
Letitia James

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

Kathleen Grimm
Deputy Chancellor
Finance

Sharon Greenberger
President
Department of Education

Jamie Smarr
President
Education Construction Fund

Randy Weingarten
President
United Federation of Teachers

Lisa Bessette-James
Campaign for Fiscal Equity

Lenny Hanson
Executive Director
Class Size Matters

Robert Moore
Youth Leader
Make the Road New York

Doug Israel
Director of Research and Policy
Center for Arts Education

Dara Adams
Congress Member Caroline Maloney's office

Dan Golub
Manhattan Borough President's office

Matt Borden
Assemblyman Glick's office

Tricia Joyce
Overcrowding Committee

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

Joel Rivera
Latino Pastoral Action Center, High Bridge United

George Rivera
United Parents of High Bridge, PS 73

Chauncey Young
United Parents of High Bridge

Boleo Alcarea
Northwest Bronx Community and Clergy Coalition

Joseph McGivin
New York City Schoolteacher
Advocate for School Indoor Air Quality

Ann Clyburg
PS PAC

Jacqueline Berry
CEC 7

Bill Rynish
Parent, PS 199
Parent at Large, PS 199

CHAIRPERSON JACKSON: Good afternoon and welcome to today's education committee oversight hearing on the proposed five year capital plan for schools. We are now in the final year of the current Children First 2005-2009 five year capital plan. The Department of Education and the School Construction Authority recently released a "Building on Success" proposed 2010-2014 five year capital plan. The city council must approve the new five year plan before July 1, 2009, which is the beginning of our fiscal year. The city as a whole is experiencing very difficult economic times, currently; and all agencies, including the Department of Education, has been asked to reduce their capital programs by 20 percent. The \$11.3 billion proposed five year capital plan represents a \$2.5 billion, or 18.1 percent reduction from the last, the latest adopted version of the \$13.8 billion 2005-2009 five year capital plan, which included elected officials' contributions. The Department of Education and SCA are to be commended for improvements in their capital programs in recent years, including determining construction

priorities more on need than political expediency; increasing the number of projects identified by community education councils and the capital plan; revitalizing the education construction fund; and beginning to develop public/private partnerships.

The city council hopes that the Department of Education and School Construction Authority will expand upon these efforts. At the same time, we also need to take the Department of Education and School Construction Authority to task for unresolved problems and exaggerated claims, including the statement that the current capital plan is the largest capital construction program in our city's history. They can certainly claim that it is the most costly program in the city's history at \$13.8 billion. However, they can hardly claim that it's the largest construction program in history, when 100,000 school seats were added from 1902 to 1905 in New York City, and nearly 500,000 seats during the 1920s. More recently, as noted in an October 2008 report by the Campaign for a Better Capital Plan, data drawn from several management reports showed that fewer seats were created during the first six years of

the current administration, just over 65,000, than the last six years of the Giuliani administration, more than 92,000. In fact, although the current five year capital plan states that it will have created 63,000 seats, more than 8,000 of those seats are actually being rolled over into the new plans; and more than 34,000 others will not come online until the new plan is well underway.

According to my math and the math of my staff, that leaves just 21,000 seats actually created during the span of the current plan. This also means that of the 25,000 new seats listed for the proposed 2010-2014 five year capital plan, only about 17,000 are really new seats, since 8,000 are rolled over from the current plan. At the end of October, Speaker Quinn and I sent a letter to Mayor Bloomberg and Chancellor Joel Klein regarding the new capital plan to which we have not yet received a response. In that letter, we expressed that the City Council expects to be an active participant, not only in the approval process of the new plan, but in its formulation as well. We also requested information about the status of the current capital plan, excuse me,

Nick, thank you, thank you. We also requested information about the status of the current five year capital plan, and submitted some suggestions for inclusion in the 2010-2014 five year capital plan. We included three goals for new capacity: to eliminate existing overcrowding; prevent future overcrowding and accommodate class size reduction in K to 12; and of course, the council's first priority is to ensure that new capacity projects be located in the area of greatest needs, since in the past there has been a serious disconnect between the school district level calculation of capacity that the department of education has used to estimate capacity needs, and the overcrowding of individual schools inside those districts.

Jeff, close the door, please. Thank you. Close the door. [door closes] Thank you. But while we all agree that increased capacity and the reduction of overcrowding is essential to the educational experience we want to provide for our children, these goals must not be achieved through the loss of cluster rooms and gymnasiums. The conversion of gymnasiums is particularly unacceptable considering ongoing problems with

childhood obesity. The use of art, music, science and physical education facilities as regular classrooms, denies our children the kind of education that they deserve and that is our job to provide. The Department of Education has acknowledged that planning for capacity needs at a district level often mask overcrowding in individual schools and neighborhoods. At the October 3, 2008 council hearing on school overcrowding, Deputy Chancellor Grimm indicated that the next capital plan would monitor population growth by neighborhood, not just by district. While the council appreciates the responsiveness of the Department of Education and School Construction Authority on this issue, we would like to get further details on how and when planning at the neighborhood level will occur. In fact, the city council would like to see greater transparency of the entire capital planning process. For example, currently available on the SCA's website, is a document entitled "Projected new housing Starts as used in 2003 enrollment projections" that was used in the development of the 2005-2009 capital plan. Information on new

housing starts should be updated annually and posted on SCA's website. Having such information would assist the city council in considering annual amendments to the five year capital plan. Finally, in determining the need for new capacity, it is a priority of the city council that the Department of Education address the class size reduction goals for K to 12, as laid out in the contract for excellence. The current five year capital plan addresses reduction of class sizes in grades K to 3. It's important that the new five year capital plan address grades 4 through 12, in much the same manner. Currently, the Department of Education's Blue Book includes a target methodology that reflects 20 students per class for grades K to 3. In our letter to the mayor and the chancellor, we requested that the Blue Book target methodology be immediately updated to reflect the contract for excellence target of 23 students per class for grades 4 through 12. This change to the Blue Book is essential to understand the true level of overcrowding in the school system as well as to accurately assess the future needs. Today the committee looked forward to

1 hearing responses to these issues and concerns
2 from the Department of Education and School
3 Construction Authority. The committee will also
4 hear concerns and recommendations regarding the
5 proposed 2010-2014 five year capital plan, from
6 parents, advocates, unions and all others. I'd
7 like to remind everyone who wishes to testify
8 today that you must fill out a witness slip
9 located to my left at the sergeant at arms in the
10 front of the chambers. Now, I'd like to
11 acknowledge my colleagues that are present here
12 this afternoon. Directly in front of me in the
13 first seat, a good boy, he filled out a slip, my
14 colleague, our colleague, Simcha Felder from
15 Brooklyn. And to my extreme left is Jimmy Vacca
16 of The Bronx; Peter Vallone, Jr., of Queens; Maria
17 del Carmen Arroyo of The Bronx; and behind me Gail
18 Brewer of Manhattan; and to the right of me,
19 Vincent Ignizio of Staten Island; and Oliver
20 Koppell of The Bronx; and Melinda Katz of Queens.

21 MALE VOICE: The Bronx is - -

22 CHAIRPERSON JACKSON: I'm sorry.

23 Helen Diane Foster is in the back there. Where's
24 Albert? I'm sorry Al. Melinda Katz was blocking
25

1
2 you. And Al Vann of Brooklyn. And with that, I'd
3 like to apologize to the Department of Education
4 and all of the people that were waiting for the
5 hearing to begin. We had a couple of conflicting
6 hearings and which I had to attend and some other
7 personal matters. I think you can't drive a car
8 unless the car has gasoline. So I had to put gas
9 in my car in order for me to continue to drive.
10 So with that I apologize for the tardy start, and
11 I'll turn it over to Kathleen Grimm, the Deputy
12 Chancellor for Finance, and Sharon Greenberger,
13 the President of the Department of Education
14 School Construction Authority, and Jamie Smarr
15 with the Education Construction Fund, you're the
16 president, is that correct, Jamie, or--president.
17 So those are the three individuals in front of us.

18 KATHLEEN GRIMM: Well, good
19 afternoon Chair Jackson and members of the
20 Education Committee. We, all three of us are very
21 pleased to be here today to discuss the fiscal
22 year '10-'14 five year capital plan for our
23 schools. Before we get into the details of this
24 new five year plan, I'd like to take this
25 opportunity to review with you our capital

accomplishments in this administration. First of all, we brought all divisions that had any responsibility for capital planning and facilities management under one roof. You may recall that the SCA and the Division of School Facilities were separate entities with overlapping duties, little coordination and no accountability. Both the SCA and DSF now report to me, and we have established clear lines of responsibility for each. Now the management of the Department's capital program has been consolidated in one agency, the SCA. By making the SCA completely accountable for the capital program, we've been able to improve management of the construction process, reduce school construction costs by simplifying design standards, and increase competition among contractors. Second, we revived the Education Construction Fund, the ECF, the mission of which is to build safe, secure learning environments and to encourage comprehensive neighborhood development by constructing mixed use real estate projects which feature new school facilities. The fund increases the capacity of the Department to construct new schools, thereby increasing the

number of seats for the entire school system. ECF as the financing and development vehicle of the city's Department of Education, provides for funds for combined occupancy structures, including school facilities. The fund builds combined occupancy structures on city owned land, conveyed to the fund by the City of New York. The school facility portion of the mixed use project is financed via the issuance of tax exempt bonds, with a term of up to 40 years. ECF uses ground rinse, lease payments, and/or tax equivalency payments from the non-school portion of projects to finance the construction of the school facilities. Future revenues from the non-school portions of the development are used to pay the debt service of the school facility. One example is a project underway at 91st Street and 1st Avenue in Manhattan, which will be residential with school facilities on the lower floors. Third, and most notably, we released an ambitious, at that time, \$13.1 billion plan, in November '03. This is, my tech says, the largest in the Department's history. I think I need to correct that to say it's we think the largest in the school

construction's history, but we'll verify that for you also. Anyway, it's pretty big. And we couldn't have done it alone. We owe everybody in this room a lot of thanks. It was, however, the first time a plan was based entirely on need and aligned with our Children First reforms. While there aren't enough dollars to meet all of our school construction goals, we have made great strides in addressing capacity constraints of the system and improving our facilities to support the instructional needs of our students. In the current plan, we have invested in our existing assets by doing thousands of improvement projects in our schools. The kinds of projects include building repairs, such as roofing, system replacements, electrical and HVAC systems, and other important initiatives, like our playground enhancements and science labs. This current plan also calls for the construction of 63,000 new seats and 3,000 replacement seats to address overcrowding. We are well on our way to achieve this aim. Over 55,000 of these seats are either in progress or have been completed. Because it takes several years to identify sites, design

facilities and then build, we are really now just beginning to see the fruits of our work. We opened 18 new school buildings this fall, and we will see 34,000 seats come online over the course of the next three years. Those seats have been funded with dollars from this current capital plan. Some of the highlights of the current plan are a new facility for Gregorio Luperon High School in Washington Heights; the Elmhurst Educational Complex, to help alleviate the burden on New Talent High School in Queens; a beautiful new facility on Staten Island, located at Marsh Avenue and Essex Drive, that houses three schools and a District 75 program; and a new home for El Puente Academy in Brooklyn. All of which opened last September. We are looking forward to opening the doors at the long awaited Metropolitan Avenue campus in Queens, and the Mod Haven [phonetic] campus in The Bronx. As well as urgently needed seats in Battery Park City and a big new place in downtown Manhattan. Another highlight I would like to note is that all the schools which began design in January '07 and thereafter, will be green design schools. And we appreciate the

council, this initiative by the City Council, and thank you for working with us on the development of our green design standards for schools. To avoid pitfalls of previous plans, which often ran over budget and behind schedule, we instituted with the council an annual amendment process. Reviewing the plan regularly has allowed us to catch emerging needs quickly, so we can make changes as necessary. As part of our annual amendment process, we do three things. First, we survey our buildings every year, to reassess the needs. This is known as our BCAS, or Building Condition Assessment Survey, where we send architects and engineers to each of our over 1200 school buildings, to literally walk the schools with the principals, so we have the most current information about the state of our buildings. We update our enrollment projections every year. We pull together the information from our demographers, who make the enrollment projections out five and ten years. We then overlay information we obtain from the Department of City Planning, the Department of Health, the Department of Buildings, the U.S. Census, all of which give

us data on housing starts, rezoning efforts, birth rates, immigration rates, and migration rates.

This helps us stay on top of shifts in student enrollments, so that we can make adjustments based on where there may be an increase in student population in one part of the city, or a decline in another. We also undertake a public review process, with the community education councils, this council, other elected officials and community groups. Every year, we send out a form to every CEC, asking if they want to conduct a public hearing or meeting on the plan, and we make presentations as requested. We brief the council by borough delegation, and attend other meetings as requested by elected and community groups.

Each of these steps has made the plan far better to manage and has made the plan more transparent than it has ever been. We will continue this annual process and seek ways to improve it. I think we can all be very proud of what we've accomplished so far. And yet, of course, there is still much to do. In early November, we released the proposed 2010-14 capital plan. This proposed \$11.3 billion has two major components: \$5.2

1 billion for capacity, this is the construction of
2 25,000 new seats, funding for replacement seats
3 where leases are expiring and charter partnership
4 projects; the second large category is \$6.1
5 billion for capital investment--this includes all
6 of our capital improvement programs, funding for
7 our Children First initiative, such as campus
8 restructuring, physical fitness projects, science
9 labs, and mandated programs like remediation and
10 building code compliance. President Greenberger
11 will walk you through the details of the plan, but
12 before she does, I do want to underscore a couple
13 of points. This plan does acknowledge as the
14 chair mentioned our current economic realities.
15 And as such, our capital budget and its spending
16 power are reduced from previous years. We
17 incorporate past inflation rates, as well as
18 anticipated increased costs in the construction
19 sector, in developing the plan. Further, in May,
20 the mayor announced the City was stretching four
21 years of its capital program commitments out five
22 years, due to the uncertain economic outlook for
23 the City. Even with reduced resources, this plan
24 proposes the creation of 25,000 new seats. These
25

seats, coupled with what we think is a more efficient use of existing space, are projected to address the overcrowding identified at a neighborhood level within the districts. The current economic situation does force us to be more strategic with our resources, and more efficient with our existing space. And will require us to work together to make tough decision in the interests of our children. This plan also assumes the same financing strategy, with half funded by the City and the other half funded by New York State. Additional resources are provided through partnerships, federal grants, private contribution, and of course the generous support from the city council and other elected officials. We took what we learned from the current plan and incorporated it into the next one. For instance, through our public engagement process, we heard from various communities that planning at the school district level was not sufficient, and that we needed to examine specific neighborhoods for unique needs and pockets of overcrowding. We have folded this into the new plan, and have tailored proposed projects to meet specific community

1
2 needs. Also in the current plan, we developed a
3 form for CECs to prioritize projects in their
4 districts. We found this extremely helpful and as
5 a result have been able to include many of their
6 prioritized projects in the plan via our annual
7 amendment process. Because this has been so
8 useful, we are in the midst of developing a
9 similar form for all elected officials so that we
10 are better able to process your priorities and
11 inputs. I want to thank you and I want to turn to
12 Sharon, President Greenberger, who will walk you
13 through the specifics of the new plan. And then I
14 would like to ask Jamie Smarr, President of the
15 ECF, to give you a brief update on our projects
16 there. And then we'll be happy to answer any of
17 your questions. Thank you.

18 SHARON GREENBERGER: Thank you.
19 You should have a copy of what I'm going to go
20 through in front of you. If you don't, let us
21 know, I think we have a couple of extras. So, I
22 just want to go through some of the process that
23 we went through in developing this next capital
24 plan. As we put together this plan, we were
25 governed by a couple of overriding priorities.

One was, as you heard, to address capacity need on a neighborhood basis, to move from the district level to neighborhoods, especially to look at neighborhoods where we saw overcrowding. A second was to ensure the stability of our existing facilities by investing in critical capital improvement projects. A third was to continue our instructional enhancement program, in other words to make sure that our capital investments were aligned with our instructional priorities. And fourth was to allocate limited resources effectively. As you've heard, there are two primary components to this plan, that's a shift from the last plan in which we had three components. We decided to simplify it and make it two categories. One is capacity, that's everything to do with new schools, which has a \$5.2 billion allocation; and the other is capital investment. So that's everything that has to do with our existing schools, and that's a \$6.1 billion allocation. On the capacity side, that \$5.2 billion breaks down into three primary categories. The first is new capacity. As you heard, we have proposed 25,000 new seats; it does

1 include the rollover of 8,000 seats from this
2 current plan. That's done in part because we had
3 to absorb a 20 percent push in this fiscal year,
4 not just for the next plan but in this fiscal
5 year, so those 8,000 seats were pushed out. So we
6 have 25,000 seats total. We also include a
7 charter and partnership allocation of \$210
8 million, and an allocation for replacement seats.
9 We have a number of leases, almost 80 leases that
10 will come due over the next five years. We
11 anticipate that up to a third of those may need to
12 be replaced, so that allocation of \$1.3 billion is
13 to replace 9,000 existing seats. Of those 25,000
14 new seats, 22,400 are for the PSIS level seats.
15 Again, across the City in all five boroughs, and
16 there are 2,600 intermediate high school seats
17 associated with the new plan. So that's 25,000
18 seats that includes the 8,000 seats; it's also
19 just important to remember that we do have the
20 34,000 seats that are coming online over the next
21 three years that were started in this plan. And
22 as part of this planning effort, we took great
23 strides to work with all the other departments,
24 all the other units within the Department of
25

Education, to identify ways and strategies that we could ensure that we're using our existing space more effectively. So those may include different placements of new schools, enrollment adjustments--which might include an enrollment cap or rezoning--and reconfiguring existing facilities. And so together we will generate as many seats as possible. On the capacity program, it's worth just talking a little bit about how we determine need. Again, we use the same common sets of data. We look at both the supply side and the demand side. And on the demand side we look at enrollment and housing, and on the supply side we look at the capacity of our schools. I know it's worth including here that this time, for this new plan, we did reduce the maximum class sizes. So for K through 3 we continue to use to 20 students per classroom. On the middle school level, 4 through 8, we're using 28. In the last plan, we used anywhere from 28 to 31. And for high schools, grades 9 through 12, we are using a maximum of 30. That's a reduction of 4 from the last capital plan. And we applied this analysis again not just on a district level, but on a

neighborhood level, especially where we saw overcrowding, to determine where the need was, where we saw need. And where we identified need, we also looked to see if there were opportunities to use existing space more effectively. And that's what that second bullet refers to, is really to understand. And we've named these our facility realignment strategies, which is a mouthful, but it's really designed to look at how together with the Office of Student Enrollment and the Office of Portfolio and Development we can identify strategies to increase the capacity at our existing schools. Page seven is a list of our recommendations by neighborhood. So this is a significant shift from the last plan. The last plan looked at need on a district basis; here we have taken the districts, we've broken them down by neighborhood, and identified which neighborhoods have seat need. So, this is all information that's in the plan, which is available online, but this is a sort of, a synopsis of all the neighborhoods where we see capital investment necessary. This chart is designed to give you an overview of where we stand in terms of the

capacity status of the original 63,000 seats. So as you heard, we had 63,000 seats identified as needed. We've sited 55,000 of those, and that remaining 7,900 will be rolled over into the next plan. The next chart gives you a sense of when those seats come online over the next few years. As you heard, this past September we opened 18 new buildings, with approximately 11,000 new seats. Next year, we'll open another 13,000 seats; and in 2010 we'll open another almost 15,000 seats; and then some additional seats in 2011 and 2012. So there are two components, one is the capacity side, the other is the capital investment side. There are three primary components to this allocation. One is our capital improvement program. For this plan, we will be able to address the most urgent projects necessary. So again, we do our building condition assessment survey every year. We will identify those projects that rate a five, which is the most critical, and the allocation here of \$2.2 billion will go towards those projects. We will also include allocations for our Children's First initiatives--this includes technology, both on the

administrative level and in the classroom, and our facility enhancement program, which includes things like our restructuring program of the very large high schools, science labs, auditoriums and playground enhancements. And the third component is our mandated program, and this includes our fixed costs, remediation code programs, insurance, and completion costs. I thought it would be worth highlighting some of the information that we used to develop this plan, all of which, everything that's listed on this page, is available online. And many of it, if not all of it, is updated annually. So, to start we have our enrollment projections that are updated annually that are available online. We have two demographers that work with us to create those projections. We have the projected housing starts and rezoning projects. Again we work with City Planning, the Department of Buildings and HPD to determine where we're going to see housing over the next several years. We also use the housing multiplier that we revised in conjunction with City Planning. We apply that to housing starts to determine the student throw off, and that is available online.

Our Blue Book is available online. That's the Enrollment Capacity and Utilization Report. I do think it's worth just mentioning here, the information that goes into creating the Blue Book is the room use survey, which is completed by principals. That information comes directly from the schools, and we have worked very hard over the last two years to improve that process. One is that we now bring in the principals before we release the room use survey, to show them what we're going to do, to walk them through it, to see if there are any additional improvements necessary. We've upgraded the actual survey to use drop down menus to ensure that we are getting consistent information across the board. We have created an access, we have allowed other principals in buildings where there might be one lead principal completing the room use survey, to have access to that information, to ensure that it's accurate. And probably most importantly we've instituted an audit system, in which we audit every year--well, we did it one year, but we'll do it every year--20 percent of the surveys. To actually make sure that they are being filled

1 out correctly, we go out, we meet with the
2 principals, we survey the space, and that's a
3 learning process for us, as well. But I do think
4 it's worth, I want to stress that the information
5 that we get for the Blue Book comes directly from
6 principals. Also online is what we're calling the
7 facilities realignment strategies perspective.
8 That's what I talked about. It's the strategies
9 for using space more effectively. Also online and
10 updated annually is our building condition
11 assessment survey. All of this can be found
12 either on the SCA website or the DOE website. I
13 also wanted to just highlight some of the enhances
14 that we've made over the last several years, in
15 this capital plan. One as you heard is through
16 the plan approval process. We've enhanced our CEC
17 review, we've created a priority request form, and
18 I do want to reiterate, I think there is now a
19 council priority request form that Nathan has.
20 And--You will all be getting it soon. And I would
21 just want to take a moment to say, if you can,
22 it's very important that you look at that and you
23 get us your information by January, because we
24 need it for the February amendment. We also

1
2 conduct council briefings and we've enhanced the
3 public input process. On the communications side,
4 we've really focused on making sure that people
5 understand what we're doing and how we're doing
6 it. You have in front of you I think two examples
7 of brochures that we've put out. One is on
8 environmental conditions in schools, and one is on
9 the Reso A [phonetic] process. And on the plan
10 implementation side, we also take very seriously
11 that we look to improve our operations. We have
12 introduced a vendor access system at the SCA,
13 which allows contractors to submit all of their
14 filings online. We've improved our change order
15 system and we will be undertaking a value
16 engineering program in much the same way that was
17 done at the end of the last plan, before the next
18 plan went into effect, to ensure that we are using
19 dollars as wisely as possible. I'm on page 13,
20 which is just a recap of the process and some
21 dates associated with it. We are in December.
22 Now we're in December, starting our public
23 outreach. We will be meeting with CECs over the
24 next month. We ask that all comments come back by
25 January 9th, so we can incorporate them into the

February amendment, which is released and goes to the panel for educational policy in February, and then submitted back to you in March with adoption in June. And I just--

MALE VOICE: [off mic] Or whenever you choose to.

SHARON GREENBERGER: Or whenever you choose to, it can be earlier, that's true. And the last slide gives you a sense of how many seats will be created through this current plan, and the proposed next plan. So between the two plans, we're proposing a development of 80,500 seats. Now I will turn it over to Jamie.

JAMIE SMARR: Chair Jackson, good afternoon. I think when I appeared before you in connection with last fiscal year's hearing, I had brought you news that we had in fact broken ground on the first educational construction fund project since the year 1980. And I think that was a very significant development because among other things, I think what it showed is the area of school construction where I work, which is to get private investment to build school construction. You know, it had really turned a corner, that New

York's real estate community once again had confidence in the public school system, such that they felt good about doing joint real estate projects with the New York City Public School system. And as I appear before you today, I am still working very hard on the delivery of about 2,500 new school seats, all of which are within community school district two. That's about 1,100 elementary and middle school seats and 1,400 high school seats. That's about a \$325 million dollar private investment in New York City's public school system. So, I occupy a small but nonetheless very significant corner of the school construction business in New York City. I think we're all now well aware that the national economy has contracted significantly, and so that has had a direct impact on what the private sector will do with the school system. So right now, my principal job is to keep the projects that we have going, the 2,500 school seats on the upper east side. Keep those projects going through this contraction in the business cycle. But I think the school that we broke ground on last year has about ten months of construction left, and then it

1
2 will be open to school students. And we're just
3 wrapping up the design of the 57th Street, the
4 projects that we have on 57th Street and we'll be
5 moving forward again with just making sure that
6 those projects can survive this recession. As far
7 as future projects, again right now my priority is
8 to make sure that the projects we have in progress
9 continue to progress. But of course we'll be out
10 there looking for new opportunities, but just in
11 terms of an update, once again I want to report
12 that the \$300 million in private investment we
13 have going in the public school system, those
14 projects are underway in district two, and if I
15 have anything to do with it, I will see them
16 through to their fruition. Thank you.

17 CHAIRPERSON JACKSON: Well, let me
18 thank all of you for giving your testimony here
19 today. And in fact, Jamie, I'm glad you made that
20 commitment, because I know that the parents and
21 activists and leaders in district two that I've
22 attended, and which I've seen you at, forms a day
23 of hell, they are ready to hold you and everyone
24 else accountable to building those schools and
25 additional seats in district two. But before I go

1 to my colleagues, I have a couple of questions,
2 and to ask. But I wanted to first acknowledge the
3 staff of the city council involved with the
4 education committee, for the work they have done
5 on behalf of all of us here on the city council.
6 We have Aysha Schomberg sitting to my right, she's
7 the council to the Education Committee. Jan
8 Atwell is over there in the brown sweater, always
9 working. She's talking to Regina Poreda-Ryan, who
10 is our finance policy analyst, and to Laura
11 Gordon, who is our public relations person
12 assigned to Education. And of course to my left
13 is Nathan Taft, the assistant director for Capital
14 in deal with education. My colleagues, I say to
15 you that I'm going to ask a couple of questions,
16 but I'm going to, we have about eight colleagues
17 that have signed up already to ask questions, and
18 I'm going to ask everyone to stay within five
19 minutes, and then if we, if you have additional
20 questions, we'll rotate back to you, in order so
21 that, to give everyone an opportunity hopefully
22 within the span of an hour, to ask their
23 questions. But Deputy Chancellor, in a letter
24 that I spoke about earlier in my opening
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statement, that the Speaker Quinn and I sent to the mayor and to Chancellor Joel Klein at the end of October or the beginning of November, about the proposed 2010-2014 five year capital plan, we stated that it is impossible to know what is needed in the next five year capital plan, if we are not sure what has been accomplished by the current five year plan. Accordingly, we requested that you send to the city council the following information: 1) a final status of the 2005-2009 five year capital plan with the list of completed projects; 2) an accounting of all of the projects slated to roll from the current five year plan into the new five year plan; 3) the number of science labs created in both middle schools and high schools; and 4) a full needs assessment, including new capacity and CIPs, which is Capital Improvement Projects, of all those that were ranked number five, which is the highest priority, and those of number four, the next highest priority, that were in the BCAS report, in an analyzable, preferably Excel, format, that includes course estimates. This is what we requested in the letter that was dated October 29,

2008 to Mayor Bloomberg and to Joel Klein the chancellor, and it should have been received by the chancellor and the mayor within a day or two of its date. My question to you is, do you have any of the information with you today?

KATHLEEN GRIMM: I think we do have some of it. We, I think, walked you through at least a high level of detail, the current status of the current plan. We can certainly go through the 8,000 seats. Do we have a list?

CHAIRPERSON JACKSON: Well, I don't want you to go through all of the final, unless-- because the number of completed projects within the five year capital plan, do you have a list that you can give to us?

KATHLEEN GRIMM: Well, we have 55,000 seats, as mentioned earlier.

CHAIRPERSON JACKSON: Right.

KATHLEEN GRIMM: That have been either sited or are in progress.

CHAIRPERSON JACKSON: No, I understand that.

KATHLEEN GRIMM: It was never contemplated that all projects and all efforts of

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the plan would be finished by next June 30th.

CHAIRPERSON JACKSON: Okay, but still in all, considering that the five year capital plan is--When does it end?

KATHLEEN GRIMM: June 30th.

CHAIRPERSON JACKSON: Okay, of--?

KATHLEEN GRIMM: '09.

CHAIRPERSON JACKSON: Oh, '09.

KATHLEEN GRIMM: But--

CHAIRPERSON JACKSON: But so, as of, in response to our letter, if I was the chancellor, I would say please give them everything that has been completed as of, let's say, November 30th. That's not unreasonable to say, "Well, here are the lists of completed projects as of November 30th, and these projects are anticipated to be finished by June 30th of '09, and these other projects are rolled over and expected to be completed within a year or two or three years. That's not unreasonable to ask, is it?

KATHLEEN GRIMM: No. No, and actually, I think we have given you that today at a high level of detail. For example, the bar

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chart, that final bar chart--

CHAIRPERSON JACKSON: Okay. Can you refer to that, please? Can we pull that up?

KATHLEEN GRIMM: It's the last page, it's the last page of the deck.

CHAIRPERSON JACKSON: Can we just pull it put on he screen, also? Is that, that's not too difficult is it?

KATHLEEN GRIMM: On page 13.

CHAIRPERSON JACKSON: Page 13?

KATHLEEN GRIMM: But you can see from either page.

CHAIRPERSON JACKSON: Okay, let me turn to page 13.

KATHLEEN GRIMM: Yeah, don't worry about it.

CHAIRPERSON JACKSON: [laughs]

KATHLEEN GRIMM: Page 13 is a bar chart.

FEMALE VOICE: [off mic] 14.

KATHLEEN GRIMM: 14. That shows on a, when the seats from this current plan will come online.

CHAIRPERSON JACKSON: One second.

You can come on up and get it, you don't have to worry. Just, I would like to have it up there, also. So, whatever we need to do to get it up there, also, we can do that.

KATHLEEN GRIMM: Okay.

FEMALE VOICE: Fine.

CHAIRPERSON JACKSON: Page 13, you said, though. 14. Where's our IT person, are they here?

KATHLEEN GRIMM: The last page, and it shows it, too.

CHAIRPERSON JACKSON: The last page.

KATHLEEN GRIMM: Just can't get it--
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CHAIRPERSON JACKSON: I know that, I understand.

KATHLEEN GRIMM: Okay.

CHAIRPERSON JACKSON: Okay. I'm listening, though, go ahead.

KATHLEEN GRIMM: Well, if you have it in front of you--

CHAIRPERSON JACKSON: There you go, page 14 now. Okay, go ahead.

KATHLEEN GRIMM: Okay. Yeah, back

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CHAIRPERSON JACKSON: There you go.

KATHLEEN GRIMM: Okay. The blocks of blue or purple are the capacity seats that are going to be coming online over the next three-four years. The yellow represent the seats from the new plan, and when they will be coming online. So what we can certainly do for you, if you'd like, is to give you a list of each of those September '09, September '10, September '11 schools.

CHAIRPERSON JACKSON: Right. But also a list of everything that has been completed already.

KATHLEEN GRIMM: That, too, yes.

CHAIRPERSON JACKSON: Yes.

SHARON GREENBERGER: That's what the previous years are.

CHAIRPERSON JACKSON: That's what the previous--

KATHLEEN GRIMM: The previous, before this year, you'd see--

CHAIRPERSON JACKSON: Right.

KATHLEEN GRIMM: September '05,

September '06, September '07. So we can give you that for each year, and indicate whether it's completed or pending completion.

CHAIRPERSON JACKSON: And what about the number of science labs created in both middle schools and high schools?

KATHLEEN GRIMM: I believe that's 250.

SHARON GREENBERGER: Some are--

KATHLEEN GRIMM: Go ahead.

SHARON GREENBERGER: There are--

CHAIRPERSON JACKSON: Can you put, just speak into the mic, Ms. Greenberger.

SHARON GREENBERGER: There are about, just over a hundred that are still in process. I mean, part of the reason that we have the issue with your request, is that so many of these projects are actually going on right now, and won't be completed until the end of this fiscal year. Right now we have about a 100-120 in process, and we've completed over a 100-120. We anticipate by the end of this plan we will have completed 250 science lab projects.

CHAIRPERSON JACKSON: So, is it,

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2 it's not too difficult to say to us in writing,
3 "Here are the 150 that we've completed, and this,
4 these are, X amount is in the middle schools, and
5 Y is in high schools. And then there's a 100 in
6 process as of December 1, 2008, and these 100
7 should, say, 75 should be completed by
8 June/September of '09--

9 SHARON GREENBERGER: That's fine.

10 CHAIRPERSON JACKSON: And that's,
11 so that, in essence, you know, we can get a
12 snapshot, as of December 2, 2008, exactly what has
13 been completed, and what you anticipate to be
14 completed by the end of the five year capital
15 plan. And I understand the roll over, but I think
16 that in dealing with this, we need to know what
17 has been completed and what currently is in place
18 now, as far as in process. So--

19 SHARON GREENBERGER: That's fine.

20 And just also, just so you know, we were always
21 intending to do a closeout amendment to this
22 current plan.

23 CHAIRPERSON JACKSON: Okay.

24 SHARON GREENBERGER: So.

25 CHAIRPERSON JACKSON: So,

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2 considering that we sent this letter approximately
3 a month ago, when are we going to get the
4 information?

5 KATHLEEN GRIMM: I would say that
6 we could give you most of this information by next
7 week. We've been sort of sidetracked by a few
8 things, but we will make every effort to get it to
9 you next week.

10 CHAIRPERSON JACKSON: Okay. And
11 what about the last item that I asked about, is a
12 full needs assessment, including new capacity and
13 CIP projects, in a format that is analyzable,
14 preferably Excel format, that includes cost
15 estimates. Is that possible?

16 KATHLEEN GRIMM: That is possible
17 to do, but not by next week. We'll need a little
18 more time.

19 CHAIRPERSON JACKSON: Realistically,
20 give me a realistic, or give us a realistic
21 timeframe. When can we expect, even though you're
22 basically saying within a week you could have
23 number one, two and three, but number four you'd
24 need a little bit more time.

25 KATHLEEN GRIMM: We need a little

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2 more time and what I'd like to commit to doing is
3 when we provide you with the one, two and three
4 next week, we'll give you our realistic timetable
5 for the list next week.

6 CHAIRPERSON JACKSON: But can you
7 give me an, I need, I can't take that back to the
8 speaker right now. I need more information than
9 that, quite frankly. Is it unrealistic to say
10 that we should have the information as far as
11 number four within three weeks? Within a month?
12 I don't want to wait 'til next week or ten days
13 and you say it's going to take two months to get
14 that information.

15 KATHLEEN GRIMM: I know.

16 CHAIRPERSON JACKSON: I don't think
17 that that is realistic.

18 KATHLEEN GRIMM: Part of--frankly,
19 part of the difficult at this time of year--

20 CHAIRPERSON JACKSON: Okay.

21 KATHLEEN GRIMM: --is the fact that
22 we are out almost every night at CECs and getting
23 ready for them--

24 CHAIRPERSON JACKSON: Wow.

25 KATHLEEN GRIMM: And trying to

respond to them. And the holidays. So, I'm a little hesitate to make a commitment.

CHAIRPERSON JACKSON: Okay.

KATHLEEN GRIMM: If you'll let us go back and make a realistic estimate, we will provide you the timetable next week.

CHAIRPERSON JACKSON: And one of the difficulties that I think that I'm having, and that the city council's having, is that in order to analyze all of this information, in order for us to meet our deadlines, also, in order for them to--

KATHLEEN GRIMM: You have to have it, too.

CHAIRPERSON JACKSON: --we need the information to look at, also.

KATHLEEN GRIMM: I understand that.

CHAIRPERSON JACKSON: Okay, so.

KATHLEEN GRIMM: We will be as responsive as we can.

CHAIRPERSON JACKSON: I appreciate that.

KATHLEEN GRIMM: Okay.

CHAIRPERSON JACKSON: And

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2 concerning new capacity, if you don't mind. In
3 the past, the Department of Education has
4 calculated school capacity on a district level,
5 allowing situations of a neighborhood or pocket
6 overcrowding to persist. In the 2010-2014
7 proposed five year capital plan, the Department of
8 Education has claimed that it has addressed this
9 issue in K to 8, with high schools still being
10 assessed on a district level. What exactly are
11 the new methodologies that you are employing to
12 take neighborhood level overcrowding into
13 accounting, into consideration in K to 8.

14 KATHLEEN GRIMM: Okay, just for the
15 record, high schools are done on a borough basis,
16 not a district basis.

17 CHAIRPERSON JACKSON: Okay, not
18 dis--borough basis.

19 KATHLEEN GRIMM: High school
20 children can travel a little more easily.

21 CHAIRPERSON JACKSON: Okay. Very
22 good.

23 KATHLEEN GRIMM: Well, what we have
24 done inside the department, as Sharon referenced,
25 the folks from SCAA and the folks from our Office

of Portfolio Development, and the folks from our OSEPO, our Enrollment Office, have literally gone through every neighborhood. We did the usual projections based on the district level, out five years, out ten years, overlaid it with housing starts, and all of the other things that we bring to bear. But then we sat down and we looked at every neighborhood. And for example, there, we could, you could see a district, where on a district level there was no need. And so in the old plan, we would've said zero need here. But by going through every neighborhood, we might identify a school that for whatever reason is very overcrowded. So, we went back to the drawing board, and we looked at the demographics again. We talked to our, the people in enrollment, in terms of what the projections are. And we also looked at what other things might be done, such as grade reconfiguration, where are seats that maybe we could use in a nearby school. Introducing a new school, introducing rezoning with a discussion with the CECs. Sort of every tool that we could bring to bear, because we know we don't have enough capital dollars to really solve this

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2 problem on a neighborhood basis. So, I think
3 we've been, at least we, I don't know if we've
4 been successful yet, but we're off to a good
5 start. We are also engaging across the city
6 various elected officials, trying to walk them
7 through on a neighborhood basis. We have met I
8 think with most of the borough delegations from
9 this body, and I think we have others, the last
10 two scheduled, or will be scheduled. We are also
11 meeting with borough presidents, our state elected
12 officials. We're really trying to engage the
13 entire community as best we can, in terms of
14 understanding where the problems are and what kind
15 of solutions we can come up with.

16 CHAIRPERSON JACKSON: And so that's
17 different between now and the previous five year
18 capital plan.

19 KATHLEEN GRIMM: Totally different.
20 Totally different.

21 CHAIRPERSON JACKSON: Okay. The
22 Department of Education's Blue Book, which
23 measures capacity needs in the schools currently
24 determines seats, needs for K to 3, based on class
25 size reduction target of 20 students per class.

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2 When will the Blue Book be updated to reflect the
3 capacity needs based on the contract for
4 excellence, class size target of 23 students in
5 grades 4 through 12, as the speaker and I have
6 requested in our letter addressed to the mayor and
7 the chancellor?

8 KATHLEEN GRIMM: We will be, the
9 Blue Book and the capital plan, are reflecting new
10 numbers in terms of class size capacity. Middle
11 schools will be reduced to 28, and high schools
12 will be reduced to 30. That's not exactly the
13 same numbers that are in the class size reduction
14 plan that are part of the Contract for Excellence.
15 But when we looked at our targets, and we factor
16 in the actual utilization of these classrooms, we
17 do, and also factor in our programming efficiency
18 assumptions--this is discussed, by the way, in the
19 text of the capital plan, and we'd be happy to add
20 this to our conversations with everybody. We
21 really do arrive on a city wide level at targets
22 that are at 20 or 21, for those two class sizes.
23 So, the plan is not going--neither the plan nor
24 the Blue Book will adopt those numbers, because we
25 think we have other factors that come into play

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2 that will ultimately allow us to get to the
3 targeted class sizes.

4 CHAIRPERSON JACKSON: You're
5 talking about a city wide average, or--? Because
6 the city wide average doesn't mean anything, as
7 you know, to a parent with their children sitting
8 in a classroom, and their class with 30-32. You
9 know that.

10 KATHLEEN GRIMM: I think we've all
11 learned that lesson. Citywide doesn't matter,
12 district wide doesn't matter.

13 CHAIRPERSON JACKSON: Right.

14 KATHLEEN GRIMM: It just matters
15 about the school. But we have an enormous number
16 of vacant seats across the city. So, I think we
17 need to do more work, just as we've done in the
18 capital plan, but to look, to work, and we are,
19 working together, the various offices in the
20 Department, of how we can use all the tools that
21 we have available. I would also like to remind
22 everyone, class size reduction is also very
23 dependent on operating money. Because to reduce
24 class size, frankly, we need to increase our
25 teacher pool and other things like that. So,

we'll all be anxiously awaiting what happens in Albany.

CHAIRPERSON JACKSON: Okay, so, in response to my, to the question that we asked, we said, "When is it going to reflect the target size of 23 in grades 4 to 12?" you're saying that it is reflective of how many, 28?

KATHLEEN GRIMM: It will be 28--

CHAIRPERSON JACKSON: Into the middle school.

KATHLEEN GRIMM: Middle school.

CHAIRPERSON JACKSON: Middle schools.

KATHLEEN GRIMM: 30 in high school.

CHAIRPERSON JACKSON: Well, I'd say to you, that those numbers are not an acceptable standard. It's not acceptable to me as the chair of the Education Committee, it's not acceptable to advocates and parents. Knowing that in reality what that really means is that children are going to be in overcrowded classrooms.

KATHLEEN GRIMM: Well, I appreciate that. I would appreciate opportunities to have further conversations with you and your colleagues

about this, and what our methodology is, and an opportunity to try to persuade you that what we're doing will get to the right numbers.

CHAIRPERSON JACKSON: And you said that that was further detailed in the text of the five year capital plan.

KATHLEEN GRIMM: It is.

CHAIRPERSON JACKSON: Is there a point of reference, so if my colleagues wanted to look at that?

KATHLEEN GRIMM: Page 20.

CHAIRPERSON JACKSON: Page 20.
Okay, good. And my colleague, while I asked the previous question on the new methodologies that you're using to look at neighborhoods in the districts, and not look at districts as a whole, the question was raised, "What do you consider a neighborhood?"

KATHLEEN GRIMM: I think those are listed in the plan; if they're not, they are listed in the handout we gave you.

SHARON GREENBERGER: Right.

CHAIRPERSON JACKSON: Okay. Is there a point of reference in here?

KATHLEEN GRIMM: What page is it?

CHAIRPERSON JACKSON: Yeah, what page?

SHARON GREENBERGER: It's on page seven.

CHAIRPERSON JACKSON: Page seven?

SHARON GREENBERGER: Yes.

CHAIRPERSON JACKSON: Okay. Page Seven. Go ahead. So the neighborhoods are listed on the right hand side? Okay. So, for example, in District Two, the top, and the first one is Tribeca and the Village is one neighborhood; Chelsea/Midtown West is another neighborhood. And where did you get these determinations from? Because obviously somebody had to say that these were neighborhoods. Who made those determinations?

KATHLEEN GRIMM: Well, we did.

CHAIRPERSON JACKSON: Okay.

KATHLEEN GRIMM: I will say, and District Two is a good example, because we're seeing a lot of need there. That is an area where we are sitting down with elected officials. We have developed the hot maps that Deputy Mayor

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2 Wolcott spoke of the last time we were here. And
3 so, we are doing really a school by school
4 analysis. And so far, there haven't been any
5 difficulties expressed or concerns expressed about
6 the neighborhoods lines. All of us understanding
7 that, you know, there are no solid neighborhood
8 lines. But I think it's a process that is working
9 pretty well. And I would just like to make the
10 point that the process, the tools that we're
11 using, in this neighborhood analysis are the same
12 tools we're using for class size reduction. So,
13 it's a departmental effort, and we need to
14 remember that the capital plan is one tool in our
15 tool kit here.

16 CHAIRPERSON JACKSON: Okay. Let me
17 turn to my colleagues, and that we've been joined
18 by other colleagues since the first round of
19 introductions. So, in front of me is Lew Fidler
20 of Brooklyn, Dan Garodnick of Manhattan, and
21 Jessica Lapin of Manhattan; and over to my right,
22 is Bill de Blasio of Brooklyn; and to my left,
23 Domenic Recchia of Brooklyn. And with that, let
24 me turn to our first colleague, Jimmy Vacca of The
25 Bronx.

COUNCIL MEMBER VACCA: Thank you, Mr. Chairman, and thank you Deputy Chancellor Grimm and School Construction Authority. I first want to say that I think your neighborhood approach insomuch as my district is concerned was a beneficial one, and I thank you for giving attention to many projects in my area, especially overcrowding issues and providing recommendations for seats. So that's the first thing. Second thing is I wanted to talk to you briefly about a part of my district not taken into consideration, where I overlap with Council Member Palmer, in the Zuriga/Parkchester area. We've seen significant growth, and I think we should look at leasing opportunities there. If you look at 106 and 194, they're packed. So, I'd like us to return to that. That's in school district eleven. High school seats in The Bronx, we have to do something. The high schools in The Bronx, especially the big high schools that also house small high schools, I have one in my district housing 5,000 kids practically, another one that's at 4,400. So, I'd like you to see where we can do more with high school construction in the borough.

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2 I know SCA feels that demographically there may be
3 a trend where that age group is going to decline.
4 But looking at the numbers I'm looking at, I think
5 we have to do something because I don't see a
6 significant decline. Can you address that, Deputy
7 Chancellor?

8 KATHLEEN GRIMM: We can take a look
9 at that with you. What we have to keep in mind, I
10 think, of the nearly 10,000 high school seats
11 sited in The Bronx, I think we still have about
12 5,000, that will be coming online in the next few
13 years. And we'll share that information with you,
14 and see if that gives you some comfort in terms of
15 what you're seeing. And continue the conversation
16 if it doesn't, of course.

17 COUNCIL MEMBER VACCA: Okay. I
18 think you, Deputy Chancellor. And you may want to
19 look at, if possible, and this may be a borough to
20 borough issue for you, but if you have high
21 schools, you may want to look at saying "no more
22 than 4,000," "no more than 3,800," because high
23 schools that big become challenging. And there
24 should be a cap at a certain point, taking is down
25 from where we are now. Even those numbers are

big, but they're better compared to the 43 and the 4400 that I'm looking at right now in my community.

KATHLEEN GRIMM: Yes, well of course, we are not building high schools of that size any more, in this plan, or the current plan. Many of our large high schools, as you know, we have closed, and broken down basically into smaller school communities. We do like to offer a lot of choice, and there are still people who like the very large high schools. But we will happily sit with you and kind of monitor what you're seeing, and talk to you about it.

COUNCIL MEMBER VACCA: And my last question, Deputy Chancellor, is the cost of many of these capital projects. Basically, to build a new school, a new K to 8 school, is \$80 million. Are we talking \$80 million for a 1,000 seat elementary school? I know, we in the council fund many Resolution A projects, as you've indicated.

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER VACCA: And the cost is just so exorbitant.

KATHLEEN GRIMM: Well, costs have

gone up in the last five years in this plan. I mean, you all see what, how hot the construction industry has been in the city. So, we have, and it's not just because of what's going on in the city, it's worldwide. So, in terms of the raw materials that we've seen dramatic increases, there--it often depends on what site it is, what kind of remediation we have to do. It is a very expensive proposition, that is why we are trying to use every tool we have to address overcrowding and class size, so we're not relying on our capital dollars alone.

COUNCIL MEMBER: Okay, thank you.

KATHLEEN GRIMM: We don't have enough.

CHAIRPERSON JACKSON: Thank you, Council Member. Council Member Oliver Koppell of The Bronx.

COUNCIL MEMBER KOPPELL: Thank, Mr. Chairman, and let me start out by thanking the panelists for their responsiveness. I think in the last couple of years, we've been very pleased to have a good dialogue and get responses, even though I don't think where we need to be, let me

1
2 say. One of the questions, just to clarify, how
3 many seats in district ten, which is the primary
4 district in my council district, are being, if you
5 will, carried over, so that they're really, when
6 we look at the new seats for district ten, you had
7 indicated in your testimony that that includes
8 seats being carried over. Do you know how many
9 are being carried over for district ten?

10 SHARON GREENBERGER: 754.

11 COUNCIL MEMBER KOPPELL: So, that's
12 sort of distressing to me, because it means that
13 we're only getting approximately 430 new seats, in
14 a district that remains in several neighborhoods,
15 probably in all the neighborhoods that, in my
16 district, overcrowded. So, Mr. Chairman, I say to
17 start off with, that I don't think the plan
18 adequately addresses the needs, even if you look
19 at the 700 seats plus the 400 new ones, which
20 creates 1,100 seats, I don't think that's
21 sufficient. And I've already discussed that with
22 Deputy Chancellor Grimm at a meeting that the
23 borough president initiated, so I've made that
24 point. But let me go further. You mention in
25 your plan that you're going to have meetings with

the community education councils in each district.

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER KOPPELL: Is it possible, and I ask this for myself, but there may be other colleagues, to include council members in those meetings?

KATHLEEN GRIMM: Oh, we can certainly tell you when they're scheduled.

COUNCIL MEMBER KOPPELL: Yes.

KATHLEEN GRIMM: We'd be happy to.

COUNCIL MEMBER KOPPELL: Well, I would specifically like that, and maybe Mr. Chairman, other colleagues would like that, as well, 'cause I think that in terms of looking at the needs, it would be very good if my views, which will partly be colored by what my community education council people feel, but they're in sync. So I'd like very much to know the dates and place and, the dates, times and place of those meetings.

KATHLEEN GRIMM: Sure.

COUNCIL MEMBER KOPPELL: And the other thing is, and if we have this information already, you can just point me to it, but I would

like, what I would like to look at, is each school in my district, look at the current capacity and the current enrollment, and then look based on your projections, of five years from now, of the capacity which I guess would generally be the same, although you may have new projects, but the capacity in enrollment five years ago. So, by looking at that with each school, we could then say, "Does this capital plan really meet the needs? If it doesn't, where are those needs still extant?" For inst--because, and let me give you an exact, for instance, this plan contemplates a total of 416 new seats for the neighborhood defined as Kings Ridge, Norwood and Bedford Park, which is indeed an overcrowded neighborhood. I agree with your assessment. But it's a lot more overcrowded in my opinion, at least, than 416 seats. And I think if we look at PS 56, and PS 94, and PS 8, as an example, those three schools, and it is true, I know, that PS 94 is getting some extra seats already now, but if we look at them, I don't think that 416 extra seats is going to meet the need. And the only way I can evaluate that effectively is looking at those numbers. Now, for

1 instance, I also look, and you promised, or, no,
2 promised is the wrong word, you've suggested 738
3 seats for Spidendival [phonetic], Riverdale,
4 Fieldston [phonetic] and North Riverdale, which
5 I'm a little skeptical about, on the other side.
6 If we could get the annex, and you know I want to
7 get the annex, which is about 210 seats, I'm not
8 sure we need 700 more seats, in addition to the
9 200 at the annex. In fact, if we look at
10 rezoning, I'm not 100 percent sure we need a whole
11 new school in that area, but we might need it
12 nearby; and then if we combine that with rezoning,
13 we could take care of it. But the only way we'll
14 really know that, is to do that analysis that I
15 just said. Current capacity, current enrollment,
16 and then five year enrollment, for each school,
17 and I'll sit down, with whoever does it, doesn't
18 need to be you, you're too high up for that. But
19 with whoever does it, I'll sit down with them, and
20 then I can analyze this properly.

21 KATHLEEN GRIMM: We'd be happy to.

22 COUNCIL MEMBER KOPPELL: Can we do
23 that?
24

25 KATHLEEN GRIMM: Yes, we'd be happy

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2 to do it, because if working together we can find
3 other ways, rather than making capital
4 investments, it's, it only benefits everybody.

5 COUNCIL MEMBER KOPPELL: Well, I
6 think there's some adjustments here. In gross, I
7 think we're still down low. And just to give one
8 other example, Mr. Chairman, then I'm done, if you
9 look, one neighborhood you didn't mention here is
10 Woodlawn. Now, Woodlawn is a small neighborhood,
11 but it only has one school, but that school is
12 very overcrowded. It's in district eleven. I
13 don't see any way of, or any proposal here that
14 would deal with that, but maybe there is one. But
15 again, if we do the analysis I suggest, then we'll
16 be able to suggest that.

17 KATHLEEN GRIMM: Okay.

18 COUNCIL MEMBER KOPPELL: Thank you.

19 CHAIRPERSON JACKSON: Thank you.

20 Council Member Vincent Ignizio of Staten Island.

21 COUNCIL MEMBER IGNIZIO: Thank you
22 very much. Madame Chancellor, excuse me, we had a
23 little technical difficulty. As you can imagine,
24 I'm going to be talking about Staten Island, and I
25 want my colleagues to know, despite what we read

1
2 on Page Seven, my district does have many
3 neighborhoods. I was the one that asked the
4 chairman about that. My district is listed as
5 South Shore, although CAU and everyone else has
6 probably somewhere in the neighborhood of 15 to 20
7 neighborhoods in my district, and South Shore is
8 the entire bottom half, which is the entirety of
9 my district. I don't know that that matters, is
10 really the question I'm trying to say, because you
11 said you went, or are going, or within that,
12 you're looking school by school. Is that a
13 correct--?

14 KATHLEEN GRIMM: Well, we can do
15 that, with, if you, I don't think we've met with a
16 Staten Island group yet, so we could, we can talk
17 about that.

18 COUNCIL MEMBER IGNIZIO: No, but
19 what you'd call it here, the neighborhood plan, is
20 irrelevant to me, outside of the fact of, that
21 you're still looking at, you know, you can call it
22 whatever you want to call it, as long as you're
23 looking at the same levels that you did in Dyker
24 Heights and Woodlawn and Woodside and whatnot.
25 Has that or is that the case? What is the broad

brush of, "We looked at the South Shore?"

KATHLEEN GRIMM: It has been more drill down than the whole South Shore.

COUNCIL MEMBER IGNIZIO: Okay.

KATHLEEN GRIMM: And when we sit and meet with the Staten Island delegation, we'd be happy to walk you through what we did, how we did it.

COUNCIL MEMBER IGNIZIO: Okay.

KATHLEEN GRIMM: And see if we get some feedback, and if we need to make some changes there.

COUNCIL MEMBER IGNIZIO: Alright, that's fair. I mean, my colleague, Council Member Oddo and I, when we looked at the book, Council Member Oddo was the only Council Member to not have any projects listed in the book itself, and mine I think had one or two. Obviously, in a budget of several billions of dollars, it raises the question or the comment to us of, the entire borough, two-thirds of which nearly 400,000 people of which, are receiving \$3 million in the upcoming budget.

KATHLEEN GRIMM: Well, for what

capacity you're talking about?

COUNCIL MEMBER IGNIZIO: For the--

SHARON GREENBERGER: CIP2.

KATHLEEN GRIMM: Oh, CIP.

COUNCIL MEMBER IGNIZIO: Right.

KATHLEEN GRIMM: Okay, well, go ahead.

SHARON GREENBERGER: It's also worth nothing that the proposal that you have, the amendment, is for, covers the first two years of the plan only. And again, we looked at the BCAS ratings to determine what were the most critical projects, which we'll continue to do. So it's only for fiscal years ten and eleven. There are three more years of projects that haven't been slated yet.

COUNCIL MEMBER IGNIZIO: Right. And I just need to put on the record that obviously I'm in appreciation for the critical levels, but when you have an entire borough being just about left out of the plan, it calls into question that which is put together. Is there capacity enhancements to Staten Island, and in particular the neighborhood that you all South

1
2 Shore, that 832, can you articulate what that 832
3 number is?

4 SHARON GREENBERGER: That's the
5 seat number, that's the seats needed on a PSIS
6 level.

7 COUNCIL MEMBER IGNIZIO: In the
8 aggregate. Where they go is, has not been
9 determined?

10 SHARON GREENBERGER: No. This,
11 again, this is just the seat need on a
12 neighborhood level, sites have not been
13 identified, so we would work with you if you have
14 suggestions, we're open to them.

15 COUNCIL MEMBER IGNIZIO: Okay. So,
16 I'm happy to defer the conversation to a
17 conversation where we can actually talk more
18 pinpoint about Staten Island, but you know the
19 issues that we have, my colleague Mike McMahon and
20 Curtis High School being a significant problem,
21 and the desire that I would like to see a K to 12
22 complex on this 16 acres that we have set aside in
23 what we call the "deep south," or in the
24 Charleston area. But I'm happy to defer those
25 conversations, I don't think it's proper protocol

1
2 to have very specific school questions here. So,
3 when we have that meeting, we will, and I know
4 there was a CEC meeting yesterday that was very
5 well attended, which over 200 people, and I'm sure
6 they have some questions or concerns that we would
7 like to bring to you, as well. So thank you very
8 much, Mr. Chairman, and I appreciate the time.

9 CHAIRPERSON JACKSON: Thank you,
10 Council Member. Next Council Member Maria del
11 Carmen Arroyo of The Bronx.

12 COUNCIL MEMBER ARROYO: Is this on?
13 Yeah. Oh, it's a good thing I didn't say anything
14 bad, it was on all along. Two questions, one, on
15 the presentation that is on the screen here,
16 capacity, replacement seats, the number of leases
17 coming up, a third of which must be replaced.
18 That's about 20 some odd - -

19 KATHLEEN GRIMM: That's an
20 estimate. I mean--

21 COUNCIL MEMBER ARROYO: Okay, where
22 are they? What communities are affected? And
23 what kind of environmental oversight will there
24 be, given that these leased facilities do not go
25 through a formal siteing process here at the

council?

KATHLEEN GRIMM: What we have are, currently we have 80 leases that are coming, that are going to end in the next five year period. So, of course then we were putting this plan together in a different economic setting, but we were concerned and remain concerned, that we will not necessarily be able to renew all of these leases. That would make life pretty simple for everyone. So, given the fact that we are concerned that we may have to either build a school to replace that lease site, enter into another lease at another location to replace that, we have set aside money to do that.

COUNCIL MEMBER ARROYO: The process--

KATHLEEN GRIMM: But we have no idea for any given current lease where we'll wind up.

COUNCIL MEMBER ARROYO: I'm looking for a commitment from the authority on when a site is identified that has to be replaced, what conversation will occur? And if it's going to go into another lease site, what kind of

1
2 conversation, and more importantly environmental
3 oversight with that process, because there is a
4 great deal of concern about that.

5 SHARON GREENBERGER: True, and I
6 understand that. Many of the leases that are
7 coming due, are 15 to 20 years old. And so we
8 have new protocols in place that govern how we
9 look at whether or not spaces are suitable for
10 leased sites, so we would do a rigorous
11 environmental due diligence on all sites. We do it
12 on all sites whether they're leased or not. We
13 would do a phase one, and if necessary phase two
14 environmental assessment, to make sure that
15 there's nothing that precludes us from moving
16 forward with the site. So we have those measures
17 in place. And if remediation is necessary, we
18 have really undertaken very rigorous, as you know,
19 like we've done on Mod Haven, very rigorous
20 remediation efforts. But we will use that same
21 process on a leased site or an owned site. So you
22 have a commitment that that's what we do, because
23 that's our routine process.

24 COUNCIL MEMBER ARROYO: Well, more
25 importantly communication with the members

1 affected or the communities affected.

2 SHARON GREENBERGER: And we are
3 happy to talk to you about where we're looking at
4 sites, what you think of those sites. I think
5 we've really improved the communication to ensure
6 that as we move forward and identify sites, that
7 the community things that those are suitable.

8 COUNCIL MEMBER ARROYO: Okay, thank
9 you. And then, the second question, or more a
10 request. I know that the High Bridge community in
11 The Bronx is included in the next plan. There's a
12 great deal of concern about the size or the number
13 of seats identified. There is a request from the
14 community to engage in a dialogue or conversation
15 with all parties concerned, regarding the number
16 of seats and to discuss the site, apparently there
17 is a site that we feel is appropriate for the
18 siteing of this school. But the number of seats
19 are a concern, so I look forward to working with
20 you, Council Member Foster, and the community, and
21 I want to thank High Bridge, United Parents of
22 High Bridge, who have spearheaded the process for
23 getting this school identified and hopefully we'll
24 be looking at a siteing application in the near
25

1
2 future. But, more importantly, looking at the
3 number of seats and having that conversation, we
4 believe the numbers may be a third of what's
5 really needed, and we really do need to engage in
6 that conversation. So, I will be reaching out for
7 meeting to have those discussions.

8 SHARON GREENBERGER: That's fine.

9 COUNCIL MEMBER ARROYO: Okay, thank
10 you.

11 KATHLEEN GRIMM: I think, in fact
12 we began that conversation with the borough
13 president and we look forward to continuing.

14 COUNCIL MEMBER ARROYO: Thank you,
15 Mr. Chairman.

16 CHAIRPERSON JACKSON: Thank you,
17 Council Member. Council Member Simcha Felder of
18 Brooklyn, and then followed by Council Member Lew
19 Fidler of Brooklyn.

20 COUNCIL MEMBER FELDER: Thank you
21 very much. You know, we got a distribution from
22 the School Construction Authority about Reso A
23 capital funds, and among them you have listed
24 "installing security cameras." So I have a
25 general question about assessment of security in

public schools at this time. Do you want me to be a little more specific? Yes? I'd like to know how that's being taken care of, given the situation and some of the events that have gone on recently with certainly, I mean, I hope things get better. But about the safety of children in our public schools, I'd like to know, one, when you talk about installing security cameras to Reso A projects, what does that mean? I mean, are the schools currently, do they have the cameras they need in terms of security?

KATHLEEN GRIMM: Yes. We are, we have a project underway, and it's been underway for several years now, where we did analyses with the NYPD, and have installed cameras, and that is an ongoing project, where cameras are being installed.

COUNCIL MEMBER FELDER: Yeah, I understand.

KATHLEEN GRIMM: Am I missing your question?

COUNCIL MEMBER FELDER: You're missing my question.

KATHLEEN GRIMM: Okay.

1
2 COUNCIL MEMBER FELDER: This money
3 from the city council, borough presidents or other
4 stuff, although some may think that we have
5 unlimited cash flow, on a credit card to do any
6 projects we want, we obviously don't. And I would
7 seem, among the things you're listing, security
8 cameras shouldn't be something that we are
9 granting to schools to make ourselves look good.
10 It should be something that's there, that whatever
11 security is necessary in the public schools should
12 be there now, today. So I don't understand this.
13 I don't understand what this is all about, about
14 installing security cameras in public schools,
15 with Reso A funding.

16 KATHLEEN GRIMM: Well, with Reso A
17 funding, that is a request that comes from this
18 body.

19 COUNCIL MEMBER FELDER: I know I'm
20 a little slow.

21 KATHLEEN GRIMM: I'm clearly the
22 slow one today, Council Member.

23 COUNCIL MEMBER FELDER: Let me just
24 be very clear. I don't understand why the city
25 council would be putting in money to install

1 security cameras in public schools. There are
2 only two scenarios I can see: one is there's a
3 need for security cameras that are not being, that
4 is not being met through the School Construction
5 Authority or the Department of Education; or, that
6 the city council likes to put cameras in at places
7 that are not necessary, just to make ourselves
8 look good. The second one doesn't sound right to
9 me.
10

11 KATHLEEN GRIMM: I think that's a
12 conversation you have to have within this body.

13 COUNCIL MEMBER FELDER: Well, let
14 me ask you, are there enough, are the public
15 schools, do they have the number of security
16 cameras they need at this time to provide
17 protection for children?

18 KATHLEEN GRIMM: Yes, but that is
19 something we're always reevaluating. And
20 sometimes principals make requests. And if for
21 example they make requests of us, we will, with
22 the NYPD, go out and do an evaluation. If we
23 think it's warranted, we'll install it.

24 COUNCIL MEMBER FELDER: Alright. I
25 want to thank the chair for trying to rein us in

1 on the time with the clock. I think it's a
2 wonderful thing, for everybody else besides me.
3 But I would like to ask the chair, because we've
4 gone through a number of the issues with non-
5 public schools, and I apologize for bringing it up
6 again, is that I don't understand with regard to
7 security cameras, even the city council, at this
8 time, if we wanted to put in funding for non-
9 public schools for protection, we cannot do that.
10 We cannot do that. And there are people in this
11 room that, sitting here that know that. So, I
12 don't want to detract from the focus of your
13 hearing, but maybe it would be within your
14 consideration that we should have a specific
15 hearing focused on non-public schools, and the, we
16 talked about the vocational item funding other
17 things, without in any way taking away from the
18 children that are in public schools. But when it
19 certainly, when it comes to safety, children are
20 children, whether in public or non-public schools,
21 and if there's not enough money going around, then
22 council members would like to try to help by
23 providing some money for security cameras for
24 children, that's something that we should be able
25

to address, and I'd appreciate your consideration.

CHAIRPERSON JACKSON: Thank you, Council Member, and I'll follow up on that issue. Next, we hear from Council Member Lew Fidler of Brooklyn.

COUNCIL MEMBER FIDLER: Thank you, Mr. Chairman, and good afternoon Deputy Chancellor. I want to begin by thanking both you and the SCA for the efficient and responsive manner in which you've administered the Reso A funds in my district. I do appreciate that. I also want to be associated with the remarks of Chairman Jackson regarding class size. It just, it strikes me that we all know, everyone in this room knows, that the two most important factors in improving education are reducing class size and parent involvement. And we've been talking about reducing class size for as long as I can remember, and so when it's not particularly apropos to the capital budget, because I know we've increased the capital budget in this regard extensively, but as we sit downstairs and look at the support network moneys, and the ISCs and the 17 agencies at Tweed [phonetic] or departments at Tweed that do things

that I couldn't begin to tell you what their purpose is, that if we just took some of that money and directed it to the classroom, we might be making a much bigger impact on the quality of education for children in the city, and I just want to emphasize that point. When you were here last week, I raised questions for you about the electricity bill for the Department of Education. And I think the answer was that we spend about \$200 and some odd million on the electrical bill for DOE a year. And I asked you about energy efficient lighting, and the number that's kicking around at our side of the building is that if we replaced every light bulb with an energy efficient light bulb, we could save in the neighborhood of \$10 million a year, which is no small sum of money, while we're talking, at any time, no less than the environment we're talking about. I was unfortunately told by our capital gurus here that the light bulbs themselves are not capital eligible. But I'm also aware of the fact that we have numerous electrical and lighting fixtures in the city, in DOE buildings, that are not capable of supporting energy efficient lighting, that they

1
2 would need to be changed. And so, when you did
3 you building condition assessment survey, was that
4 looked at, and what is the possibility of making
5 sure, using capital dollars--

6 KATHLEEN GRIMM: We did some.

7 COUNCIL MEMBER FIDLER: --to
8 replace everyone of those fixtures so we can save
9 \$10 million, \$12 million, \$15 million a year,
10 going forward.

11 KATHLEEN GRIMM: I don't know if we
12 have the information with us, but this current
13 plan did include a project where we were replacing
14 lighting. Do we have--We may have to get that for
15 you. But we actually cut it back somewhat, as I
16 recall, and limited it to classrooms. The idea at
17 that time, I don't think was so much saving money,
18 but actually improving the quality of the lighting
19 in the classroom areas. And so we would have to
20 get that information for you.

21 COUNCIL MEMBER FIDLER: Well, if
22 that was your idea, it was a good start, but
23 clearly I don't understand why you would restrict
24 it just to the classrooms. I mean, clearly
25 improving the lighting is a great idea, but I'm

1
2 talking about saving millions of dollars long
3 term. I mean, the one year savings is something
4 like \$10 million, so--

5 KATHLEEN GRIMM: And as I think I
6 said to you last week, that we will look at that.

7 COUNCIL MEMBER FIDLER: Alright,
8 well then, I'm going to, you know, I tend to be
9 obsessive compulsive, and I'm going to continue to
10 ask you to look at that until we get answers.

11 KATHLEEN GRIMM: That's okay.

12 COUNCIL MEMBER FIDLER: I mean, you
13 know, it's certainly, there are cuts that we make
14 that are penny wise and pound foolish, and cutting
15 back on this would be one of those things. I
16 mean, as we look for intelligent ways to save
17 money that don't affect services, and this one is
18 in fact environmentally friendly to boot, it's
19 just a no brainer. So, I'm going to continue to
20 pound that until we get it done.

21 KATHLEEN GRIMM: Mhm, that's okay.
22 Alright.

23 COUNCIL MEMBER FIDLER: Thank you.

24 MALE VOICE: Alright, the chairman
25 is pointing to me that it's my turn next. Thank

1
2 you, Mr. Chairman. I want to start off by
3 associating myself with the comments of Council
4 Member Fidler about energy and cost savings. I
5 wanted to follow up on just a couple of points
6 here. On page seven of your presentation, this is
7 the recommendations by neighborhood, and you noted
8 that this was, these are not schools that have
9 been sited to day, is that how you describe this
10 list?

11 KATHLEEN GRIMM: Some of them.

12 SHARON GREENBERGER: Some of them.

13 Well, most of them have not.

14 MALE VOICE: Most have not, some
15 have.

16 SHARON GREENBERGER: Some have.

17 MALE VOICE: Some have.

18 SHARON GREENBERGER: Some have.

19 MALE VOICE: Okay, I just wanted to
20 see if there were any on here, particularly in
21 district, two that you wanted to identify as
22 having already been sited, because I believe that
23 there's at least one that I see that has perhaps
24 more.

25 KATHLEEN GRIMM: Don't we have a

1
2 lot of district two?

3 SHARON GREENBERGER: Yeah, some of
4 the district two sites have been sited, the 500 on
5 the Upper East Side is the MEETH building. And--

6 MALE VOICE: And the 738?

7 SHARON GREENBERGER: Is that part
8 of the Upper East Side? - - We've included,
9 that, district two include the Foundling Hospital
10 site, which would come on line in the next plan.
11 The 35th Street solo site--

12 MALE VOICE: Sorry, stop right
13 there for a sec, what, no that one is--

14 SHARON GREENBERGER: That would be
15 in the Chelsea Midtown West.

16 MALE VOICE: That's the 1127 for
17 Chelsea Midtown West?

18 SHARON GREENBERGER: Yes, I believe
19 that's right.

20 MALE VOICE: It's not the--

21 SHARON GREENBERGER: Yeah, yes.

22 MALE VOICE: Okay.

23 SHARON GREENBERGER: That's the
24 Foundling would, that would be there.

25 MALE VOICE: Okay.

SHARON GREENBERGER: The 35th Street Project, which is the solo site, would be part of I think the Murray Hill, that's part of that 738, that is the full 738. Okay? The MEETH building is the 500, associated with the Upper East Side. And the others are unsited.

MALE VOICE: So the only, the only remaining one is the Tribeca Village, at 681?

SHARON GREENBERGER: That's correct, and the remaining seats from the Chelsea Midtown West, a portion of which may go to PS 51.

MALE VOICE: I see, so how many seats are attributed to the Foundling?

SHARON GREENBERGER: 563.

MALE VOICE: And it's the remainder of that 1127, which are unsited here.

SHARON GREENBERGER: Right, that's right.

MALE VOICE: Okay.

SHARON GREENBERGER: And the 661 in the Tribeca Village.

MALE VOICE: Okay. The, in the plan, you noted that the estimated completion date for the solo site for the 738, what you have is

1
2 Flatiron, Gramercy, Murray Hill, is January 2013,
3 and I think there might have been others which had
4 January 2013 dates. I just wanted to ask you
5 about the January date for an opening of a school,
6 I would think that most of them would've been
7 targeted to be September opening dates for any
8 school at any time. What's the story with that?
9 What do you do? If you actually opened the school
10 in January, what's the thinking there, what would
11 be the plan for the - -

12 SHARON GREENBERGER: Well, first of
13 all these are projections, and they're based
14 mostly on when we think we will complete our
15 discussions and be able to start work, and then we
16 attach our average durations to those, which might
17 push us out to a January or a February. We would
18 likely, we would open the school in the next
19 September, and these are all, as I said, initial
20 projections, as we move ahead with the solos in
21 our negotiations, and determine a more accurate
22 timeline, then we'd update that accordingly.

23 MALE VOICE: Okay. And on the
24 neighborhoods themselves, I heard in response to
25 the question from Chairman Jackson that you came

up with the neighborhoods as to how you were going to allocate the seats, or how you were going to sort out where the overcrowding was. And by the way, we very much, I certainly very much appreciate starting your presentation with addressed capacity need on a neighborhood basis. It's clear that we've communicated well together, and we're very glad you've heard us on this, because this is a critical question. But in terms of how you define the neighborhoods, you know, you use descriptions of neighborhoods that I might not have used, for one. I mean, I might have described the solo site as being in Turtle Bay. You guys call it Flatiron/Gramercy/Murray Hill. Not of particular consequence, but I really am interested to know from you as to the permanence of these designations of neighborhoods. Will the DOE be using, for example, Flatiron/Gramercy/Murray Hill as something that you would put out on a map, and say, "Okay, well we are going to look at this neighborhood and follow it and track it into the future, in that way." Or, are we simply saying, "We see a pocket of overcrowding in this general area, we're calling it this, and if we add

1
2 another school ten blocks up we may call that
3 something else down the line" is my question for
4 you.

5 KATHLEEN GRIMM: We are certainly
6 not wedded to these descriptions. But I think
7 what we have done, and as a beginning, is that we
8 have taken our maps, say of district two, or any
9 district, and have taken geographical sections
10 that we have called districts. Now, when we look
11 at it, we're also looking at the neighborhoods
12 around that neighborhood, because we're really
13 drilling down at a school-by-school basis. So,
14 it's a, it's really very fluid.

15 MALE VOICE: But is this--I hear
16 you but I guess my question is, are these going to
17 be your, whatever you call it, is this geographic
18 territory going to be one that you're going to be
19 using going forward. I mean, you have one called
20 Tribeca and the Village.

21 KATHLEEN GRIMM: Mhm, that's the
22 plan.

23 MALE VOICE: Now, is--Okay, so you
24 plan is to use these, whatever you call them.

25 KATHLEEN GRIMM: Right.

MALE VOICE: You could call them one, two, three and four, or five. It doesn't really matter. But the point is, you're going to end up using these. Okay. Mr. Chairman, can I have one more question, or am I out.

CHAIRPERSON JACKSON: Sure.

MALE VOICE: Okay, thank you, this'll be, I just want to understand, on page 41 of your capital plan, you note "Facility Restructuring."

KATHLEEN GRIMM: Yes.

MALE VOICE: And you attribute \$305 million for that, which includes converting existing school space. And one example was given was creation of science lab facilities, when a high school moves into a former elementary or middle school. What I wanted to understand from you is whether that \$305 million includes situations where there is deacquisitioning of science labs or cluster spaces where they're being converted from the original purpose, and if so, how much of that is being spent on the deacquisitioning of those spaces?

KATHLEEN GRIMM: We're not looking

1
2 to de--to do that. I mean, we're really trying to
3 protect cluster rooms.

4 MALE VOICE: So zer--so the
5 answer's zero on that?

6 KATHLEEN GRIMM: As far as I know.

7 SHARON GREENBERGER: Well, I think
8 some of those funds, and someone will correct me
9 if I'm wrong, are allocated to this idea of our
10 facilities realignment strategies. If there are
11 spaces, for example, that are underutilized, that
12 can be more, that can be better used as
13 classrooms, and that involve some room conversion,
14 that there's some funding that goes to that.

15 KATHLEEN GRIMM: Of administrative
16 space.

17 SHARON GREENBERGER: Potential--
18 it's probably administrative spaces, within a
19 school that could be converted. But I don't think
20 I have anything more specific.

21 MALE VOICE: Okay, so you don't
22 know specifically. It could include converting
23 other spaces to--

24 SHARON GREENBERGER: Classroom
25 space.

MALE VOICE: To classroom spaces, but you don't have a breakdown as to--okay. I guess, I'd like to ask, because that's a point of concern, certainly in district two, and I'm sure beyond, as to, the dollars that are attributed to facility restructuring, we understand that there are circumstances all the time which require that, but we really are concerned about seeing spaces utilized for one purpose changed to another.

KATHLEEN GRIMM: Absolutely. Let me just say, those dollars will follow decisions that are made as we move through this plan, which I hope you and all of your colleagues will be part of that discussion.

MALE VOICE: Okay, thank you.

SHARON GREENBERGER: And also, it's just worth repeating, restructuring also mostly refers to the very large campuses that we are, that are undergoing what we call a restructuring process, in which the very large campuses of 3,500 to 4,000 students are being transformed into smaller educational environments. So, we've been calling them, there are about 25 of those schools that have gone through the restructuring process.

MALE VOICE: It may be that this, that what I'm concerned about is not actually captured by this \$305 million, but I just would like to have some clarity on that. Thanks, Chairman.

CHAIRPERSON JACKSON: Thank you, Council Member. Council Member Gail Brewer of Manhattan.

COUNCIL MEMBER BREWER: Thank you. Thank you for MS 44. If all projects could be as smooth, Mike Mersola should be cloned, 'cause he did a great job. And we wrote that, but I want to put it in verbal thanks. The 250 science labs that were done, how many of those were Reso A from either the borough president or the council? Was that a mixture, when you say 250 science labs? Just curious.

KATHLEEN GRIMM: Pardon? Probably. I don't know if we have the numbers with us.

SHARON GREENBERGER: I just have the overall alloca--

KATHLEEN GRIMM: And we can get that breakdown for you.

COUNCIL MEMBER BREWER: Okay.

1
2 Because my question is, how many others are being
3 requested, 'cause 250 sounds like a good number,
4 but are there like 1000 others that schools are
5 requesting, or I just want to get, I'm trying to
6 get a comparison.

7 SHARON GREENBERGER: I believe that
8 all of the ones that came through the portfolio,
9 maybe that were requested, were under, or have
10 active projects.

11 COUNCIL MEMBER BREWER: In other
12 words, no school needs a science lab.

13 SHARON GREENBERGER: Not at--all
14 the requests that have come through, have been
15 funded, as far as I know.

16 COUNCIL MEMBER BREWER: Okay. Can
17 I get that clarified, 'cause I don't think that's
18 completely true.

19 SHARON GREENBERGER: Okay.

20 COUNCIL MEMBER BREWER: 'Cause I
21 know schools that still need science labs, so I'd
22 like understand, that sounds like a good number,
23 but who still needs a science lab? What's that
24 number? The other question I have is, what is,
25 when we give Reso A money, SCA takes a cut, right?

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2 Takes a percentage or something. Is that correct?

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KATHLEEN GRIMM: For Reso A?

4

COUNCIL MEMBER BREWER: Yes.

5

6 there are hard costs associated with the project,
7 and there are soft costs, associated with managing
8 the project.

9

10 COUNCIL MEMBER BREWER: 'Cause my
11 principals, my principals think you take too much.
12 So how much--?

12

13 SHARON GREENBERGER: [laughs] I
14 could say we actually take below the industry
15 average.

15

16 COUNCIL MEMBER BREWER: Yeah, but,
17 you should be, you should take below the industry
18 average.

18

SHARON GREENBERGER: We do.

19

20 COUNCIL MEMBER BREWER: But how,
21 what do you take? Can you take, can you negotiate
22 --?

22

23 SHARON GREENBERGER: I don't have
24 an exact number in front of me for the Reso A
25 projects, I can get back to you.

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COUNCIL MEMBER BREWER: Okay. And

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is that a negotiated number, I assume it is.

SHARON GREENBERGER: No, it's actually our fixed costs.

COUNCIL MEMBER BREWER: Okay.
'Cause I think it's a little bit like the widgets, they feel like, when the Pentagon used to like spend \$1000 for a widget, so they feel like that's some of your costs. We need to look at PS 75, in particular. The other question I have, of course, is the technology. PS 75, O'Brian is not happy. Regarding the issue of computers, I was under the impression last year, it was somewhat confusing about, I think this was an OMB confusion, whether computers, if they were networked, I think they're capital eligible, but if they're not, can you just explain that issue regarding computers and being capital eligible?

KATHLEEN GRIMM: If computers are linked to networks. For example, when we build a new school and we outfit the computer labs, or whatever, offices, and everything is hooked up, that's all part of the capital expense. What happens is, very often, principals looking for laptops.

COUNCIL MEMBER BREWER: Right, they want the carts.

KATHLEEN GRIMM: And those aren't.

COUNCIL MEMBER BREWER: Okay, 'cause it's not clear from your Reso A project list, it says here, "Supplying technology and equipment is capital eligible." But that's not completely true. 'Cause the carts is what everybody wants.

SHARON GREENBERGER: - - things like smart boards and--

KATHLEEN GRIMM: Pardon? Answer.

COUNCIL MEMBER BREWER: It's not clear.

SHARON GREENBERGER: Okay, we'll take a look at it. I think that it's a definition of what technology means.

COUNCIL MEMBER BREWER: Exactly, so I'm just saying that 'cause when we go about trying to deal with getting smart boards and carts, which is what everybody wants, they are not, as my understanding, that they're not capital eligible, 'cause they're not networked. Okay, so can you clarify that?

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER BREWER: That will be very helpful. Air conditioning. I know that they're not cap--I've heard a thousand years they're not capital. Ehh. We've heard all that. So now my question is, "Why?" 'cause I want to understand it. And second, during the summer, we're all trying to make a buck for the schools. Well, lots of times during the summer, a school cannot bring in the rich, private school that needs space, or the rich whatever, program, because there's no air conditioning. So I'm just wondering why it's not capital eligible, and isn't that a little bit penny wise and pound foolish.

KATHLEEN GRIMM: The capital eligibility rules are issued by the Controller.

COUNCIL MEMBER BREWER: The city or the state?

KATHLEEN GRIMM: City Controller.

COUNCIL MEMBER BREWER: So we can-- okay.

KATHLEEN GRIMM: And we are in compliance with those directives.

COUNCIL MEMBER BREWER: Did we ever

try to change the Controller's mind on air conditioning?

KATHLEEN GRIMM: We've tried to change his mind on many things.

COUNCIL MEMBER BREWER: I know, but I'm only--

KATHLEEN GRIMM: Unsuccessfully, I'm afraid.

COUNCIL MEMBER BREWER: -- interested in air conditioning, I'm only interested in air conditioning. So we should work on that.

KATHLEEN GRIMM: We'd be happy to work with you on it.

COUNCIL MEMBER BREWER: Well, I'm pretty good at that, with the Controller. Alright, so I will work on that with the Controller. Now, my question of course is my two pets, one is in district three, I think Jamie knows this, I don't see any public/private partnerships at Riverside South. Why? We have overcrowding, we need a new school at Riverside South, in district three. You now, district three's within the, has been in the news quite a

1
2 bit. It's the Extel Trump--

3 JAMIE SMARR: Where - - ?

4 COUNCIL MEMBER BREWER: We're
5 negotiating.

6 KATHLEEN GRIMM: We do not at this
7 time see a need.

8 COUNCIL MEMBER BREWER: There is a
9 need. There's a tremendous need. And I think if
10 you, any newspaper, any media, district three,
11 which is a wonderful experience, just fabulous.
12 You would see a need. So we're still discussing
13 that?

14 KATHLEEN GRIMM: We're still
15 discussing it.

16 COUNCIL MEMBER BREWER: Okay. I'm
17 just, want to put it on the record, that we need a
18 school at Riverside South. It can be a Jamie
19 school, it can be public/private partnership,
20 where the private partner is willing to do part.

21 KATHLEEN GRIMM: We've been doing a
22 lot of work with district three and--

23 COUNCIL MEMBER BREWER: Oh, really?

24 KATHLEEN GRIMM: The CEC's been
25 terrific.

COUNCIL MEMBER BREWER: I had no idea.

KATHLEEN GRIMM: I know.

COUNCIL MEMBER BREWER: Okay. And the beacon, what's my beacon?

KATHLEEN GRIMM: Beacon?

COUNCIL MEMBER BREWER: There's only one beacon.

SHARON GREENBERGER: Yeah, the high school. I think we continue to have productive conversations with both the landlord about the current site, and a potential development. I think if we haven't, we are in the process of extending the lease.

COUNCIL MEMBER BREWER: Is that correct, we're extending the lease on the current site, the one with the--

SHARON GREENBERGER: At the current site.

COUNCIL MEMBER BREWER: The one with the leaks and the buckets and all that.

SHARON GREENBERGER: And the work is ongoing there, but we are in negotiations to extend the lease for now, so it is--

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2 COUNCIL MEMBER BREWER: Okay, my
3 understanding was there might be, that woman right
4 there, that nice woman, she said there might a
5 million dollars in the budget or something, for
6 that--No? For Beacon High School currently? No
7 money? So every day, every Sunday, then, at 3:00
8 o'clock, we're going to go through the emails, you
9 know, between the principal and the Chancellor,
10 right?

11 KATHLEEN GRIMM: Mhm, yes, yes.

12 COUNCIL MEMBER BREWER: Until we
13 get somewhere.

14 KATHLEEN GRIMM: Yes, we
15 understand.

16 COUNCIL MEMBER BREWER: I get them
17 at 3:01, you get them at 3:02. So, what does this
18 mean? This ongoing discussions with Beacon?

19 SHARON GREENBERGER: It means that
20 we anticipate extending the lease, to give us more
21 time to determine whether or not a new building
22 can be accommodated with--

23 COUNCIL MEMBER BREWER: Okay, but
24 does that mean that we can fix the current
25 building, with the leaks?

SHARON GREENBERGER: It is being fixed right now. I know the work has started and it's ongoing.

COUNCIL MEMBER BREWER: Okay.

SHARON GREENBERGER: And we are on top of it--

COUNCIL MEMBER BREWER: We'll find out on Sunday.

SHARON GREENBERGER: Yes.

KATHLEEN GRIMM: Yes. We look forward to it.

COUNCIL MEMBER BREWER: Thank you, Mr. Chair.

CHAIRPERSON JACKSON: You're welcome, Council Member. I have a couple of questions that I'd like to ask, and hopefully it won't take too long. I'm trying to determine, what was the average time that it took for a new capacity seat in the 2005-2009 capital plan, to go from being sited and in design to completion? And does the DOE expect, whatever your response is, that this rate of construction will continue in the 2010-2014 proposed plan?

SHARON GREENBERGER: Well, let me

1
2 just start by saying that all sites are different,
3 and they have different site conditions. They
4 might need environmental work, and so it's hard to
5 create averages for all projects, and also
6 depending on the size of the projects, there are
7 differences. Our large high school projects tend
8 to take longer than our small ECC projects, for
9 example. Generally, our average time for design
10 is 12 to 14 months. And our average time for
11 construction is approximately two years, with more
12 for some of the larger projects, like a Mod Haven
13 project, or Metropolitan project. So, overall,
14 from beginning to end, you're looking at anywhere
15 from 36 to 40 months, on an average basis, more
16 for some of the larger developments.

17 CHAIRPERSON JACKSON: And if an
18 extensive remediation, then it would take longer?

19 SHARON GREENBERGER: With extensive
20 remediation, it could take longer, depending on
21 the remediation it could add several months.
22 We've had that happen, because we do have to work
23 with DEC when we do remediation, and we have to
24 adhere to their schedules. So, that can add time
25 as well.

CHAIRPERSON JACKSON: And the Mod Haven campus site, how long did that remediation take, give or take?

SHARON GREENBERGER: The remediation took I think six to eight months.

CHAIRPERSON JACKSON: Okay. Concerning remediation, why is there a \$1 billion set aside in the proposed plan for site specific environmental costs? Which no one has seen before in a capital plan. What does it mean? And why is the \$1 billion needed? More than, that \$1 billion is more than 25 percent of the estimated costs of all new projects. And that's referred, to our guests, on page 22 at the bottom of the proposed five year capital plan, which you, I believe, made reference to on page ten of the PowerPoint presentation.

SHARON GREENBERGER: Well, I think it's important to focus on the overall \$3.7 billion for capacity. That includes what we're considering to be our base construction costs, as well as site conditions and environmental condition sites, because as I said, every site is different. It may be environmental issues, there

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2 may be demolition associated with a site, there
3 maybe a certain kind of abatement; and those costs
4 can add up.

5 CHAIRPERSON JACKSON: But are, in
6 essence, if in fact approximately 25 percent of
7 the cost is for, at least targeted for,
8 remediation, is it the plan of DOE SCA, are you
9 looking more of siteing schools on contaminated
10 sites? Is that why?

11 SHARON GREENBERGER: It's all of
12 the, it's, as I said, it includes all of the
13 environmental conditions that, not just
14 remediation, that might affect construction. So
15 it's pilings, it's demolitions, it's tight sites
16 that might require a premium for construction
17 around those tight sites, it's a combination of
18 those factors that end up increasing those costs.

19 CHAIRPERSON JACKSON: But pilings,
20 are pilings environmental? Pilings - -

21 SHARON GREENBERGER: That's what
22 I'm saying, by environmental condition it's a
23 broader category. It's not environmental
24 remediation, it's the site conditions of a site.

25 CHAIRPERSON JACKSON: Oh, okay.

Because pilings, my understanding, are those steel girders--

SHARON GREENBERGER: That's correct.

CHAIRPERSON JACKSON: --that are pounded down into the ground--

SHARON GREENBERGER: That's correct.

CHAIRPERSON JACKSON: --that I hear over here near my office every day. [laughs]

KATHLEEN GRIMM: Mhm, that's right.

SHARON GREENBERGER: That's correct. That's right. And that's site condition that requires that additional work and that additional cost.

CHAIRPERSON JACKSON: So the billion dollars does not necessarily, as you said, specifically mean "remediation."

SHARON GREENBERGER: It does not at all.

CHAIRPERSON JACKSON: So it's a broader term? Okay.

SHARON GREENBERGER: That's right,

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2 it's all the costs in addition to what we consider
3 our base building construction costs, associated
4 with constructing the school.

5 CHAIRPERSON JACKSON: Okay, okay.

6 KATHLEEN GRIMM: I would just like
7 to comment, though, in terms of your earlier
8 point.

9 CHAIRPERSON JACKSON: Which one was
10 that? I forgot already. [laughs]

11 KATHLEEN GRIMM: Our remediation
12 costs going up, are we finding that we have to do
13 more remediation work?

14 CHAIRPERSON JACKSON: Yes.

15 KATHLEEN GRIMM: As we continue our
16 struggle to find sites, you know, the best ones
17 are gone. So, we are concerned about increasing
18 remediation costs.

19 CHAIRPERSON JACKSON: Yes, and I
20 know that has been an issue for advocates,
21 environmental--

22 KATHLEEN GRIMM: Yes.

23 CHAIRPERSON JACKSON: --the fact
24 that their concerned about building on sites that
25 are contaminated, and that they have to be

thoroughly cleaned up before building new schools.

KATHLEEN GRIMM: And we are as concerned ourselves. I mean, we're certainly not going to put a building up unless we're absolutely convinced that the site has been remediated.

CHAIRPERSON JACKSON: Oh. Well, I mean, I hear you loud and clear, and all I know is I read recently a judge's decision concerning the Mod Haven case, and I didn't read the decision, but I read the newspapers about him making some comments which basically said that there's still, I guess, some risk factors involved there, or something to that effect.

KATHLEEN GRIMM: I'm sorry I can't comment on what might be pending litigation, continuing litigation.

CHAIRPERSON JACKSON: Ah, oh boy, oh boy. Okay. Concerning--a survey of principals was conducted by Professor Emily Horowitz of St. Francis College, in which I funded regarding the accuracy of the Department of Education's capacity calculations. And I say, I needed to say I funded it, because it came out of my allocations, and just for full disclosure I needed to say that, not

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2 that I want to take credit for it. But the survey
3 showed that 48 percent of the principals
4 interviewed believed that their official
5 utilization rate was inaccurate. And since the
6 Department of Education confers with principals
7 when calculating capacity, capacity need, where
8 does the Department of Education believe the
9 disconnect between principals and the
10 administration is occurring? And what does the
11 Department of Education intend to do to correct
12 the situation?

13 KATHLEEN GRIMM: Well, as I think
14 Sharon mentioned earlier, our data are based on
15 surveys that we do of principals, also. Part of
16 the disconnect may be if you ask principals do
17 they want more space, most of our principals are
18 going to say yes. So, one of the things we're
19 doing is going out and actually auditing what the
20 principals are sharing with us. And maybe sharing
21 with us--

22 CHAIRPERSON JACKSON: I think you
23 said 20 percent. Is that correct? And that's
24 random audits?

25 SHARON GREENBERGER: Those are

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2 random audits of the completed surveys that would
3 go out, and we actually go to the schools and we
4 work with the principals to ensure that what
5 they're reporting is accurate.

6 CHAIRPERSON JACKSON: And how long
7 have you been doing those random audits?

8 SHARON GREENBERGER: As I
9 mentioned, we did that for the first time last
10 year, and we'll continue doing it. And it's
11 helpful to us and I think it's helpful to the
12 principals.

13 CHAIRPERSON JACKSON: Okay. And of
14 the 20 percent random audits that you did last
15 year, how many were, the information that you had
16 from the principals before the audit, how many,
17 what percentage was accurate and how many were--?

18 SHARON GREENBERGER: I don't have
19 that exact number in front of me, and I can tell
20 you that there were instances in which there were
21 things that were underreported or over reported,
22 and we work with people to make sure that they
23 understand how to best complete the surveys. It's
24 also why we have started bringing principals in
25 before we release the survey, to see how they

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2 might begin to fill out a survey, so that we
3 understand what some of their issues are. And it
4 is an education process, we will continue to do
5 that.

6 CHAIRPERSON JACKSON: And I'm glad
7 to hear that, and I heard your earlier explanation
8 of the process that you're going through. I think
9 the bottom line is that, and I think you agree,
10 that everyone wants to be on the same page,
11 understanding the same data and whatever
12 information is being communicated. Everyone has
13 the same interpretation of the information. Like,
14 for example, I asked you earlier about the
15 environmental aspect, and you said it was a
16 broader term that was used. So, I just--

17 SHARON GREENBERGER: We agree
18 completely.

19 CHAIRPERSON JACKSON: Okay. The
20 2010-2014 proposed five year capital plan is based
21 on, my understanding, the same 50/50 percentage
22 funding split that exists in the current 2005-2009
23 plan. Meaning city and state, is that correct?

24 JAMIE SMARR: That is correct.

25 CHAIRPERSON JACKSON: Given the

1
2 current state of the economy, and the scarcity of
3 funds on the state and city level, does the
4 Department of Education foresee any issues in
5 receiving the state's portion of the 2010-2014
6 proposed five year capital plan?

7 KATHLEEN GRIMM: I think the
8 Department of Education, like everybody else, is
9 very concerned about what the situation is in
10 Albany. For planning purposes, we are moving
11 forward on the assumption that all of the funding
12 after the push-out that the mayor asked for is
13 staying in place. And I think that's all we can
14 do at this juncture.

15 CHAIRPERSON JACKSON: Okay. It was
16 one of the current five year capital plan's
17 original goals to remove every transportable
18 classroom, which you call TCUs from use by the end
19 of the 2005-2009's plan. Given delays in some
20 cases unavoidable, and a new capacity
21 construction, many TCUs remain in use and are need
22 of repair. With many of the TCUs now at the end
23 of their period of probably usefulness, how does
24 the Department of Education intend to address this
25 situation? And what does this mean in terms of

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2 the capacity eligibility of the projects? And I
3 understand that while TCUs were never meant to be
4 a permanent solution, some schools would rather
5 keep them than to be without them. Will the TCUs
6 be used in the new plan as a means to reduce
7 overcrowding and reduce class size?

8 KATHLEEN GRIMM: Well, may I, I
9 just need to say for the record, the plan never
10 contemplated the removal of all of the TCUs by the
11 end of the capital plan. It was by the end of
12 when all the projects from this capital plan were
13 completed.

14 CHAIRPERSON JACKSON: So you mean
15 by 2012.

16 KATHLEEN GRIMM: Yes, roughly.
17 That having been said, what we are now doing is
18 taking another look at that, for a couple of
19 reasons. Number one, it's very expensive to
20 remove them. Number two, not all principals want
21 to remove them. We are not planning to use these
22 TCUs as capacity seats. But we are looking at
23 each one on an ad hoc basis, evaluating its
24 condition and what the principals' wishes are.
25 Where we have things that are in a state that are,

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2 they should not remain at all, forget about it
3 being a classroom, we will make decisions about
4 removing them.

5 CHAIRPERSON JACKSON: Is it
6 possible that you can give us information as to
7 how many were in place at the beginning of the
8 five year capital plan and how many have been
9 removed as of, let's say, you know, November 30th?
10 And how many are anticipated each year on going
11 out? Because you said that it was never the
12 intent by the end of the 2005-2009 plan, which
13 ends June 30th of next year, but when all of the
14 projects in the five year capital plan have been
15 done.

16 KATHLEEN GRIMM: Right, right. We
17 can put together some data for you.

18 CHAIRPERSON JACKSON: I mean, I'm
19 not in a hurry for that data, so that's not the
20 most important.

21 KATHLEEN GRIMM: No, no, I
22 understand that.

23 CHAIRPERSON JACKSON: But I guess,
24 since we're on that subject, I would like to know.

25 KATHLEEN GRIMM: I think that's a

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good exercise, that we should share with you.

CHAIRPERSON JACKSON: Okay, but that's not an immediate thing that I need.

KATHLEEN GRIMM: Because--thank you, we appreciate that.

CHAIRPERSON JACKSON: Okay.

[laughs]

KATHLEEN GRIMM: But I think it, as we go forward, we should do it, because the question keeps coming up, and basically we should sort of do an inventory and share it with you.

CHAIRPERSON JACKSON: Yeah.

KATHLEEN GRIMM: We have in fact added some TCUs, in the course of the plan.

CHAIRPERSON JACKSON: Some new ones, or--?

KATHLEEN GRIMM: Some new ones.

CHAIRPERSON JACKSON: Okay.

KATHLEEN GRIMM: Remember in the first year of the plan, we opened up a school. It's adjacent to South Bronx High School. The whole school is in TCUs. And we did that because the need in The Bronx was so great, that we had to go fast, and we were able to open that very

1
2 quickly. The idea was that that would go away,
3 when we had full capacity. So, that's an exercise
4 I think we should undertake over time.

5 CHAIRPERSON JACKSON: And the
6 average life of the TCUs is about what, 20 years?

7 KATHLEEN GRIMM: 20 years, I think,
8 is that right?

9 CHAIRPERSON JACKSON: Give or take.

10 KATHLEEN GRIMM: The buildings are
11 20.

12 SHARON GREENBERGER: It's 15 to 20.

13 - -

14 CHAIRPERSON JACKSON: 15 to 20.
15 Depends, okay. Council Member Lew Fidler?

16 COUNCIL MEMBER FIDLER: Yeah, I
17 told you before, I was obsessive compulsive, and I
18 did remember that when we first held a hearing on
19 the capital plan and we talked about TCUs, I
20 applauded the fact that you would no longer have
21 these when the projects contemplated by the plan
22 were completed. And I'm a little disappointed to
23 hear kind of a waffling on that now. I think,
24 just for the starters, sending a child to a
25 classroom that is temporary sends the wrong

1 message to that child from the day they walk in.
2 But the other, the question I'd have for you, is
3 aren't most of these TCUs occupying playground
4 space now?
5

6 KATHLEEN GRIMM: Some are

7 COUNCIL MEMBER FIDLER: And isn't
8 this kind of inconsistent with the mayor's desire
9 to turn most of these playgrounds into green
10 spaces?

11 KATHLEEN GRIMM: There are many
12 competing interests in this capital plan, there's
13 no question. May I just say, I'm not waffling
14 about our plans to eliminate TCUs as classroom
15 space. I mean, we are not using TCUs to meet the
16 capacity needs in the plan. The question is, part
17 of the question is the cost in removing them, is
18 great. And as we see the buying power of our
19 capital dollars shrink, it's a problem. And
20 removing them isn't capital, either, is it?

21 SHARON GREENBERGER: Not unless
22 you're doing capital associated projects.

23 KATHLEEN GRIMM: And when you
24 remove them, in order for them to be, the removal
25 to be capital eligible, you have to do it in

1
2 conjunction with another capital project. So it's
3 complex. But we certainly don't want to--

4 COUNCIL MEMBER FIDLER: Well, let
5 me understand, because maybe I'm not as unhappy.
6 You have, when these projects are completed, no
7 TCU will be used for classroom space.

8 KATHLEEN GRIMM: That is the
9 capacity plan, right?

10 SHARON GREENBERGER: That's right,
11 we are not counting TCUs in our capacity
12 calculations.

13 COUNCIL MEMBER FIDLER: And that, I
14 don't want to talk in DOE speak, I want to talk in
15 English. No TCU will be used for classroom space
16 when the projects are completed. Am I
17 understanding you correctly?

18 KATHLEEN GRIMM: No TCU will need
19 to be used for classroom space when all the
20 projects are completed.

21 COUNCIL MEMBER FIDLER: Need to be.
22 I'm just--

23 KATHLEEN GRIMM: But if a principal
24 says, "I want to use these TCUs" and if we say
25 they're safe and alright to use, we're not going

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to say to the principal, "No, you can't use them."

COUNCIL MEMBER FIDLER: That sounds like waffling to me.

KATHLEEN GRIMM: It's not a waffle.

COUNCIL MEMBER FIDLER: Because you're basically saying that you're going to build enough seats, what you, I mean, I think I'm getting this, you're going to build enough seats so that the use of the TCUs is not necessary.

KATHLEEN GRIMM: Correct.

COUNCIL MEMBER FIDLER: And yet you're going to permit principals to continue to use them, for classroom space. Now, if you're going to tell me that you're going to allow principals to use them for ancillary services of some kind, and they would prefer that to having a playground, that's an argument we can have. But, you know, I don't want to, I don't think they should be used for classroom space.

KATHLEEN GRIMM: It's not an ar--

Let me suggest it is a discussion we will have in each case. For example, many of the TCUs are air conditioned, and they're attached to schools that don't have air conditioning. So if a principal

1
2 says, "I would like to use this," we're probably
3 not going to say no. But we will do an ad hoc
4 evaluation on each one. And we'll be happy to--

5 COUNCIL MEMBER FIDLER: That
6 probably gets back to Council Member Brewer's
7 questions about capital eligibility for air
8 conditioning. It just strikes me, Deputy
9 Chancellor, and I'm going to drop it, you know, as
10 obsessive compulsive as I am, but I do continue to
11 believe that TCUs send the wrong message to
12 students, regardless of what the principal wants
13 to do. And since at least in the world that I
14 live in, they all sit on playground space, at a
15 time when the mayor's 2030 plan is to turn most of
16 these playgrounds into active green spaces or
17 parks, or little, small parks for communities, it
18 seems to me to be counter to that interest. And
19 certainly, it would be capital eligible as part of
20 the remediation of that playground into that park
21 space. You could certainly do it as part of that
22 project. And I would not like to see children
23 going to class in TCUs.

24 KATHLEEN GRIMM: We'll be happy to
25 involve you in the discussions of the, as they

come up in your district.

COUNCIL MEMBER FIDLER: I'd be happy to be part of them.

KATHLEEN GRIMM: Okay.

CHAIRPERSON JACKSON: Thank you. I have two final questions. One, a piece of the calculation that determines the need for new capacity seats is the new housing starts in a school district. According to the SCA's website, the housing start data used in the calculation of the 2005-2009 five year capital plan was taken in 2003. Is this the data that was used throughout the 2005-2009 five year capital plan? And if not, how often was the data collected?

SHARON GREENBERGER: Those were the original projections that were used to create the original plan. That data was looked at and updated annually. What we have up on the website right now is the current information that will guide the next capital plan, 2010 through 2014. We do intend to update that information annually, and you have requested, and we said that we would look at what we could post, on an annual basis, when it's updated.

CHAIRPERSON JACKSON: Now, you're saying that the information that's currently on the website is the information that you used in the proposed five year capital plan--

SHARON GREENBERGER: The new proposed five year--

CHAIRPERSON JACKSON: --that we're addressing now.

SHARON GREENBERGER: That's correct.

CHAIRPERSON JACKSON: But, was it, prior to that information being posted on your website, was the information posted on the website the 2003 statistics, and was it posted throughout the tenure--

SHARON GREENBERGER: It was not. We just posted the original data.

KATHLEEN GRIMM: But we looked at additional data as we moved through the plan and the amendments.

CHAIRPERSON JACKSON: But didn't post it.

KATHLEEN GRIMM: Right. That is something we were going to change in the next

1
2 plan.

3 CHAIRPERSON JACKSON: Okay. And
4 so, and now you're going to post it every time,
5 every year, is that correct?

6 SHARON GREENBERGER: When we update
7 it, that's correct.

8 CHAIRPERSON JACKSON: When you say,
9 "When we update it," I'm sorry, that's a little
10 too vague for me, I'm sorry.

11 SHARON GREENBERGER: We intend to
12 update it annually, it could be every 12 to 16
13 months, so when we update it, we would post it.

14 CHAIRPERSON JACKSON: Okay.
15 [laughs] Okay, okay. And finally, we have heard
16 from some parents that their children have been
17 forced to stay home for lack of appropriate
18 special education placement. However, under this
19 new plan, only 3,000 new district 75 seats are
20 scheduled to be built. How does the Department of
21 Education expect to meet the needs of the growing
22 special education population with such a small
23 allocation of seats? The 2005-2009 plan allocated
24 2,000 new seats. How many of these seats are
25 being rolled over, if any, into the 3,000 seats

that are projected for the 2010-2014 plan?

SHARON GREENBERGER: It's probably, I think it's ten percent.

KATHLEEN GRIMM: Probably 800.

SHARON GREENBERGER: Approximately.

KATHLEEN GRIMM: Approximately 800, probably.

CHAIRPERSON JACKSON: 800 what, I'm sorry.

KATHLEEN GRIMM: Seats.

CHAIRPERSON JACKSON: For district 75 are being rolled over?

KATHLEEN GRIMM: We're making the assumption, and we will confirm the number for you.

CHAIRPERSON JACKSON: Go ahead.

KATHLEEN GRIMM: Because we are rolling over 8,000 seats, our guideline is ten percent of every school, new school that we construct, we allocate to district 75.

CHAIRPERSON JACKSON: Okay.

KATHLEEN GRIMM: So, I'm guessing that it's prob--roughly 800.

CHAIRPERSON JACKSON: So then of

1
2 the 2,000 seats that you anticipated in the '05-
3 '09, by the time the plan is over, I'm sorry, I
4 mean, 1,200 seats have already been built for the
5 district 75 seats, is that correct?

6 SHARON GREENBERGER: I don't have
7 the exact number, it might actually be a little
8 bit more, but we can check. Where we have--as the
9 Deputy Chancellor mentioned, where there are new
10 buildings being constructed, we allocate ten
11 percent of the space for district 75 seats.

12 CHAIRPERSON JACKSON: Whether it's
13 elementary, intermediate, or high school?

14 SHARON GREENBERGER: Or high
15 school, right, but that does not include
16 replacement seats, it doesn't include additions.
17 So, we'd have to look and make sure, and see what
18 the actual number is.

19 CHAIRPERSON JACKSON: And do you
20 believe that the proposed 3,000 seats for district
21 75, do you believe that that be an appropriate
22 number of seats in order to meet the needs of
23 district 75 students?

24 KATHLEEN GRIMM: That is something
25 that is under review right now, because, again,

1
2 just as we do with the entire capital plan, just
3 as we are doing fro the class size reduction, we
4 are also looking at the need for district 75 seats
5 by looking at enrollment, by looking at portfolio,
6 by looking at grade configurations. We're trying
7 to, we know we can't solve all the problems with
8 capital dollars, so we're trying to bring all of
9 the resources we have to bear. And we will be
10 undertaking a lot of work in that area this year.
11 No child should stay home.

12 CHAIRPERSON JACKSON: I agree. So,
13 first, let me thank you, Deputy Chancellor Grimm,
14 you're the Deputy Chancellor for Administration
15 and Finance. Sharon Greenberger, the President of
16 the School Construction Authority, and Jamie
17 Smarr, the President of the School Construction
18 Fund, let me thank you all for coming in and
19 giving testimony on this extremely important
20 issue. And we look forward to working with you on
21 this proposed five year capital plan.

22 KATHLEEN GRIMM: Thank you. And
23 thank you all for the support you've given us on
24 this plan.

25 CHAIRPERSON JACKSON: Thank you.

1
2 And next, ladies and gents, we're going to hear
3 from Randy Weingarten, the President of the United
4 Federation of Teachers. Okay. Thank you.

5 [pause] Which one? Ms. Weingarten, thank you for
6 coming in on behalf of your union, United
7 Federation of Teachers. And we look forward to
8 hearing your testimony regarding the proposed five
9 year capital plan for the year 2010-2014.

10 RANDY WEINGARTEN: So, with me is
11 Richie Farkus, who is our vice president of our
12 middle schools, and who has been working with the
13 group, I guess all of us together that launched "A
14 Better Capital Plan" and "A Better Capital Plan"
15 campaign. And so I'm not going to, first thank
16 you very much, I'm glad to be here. I'm not going
17 to read my testimony, but I am going to make some
18 remarks about this. And there probably, something
19 that is as informed by my new national position,
20 as by what we're doing locally. Last, five years
21 ago when there was a capital plan, even though
22 there was questions about implementation, we
23 thought big and bold. And now we have a proposed
24 capital plan that thinks small, and is based upon
25 what we hear seeming concern, justifiable concern,

about the economy. However, it is the actual, the absolutely wrong way to go in this situation. And if we do not think bold and big and have a can-do attitude, I believe we will lose out big time if we get to a federal stimulus package, that both the governors of this nation, as well as the president-elect are talking about. So let me just start by saying that even today, as Chairman Jackson was holding this hearing, and as all of you have been toiling in New York, Governor Ed Rendell, on behalf of the National Governors Association, and President-Elect Obama, were talking about a national stimulus package that included schools. With Governor Rendell from Pennsylvania talking about how there's \$130 billion worth of school projects that are ready to go. So, if we don't think big about our own school projects that are ready to go, that could actually do a bunch of different things. They could actually put people back to work. And I am sure that there could be a real public/private partnership, particularly with the building trades in this town, could then also alleviate existing and pervasive overcrowding that has denied

1 students appropriate learning facilities through
2 the city; provide additional sufficient classroom
3 space to accommodate what we believe is 167,000
4 new spots that need to be created, if you want to
5 align our plan with the CFE requirements, a
6 capital plan with the CFE requirements; and
7 provide the appropriate space for specialized
8 instruction. If you want to actually do all that
9 within five years, and try to tap into what is a
10 national economic disaster that must be helped by
11 having a federal stimulus package, then we have to
12 think big and have to think in a can do kind of
13 way. There is always ways that you can postpone
14 projects, but if they're never on the board in the
15 first place, there's nothing to postpone. So, I
16 would basically say, let's think big, and let's
17 think like our predecessors in New York State did,
18 in the '30s and the '40s, when they did the New
19 Deal in New York, prior to the New Deal
20 nationally. That's what I would, that's my basic
21 message of the day. Now, ultimately, you can hear
22 it in terms of my passion, but all of you, Council
23 Member Fidler, council member Brewer, Council
24 Member Jackson, you've all seen schools in your
25

districts that are overcrowded, you've seen what overcrowded hallways do, you know what overcrowded classrooms do, and you also know what happens when we're trying to help kids get through science in junior high schools or in high schools, but there's no science labs. Get through and have a real art process, but there's no art rooms. You know what that means. So, ultimately, that's why we came up with this better capital plan campaign. And in October, our coalition released a report that showed that approximately 167,000 new school seats were needed to fully eliminate trailers and under temporary spaces eliminate overcrowding and reduce class size to the goals in the city's CFE mandated class size reduction plan. And the plan that we've seen, basically, does nothing to address that. Yes, it talks about 25,000 seats, but long term, if CFE was intended to mean something, we need to have a capital plan that is aligned with the CFE instructional plan. So, that's why we focus on the 167,000 seats as opposed to the seats that are proposed in the current city capital plan. Ultimately, there's things about the capital plan that we think are

good, and there's things about the capital plan, as I said, that we think needs to be more focused upon. So, let me talk about a couple of things. Class size targets, as I said, 25,000 additional seats between 2010 and 2014, 8,000 of those seats were originally proposed in the 2005-'09 capital plan, but are not expected to be built. That has to change. Similarly, the Department of Education and others must monitor enrollment and utilization rates really carefully, particularly in the chronically overcrowded parts of this city. There are a few districts where there will be enrollment growth on top of existing overcrowding, district two and district 20 in particular. Now, district two has several new schools on tap, but other districts do not have new schools on tap. I've talked again, over and over again, about class size and you know and see why that is so important. But if we don't align it in terms of what CFE is, and what the capital plan is, then we will never get to the class size targets of CFE. And let me just say one other word about that: at least in our judgment, we understand that in terms of inputs that a school system can give and do, a

certified or a qualified teacher is probably the most important. But, if you, and I'm not saying you, Chairman Jackson, I'm saying you in terms of the city, if ultimately when we're asking kids to do more and more, when we're asking them to be better and better prepared, when we're asking teachers to dig deeper and deeper and to be more and more rigorous, class size matters in every single one of those asked. And if charter schools and private schools and suburban schools, even in this economically tough time get it, why is it that our city doesn't get it? And probably the most troubling piece of the whole capital plan, is that it does seem to take aim at the CFE rules and regulations about class size, by saying it will only do 25,000 seats, 8,000 of which were from the old plan, as opposed to the 167,000 that seem to be needed in terms of the CFE requirements.

Others, obviously, we're concerned about ensuring that the pre-K programs are there; we're obviously concerned about things like lost rooms for physical education, and for cultural enrichment.

But at the end of the day, the real issue becomes let's do everything that we think can be built in

1
2 the next five years, and get our piece of a
3 national stimulus package, that helps kids get the
4 space that they need and the instructional
5 infrastructure they need, and puts people back to
6 work. Thank you.

7 [applause]

8 CHAIRPERSON JACKSON: Well, first
9 let me thank you for coming in, representing the,
10 all of your members, and clearly as a president of
11 the United Federation of Teachers, and also the
12 president of the American Federation of Teachers,
13 you bring two different aspects of focus. One,
14 from a New York City perspective, but then also
15 your involvement on a national level, as you
16 indicated this stimulus package that the people
17 are talking about. So, if you had your way,
18 knowing that this proposed plan is \$11 billion,
19 and the previous plan was \$13.2, what would you be
20 asking for as far as rounding it out in billions?
21 Give or take.

22 RANDY WEINGARTEN: I'd certainly be
23 asking for everything that gets us to the 167,000
24 seats. And understanding what that at least means
25 in terms of what kind of, how many more schools

1
2 have to be built. Maybe there are all sorts of
3 other innovative ways of doing it, such as maybe
4 adding another floor to existing schools. There's
5 a bunch of different things that we should be able
6 to do, to get to that 167,000 number, because
7 ultimately, if that's not even attempted in this
8 capital plan, then it becomes a mandate that never
9 gets realized for the kids who need it most. So,
10 ultimately, that exercise was not done in this
11 planning process, and that exercise needs to be
12 done. Secondly, so I don't know what that costs.

13 CHAIRPERSON JACKSON: It cost's
14 there, but you know the number of seats that--

15 RANDY WEINGARTEN: But you know the
16 number of seats.

17 CHAIRPERSON JACKSON: Right, right.

18 RANDY WEINGARTEN: And you know,
19 and there are a bunch of different ways to do it.
20 Secondly, there are probably, there is probably an
21 analysis that someone has done within Merrill
22 [phonetic] agencies, that say "What is ready to
23 build right now? What's been zoned? What's been
24 done? What's ready to build right now?" And
25 that's what you can go into the ground

1
2 immediately, that's what you can get people back
3 to work doing, and that's part of what we need to
4 do in this city. The more people that are back to
5 work, the more taxes come into the city, the more,
6 the less struggles you have in terms of dealing
7 with services, and on and on and on.

8 CHAIRPERSON JACKSON: Council
9 Member Fidler of Brooklyn.

10 COUNCIL MEMBER FIDLER: I, you
11 know, the rules of etiquette of this chamber,
12 Madame President, prevent a Council Member from
13 standing up and applauding at comments, but I have
14 to tell you I'm almost jumping out of my chair,
15 because you really made two points here, and one
16 of them I banged on earlier today with Deputy
17 Chancellor Grimm, when I agreed with Chairman
18 Jackson about the importance of reducing class
19 size, and the fact that there are a gazillion
20 bureaucracies at Tweed that have nothing to do
21 with redu--with quality classroom instruction, and
22 when we know that that is one of, that together
23 with parent involvement, are the two greatest
24 indicators of improving education. Why we don't
25 just take that money and shift it to where it

belongs, particularly in this economic crisis, that we don't do that just befuddles me, and so that's number one. The other was a point that you really opened up with, and I grilled OMB Director Page in this room a week ago Monday on. And I just don't understand why President-Elect Obama and half of the responsible government agencies in this country are talking about increasing capital spending at a time when this mayor is reducing our capital budget by 20 percent and putting people out of work. And when they first came to us with that idea, they said, "You know, the private sector is so engaged right now, there is so much construction going on in the City of New York, it's hard to meet our goals in the capital plan. We're driving the cost of construction higher and higher." And so when Director Page sat here, and I pointed out to him that that process in fact had been reversed, that there were fewer new starts in construction in this city, that there was less competition for it, that this was exactly the way to incentivize the economy and to get people back to work in this city, he couldn't tell me or wouldn't tell me how much revenue the city was

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2 losing from all those people who would be
3 unemployed, and who weren't going to be paying
4 taxes or any of those things. He was irritated at
5 the question, and I was irritated at the fact he
6 didn't have an answer. So, I just wanted to, it's
7 obviously not a question, it's a comment. I agree
8 with you 10,000 percent, that this is the wrong
9 time to be thinking small about capital spending,
10 not just at DOE, but in our entire city, that we
11 made that mistake in the '70s when we stopped
12 investing in our infrastructure. And there is no
13 better investment in our infrastructure than in
14 building our schools for the future, because
15 that's an investment that pays for itself one way
16 or another down the road.

17 RANDY WEINGARTEN: Exactly.

18 COUNCIL MEMBER FIDLER: So I am so
19 glad to hear you're beating that drum. I'd like
20 to hear that more of that happening in this city.
21 We are sitting here listening and debating with
22 the mayor over pegs to the expense budget, yet
23 what he has done to the capital budget is so
24 counterproductive to our economy that it sickens
25 me. And we just aren't talking about it enough,

1
2 and I'm very glad that you brought that point up
3 here today.

4 RANDY WEINGARTEN: Thank you,
5 Council Member. Look, I've tried to--both the
6 president of the NEA and myself, testified in
7 front of Chairman Rangel's committee, Ways and
8 Means Committee, the same day that Governor
9 Patterson did, talking about a stimulus package.
10 I am delighted that President-Elect Obama seems to
11 understand that any kind of infrastructure package
12 has to include schools. Governor Rendell said
13 that yesterday. That's why I'm raising it today,
14 they said it on a press conference this morning,
15 as well. We have to be, everybody, when teachers
16 get very frustrated by this, because they know two
17 things: they remember the effects of the '70s,
18 and they remember it took us many, many years to
19 build back from the effects of the '70s. And when
20 you hear my anger sometimes, and you heard it in
21 this chamber last year a lot, it's, you know, you
22 see the effects of new folks coming around and
23 say, "Look, our schools aren't doing everything
24 they should be doing for kids." Well, we spent 30
25 years building back from the effects of the '70s,

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2 which you said, as well. We did, saw it in terms
3 of deferred maintenance, we saw it in terms of the
4 eradication of programs in schools, and on and on.
5 But separate and apart from that, people talk
6 about alignment all the time. Standards and
7 testing should be aligned. Well, program, if
8 you're seeing what's starting to happen, with
9 President-Elect Obama, wanting to do a national
10 stimulus, you're seeing that people are okay about
11 deficit spending, then, I'm sorry for being
12 selfish about my New York City role, let's make
13 sure New York City is in the queue. Because if
14 this money is out there, and we don't have a plan,
15 we won't be in the queue.

16 CHAIRPERSON JACKSON: That sounds
17 like common sense. [applause] So, Council Member
18 Gail Brewer of Manhattan.

19 COUNCIL MEMBER BREWER: I just have
20 a quick question, Randy, which is that when the
21 surveys are done, this is more mundane, of the
22 capital needs, or the principals do it, I suppose,
23 they're the ones that turn it in, but are the
24 teachers involved in that? Because that's--

25 RANDY WEINGARTEN: No.

COUNCIL MEMBER BREWER: That's what I was--

RANDY WEINGARTEN: I mean, part of, this is a whole--

COUNCIL MEMBER BREWER: But that's really important, to have them involved, that's what I'm--

RANDY WEINGARTEN: Right. This is, let me just say one thing about this. One, I have found in emergency situations, and this may not be a popular thing for me to say, but I'm going to say it anyway, that Sharon Greenberger and Kathleen Grimm have been absolutely terrific. Meaning, if we see an emergency on a school based level, and we say, "There's an emergency," we have found a bunch of cooperation from them in terms of trying to solve.

COUNCIL MEMBER BREWER: Like 199 PCBs.

RANDY WEINGARTEN: Yes. That's different than making sure in the planning process the people on the ground are involved. Now, ultimately, we have, on the ground level, in schools, the same issues that parents have in

1 schools, in that there are some places where
2 principals do it because it makes common--as
3 Chairman Jackson said about another issue, it
4 makes common sense. But there are other places
5 where they don't, and they are not instructed that
6 it is good practice to engage teachers and parents
7 on a ground level in terms of what the needs of
8 the school are. And the same is true because of--
9 on needs in terms of a community. Because you
10 don't have the same kind of district basis, even
11 though you have it by law, you don't have it in
12 fact. So that as a result, and Council Member
13 Fidler knows this, in terms of gifted and talented
14 programs, you know this in terms of gifted and
15 talented programs, but you see it in terms of
16 early childhood programs. The former district
17 superintendents used to know what, where schools
18 were going to, where neighborhoods were birthing.
19 What was going on in a community? And so there
20 would be that kind of human touch about needs.
21 And that seems to be divorced from the process
22 now, and as a result we're seeing it in Manhattan,
23 we're seeing it other places around the city,
24 where there's no real alignment between the growth
25

of residential population and where schools ought to be placed.

CHAIRPERSON JACKSON: Well, President Weingarten, let me thank you for coming in and giving testimony, and we look forward to your leadership. And obviously you indicated that part of that was that you along with parent groups and education advocates and elected officials, launch the better, "A Better Capital Plan Coalition." So I look forward to working with the coalition in order to move forward on this five year capital plan. Thank you very much.

RANDY WEINGARTEN: Thank you very much, really thank you. [applause]

CHAIRPERSON JACKSON: And next we hear from Lisa Bessette-James, Campaign for Fiscal Equity; Lenny Hanson, Class Size Matters; Robert Moore, Make the Road New York; and Doug Israel, the Center for Arts Education. Please come forward. Ms. Bessette-James, you may begin your testimony. I'm going to ask all of the participants if you can not read your testimony, but summarize it and submit it part of the record. Okay? And everyone has three minutes, please.

1
2 So, any time you're ready, you may begin, just
3 identify yourself for the record, from a voice
4 point of view, and your title, and you may begin.

5 LISA BESSETTE-JAMES: Good
6 afternoon. I am Lisa Bessette-James from the
7 Campaign for Fiscal Equity, testifying for Helaine
8 Durant, our Deputy Director. I am just going to
9 go through the most salient points of Helaine's
10 testimony. That being that CFE has long
11 understood the importance for the link between
12 school facilities and a basic, sound education.
13 During the CFE trial, we introduced important
14 testimony, and as a result, the focus has, on the
15 State Supreme Court and the Court of Appeals
16 decision, has provided important direction on what
17 school facility, a school facility that supports a
18 sound, basic education should look like. CFE is
19 currently working on two reports, one that
20 addresses the conditions of elementary school
21 buildings that are, that have enrollment of 810 or
22 more students. The other report specifically
23 addresses the level of overcrowding in public
24 school buildings. This report looks at the DOE
25 enrollment capacity and utilization book for 2006-

2007, and has identified 391 buildings that are 381,582 students attending these schools. It does not look at classrooms and gyms, auditoriums, libraries, or specialized or temporary spaces, because these uses are not reported. So it's impossible to accurately examine how extensive the use of the temporary spaces are. In these 391 school buildings, 91 of these schools have temporary spaces, either in the school yards or annexes at offsite locations. The draft capital plan proposes to build 25,142 new seats in 42 new buildings, all of which will be elementary middle school buildings, except for two intermediate high school buildings. Before the five year capital plan is approved, DOE should report on how well it has done meeting the goals of the current five year plan. CFE is pleased that DOE's goals in the draft plan is to reduce class size in all grades, with the proposed new seats together with a facilities realignment strategy. However, this is only a first step on the capital plan's proposed class sizes, which are in excess of the targeted school sizes. Okay. DOE cites in the 2006-2007 ECU report, the same report that CFE used to

develop the data on 515 schools, which includes schools with temporary spaces, as well as the 391 schools. And there are over 500,000 students attending those schools. And these strategies do not give a clear picture of the extent of overcrowding that will be reduced; and the ability to reduce class sizes at all grade levels, and to remove those temporary structures. So, we believe that the plan needs to be developed further. CFE cannot endorse this proposed capital plan without an understanding of when enhanced educational opportunities will be available because of improved building conditions. We have focus on the capacity program in our comments, but have similar reactions to the programs in the existing buildings. CFE urges DOE to develop a meaningful and detailed plan to eliminate overcrowding in all temporary spaces. The plan must contain a blueprint to ensure all schools to normal conditions, creating a plan to solve overcrowding, will allow a clear path with this timeframe for reduced class sizes for all students. This is what the CFE lawsuit started almost sixteen years ago began. It is time to fulfill the promises we

have made to our students. Thank you.

CHAIRPERSON JACKSON: Thank you.

Next.

UNKNOWN VOICE: No, go ahead.

UNKNOWN VOICE: Okay.

CHAIRPERSON JACKSON: Pull up the mic and identify yourself and you may, pull that mic closer to you. One or the other, it doesn't matter. Go ahead.

ROBERT MOORE: Good afternoon, my name is Robert Moore. I am 16 years old and a junior at the Bushwick School for Social Justice, and a youth leader at the Youth Power Project at Make the Road New York. I have been a member for about three years, and as a member of Make the Road I've been involved in many campaigns. For instance, I was active in the creation of the Student Success Center in Bushwick High School campus. My current campaign is a struggle to fight for school construction in my community of Bushwick. As a student in Bushwick, I have had many difficult times. One of the things I have seen is a lack of needed space in our school. The Bushwick School for Social Justice shares a school

building with three other schools. With four schools in one campus, there are additional hardships, especially when having to share facilities. For instance, two schools have to share one cafeteria, one lunch period, at least every day. The lunch schedules vary from 9:00 in the morning to as late as 2:00 in the afternoon. For other facilities, like the gym and the auditorium, schools have to work very hard to coordinate time on which schools can use them. It's kind of hard to struggle with it, so there are no conflicts over there space. This is very frustrating for me as well as my other peers, and this needs to change. The issue of spacing has been an issue for years. In fact, in the last five years there have been not enough ninth grade seats to hold the number of eighth grade students enrolled in our community middle schools. Unless we address this issue now, this problem will not go away. The Youth Power Project has done its research and found that there is 713 available seats in the ninth grade, but the average of 1,330 student enrolled in each grade level from kindergarten to eighth grade tells us that there

are approximately 617 ninth graders in our community with a seat every year for the next nine years. This is a very serious issue, and as a young person I believe that all students should have the choice to go to school in their own community. I know firsthand how important it is to have a strong relationship between a school and a community. As a student at the Bushwick School for Social Justice, I was introduced to Make the Road New York, and became an active community member that fights for change. This would have been unlikely if I attended a school outside of my own community. I'm here today as a Bushwick student, and as a Bushwick community member, to say that Bushwick must be included in the revised version of this capital plan. My community needs a new high school. This will ensure that all eighth graders will have the choice available to continue studying in their own community and will also help to prevent continuing overcrowding and space issues in our current schools. Thank you.

CHAIRPERSON JACKSON: Thank you for coming in, young man. Next?

LENNY HANSON: Thank you, Chair

1 Jackson, my name is Lenny Hanson, I'm the
2 executive director of Class Size Matters, a
3 citywide organization dedicated towards achieving
4 smaller classes in the public schools.
5

6 Unfortunately, I'm afraid that if this capital
7 plan is approved, New York City children will
8 never receive their constitutional right to a
9 smaller class, as the state's highest court said
10 would be necessary for them to receive a sound and
11 basic education. Despite the city's claim, most
12 children in this city continue to be educated in
13 overcrowded schools with excessive class sizes.

14 38 percent of New York City students are in
15 overcrowded schools according to the DOE's own
16 statistics, and more than 60 to 80 percent of them
17 are in class sizes that exceed the levels in the
18 city's class size reduction plan. 86 percent of
19 New York City principals say they are unable to
20 provide a quality education to the students in
21 their schools because of excessive class sizes,
22 and yet DOE in this new proposed capital plan, on
23 page 21, says the following, "In most cases,
24 overcrowding and larger class sizes are very local
25 phenomena, reflecting school admission zones that

are poorly designed, or reflecting deeply popular schools into which the press of parents creates larger class sizes. So, in other words, they are propounding a huge deception by this capital plan and by their statements today. If 86 percent of New York City principals say they are unable to provide a quality education because of excessive class sizes, it cannot be true that overcrowding and excessive class sizes are a very local phenomenon. I would like to point out also that nowhere in the capital plan, the proposed capital plan, is there any needs assessment, is there any analysis, is there any explanation for why the number of 25,000 seats should be built. I know that Council Member Fidler was talking about the trailer and the TCUs. There is no way they will eliminate trailers and TCUs, there are thousands and thousands of kids in trailers and TCUs and they will be, for years to come, because they are not creating the number of seats necessary. Just to go on, this was the report that we produced. I hope that everybody will read it because we talk about how it doesn't matter that they're doing surveys of principals to do their Blue Book

utilization estimates. The methodology by which they calculate utilization is inherently flawed. So you can have every principal filling out those forms correctly, and the same principal will say the end result does not accurately reflect the overcrowding in their schools. I'll give you one example, there are many in our reports. They do not take into account trailers and TCUs. In other words, if you have a school that has 200 out of the 500 kids in trailers and TCUs, if those trailers accommodate those kids, the school will not be seen as overcrowded. Even though those kids will be going to lunch at 9:00 a.m. in the morning. There is nothing in the utilization formula that looks at that, that looks at the strain on common spaces, that looks at actually how many, gives sufficient cluster rooms for the student population. There are many, many things wrong with the way they calculate it. We also, we go into, we make some very specific suggestions on who that process needs to be redone. We also talk about the flaws in the enrollment projections, which are many. And I'd like to point out that there's much evidence that the projection of

decline city enrollment is not going to continue indefinitely, including the own projections done by DOE's budget office, which show no projected decline in kindergarten enrollment over the next few years. So, I think my time is up. I want to underscore what Randy said, which is this capital plan is hugely inadequate, it provides on 15 percent of the seats necessary to reduce class size and eliminate overcrowding, according to our calculations. And we really urge the council to do whatever you can to make this capital plan a better capital plan that will actually meet the needs of our kids for five years and ten years and beyond. Thank you.

CHAIRPERSON JACKSON: Thank you.

Next.

DOUG ISRAEL: Good afternoon.

Thank you, Chairman Jackson.

CHAIRPERSON JACKSON: Afternoon.

DOUG ISRAEL: Members of the Committee on Education.

CHAIRPERSON JACKSON: Pull the mic up a little closer, Doug, please.

DOUG ISRAEL: Sure. I'm Doug

Israel, director of research and policy for the Center for Arts Education. The Center's dedicated to ensuring that all New York City public school students have quality arts learning as an essential part of their K through 12 education. Over the course of the past several years, we have heard numerous accounts from principals and teacher bemoaning the loss of a cherished art space in their school building. Most often, this is the direct result of overcrowding, where spaces for the arts are being converted to general classrooms, or used to accommodate other needs. This was touched on by Council Member Garodnick, as well as President Weingarten. In fact, according to the New York City's annual arts and schools report, the lack of available in-school art space is one of the top three challenges to implementing arts education, reported by all schools. And regrettably there is evidence that the number of schools without adequate space dedicated to learning in and through the arts is increasing. In a recent survey conducted by Class Size Matters, that was funded by the New York City Council, as Council Member Jackson pointed out

earlier, 25 percent of the principals reported losing their art, music, dance or drama space to general education classrooms during their tenure. That's close to several hundred spaces that have been lost in the last several years. Over more than ten years, CAE has witnessed the power of arts education in engaging students in learning, and providing alternative avenues for achievement. Research shows that learning in and through the arts enhances learning in other subject areas, and contributes to a student's overall development. In order to ensure that New York City's public school students are providing a quality arts powered learning experience, it is imperative that schools are appropriately equipped with the dedicated spaces for arts learning. In our initial reading of the proposed capital plan, there is a lack of evidence provided that the city is making an effort to ensure that overcrowded schools that have lost art spaces, as well as other cluster spaces, are reclaiming those spaces. There is also doubt raised as to whether the capital plan will do enough to alleviate overcrowding or adequately anticipate overcrowding

in the future. This failure to meet urgent school capacity needs in many communities, will exacerbate what is already a troubling reality, as schools will continue to convert cluster spaces used for the arts, sciences, computers, to fill general capacity needs. We've called on the DOE and the School Construction Authority to do three things, and we call on the council to join on us in this. One, to ensure that art spaces are incorporated into the design and construction of all new school facilities. Two, to ensure that the formula used to determine capacity at the school level reflects the loss of arts and other cluster spaces, and the need to reclaim and improve access to these spaces. And three, provide a detailed reporting or inventory of lost art spaces in public schools and develop a plan to reclaim those art spaces that have been lost. We urge the council to support us in pursuing these objectives. We also call upon all city council members and elected officials to investigate access to art spaces and schools in their districts and ensure that the capital plan will direct funds, to ensure that students at every

public school are granted access to well equipped arts facilities. Thank you for your time and your consideration of this request.

CHAIRPERSON JACKSON: I have a question with respect to, Randy talked about 167,000 seats were needed, and Lenny you were holding the report. How did y'all calculate that? And do you have a cost estimate, so if in fact DOE was looking to provide the class size reduction that's called for, that would--

LENNY HANSON: Yeah. We have a cost estimate in the report, and my testimony, I also give some suggestions on where you could find the money to do it.

CHAIRPERSON JACKSON: Okay, can you--

LENNY HANSON: One of the great things about school construction as opposed to other capital funding, I mean, first of all, all capital funding is highly leveraged. So you pay it back over 30 years. So you're just paying a very small fraction of the cost. In the current economic climate, when we don't have a lot of cash to deal with, but you're building in for the

1
2 future. But the other thing is we get 50 percent
3 reimbursement from the State already. So, in an
4 uncertain budget climate, when we don't know how
5 much education aid we're going to get from the
6 State, this is one guaranteed way to bring in
7 millions of dollars from the State, because we get
8 this 50 percent reimbursement. One question you
9 didn't ask them about, though, was their
10 assumption that they're going to ask the State to
11 pay half of the cost up front, which I think is
12 highly unrealistic given both the fact that the
13 last plan they paid half up front, because it was
14 conceived as a settlement for CFE. I don't think
15 that's going to happen again. But we do get 50
16 percent reimbursement, a fact that is never
17 mentioned anywhere in the capital plan. So that
18 for every dollar the City spends, that's leveraged
19 over 30 years, it grows, and 50 percent of it is
20 paid back by the State. So this is a huge, in and
21 of itself, economic stimulus and good deal for the
22 City. And if you can get the feds to cover part
23 of the cost, that's even better. So we do do a
24 cost estimate. It's on, it's many billions of
25 dollars, which sounds very scary. It would be

1 something like \$11 billion overall for new
2 capacity. But what we also figure, is that the
3 share of city spending on capital projects in the
4 schools has been declining significantly as a
5 percent of its total capital spending. So if you
6 just increased it to whatever it was in the
7 average, which is about, it's been 23 percent, but
8 it's now, it's been declined to 13 or 8 percent.
9 So if you just increase that up to 20 percent, you
10 would get the, that would be enough money to
11 produce this new capacity in this, that is needed.
12 And in my testimony, as I said, I also talk about
13 some capital projects that you could redirect, and
14 some shifting priorities within the school capital
15 budget, and some operating funds that you could
16 either actually shift into the--if you just cut in
17 half the projected increase in enrollment in
18 charter schools over the next three years, that in
19 itself could leverage billions of dollars worth of
20 capital projects for our schools. But, the way we
21 did it is the following. We assumed, we took the
22 Blue Book, which is the DOE's official capacity
23 and utilization figures from 2006 to 2007, which
24 unfortunately is the latest available. We do need
25

more recent data on that, and that's something I hope that you can follow up with them on as well. But, those figures are aligned to specific class sizes. The target class sizes of 20 in K through 3, but 28 in 4 through 8, and 34 in high school. So, we adjusted those formulas to see what they would be, assuming, given certain assumptions for the smaller class sizes and the City's class size goals. Then we also just counted--

CHAIRPERSON JACKSON: But those numbers of 28 and 34 are DOE's numbers?

LENNY HANSON: Those are the target class sizes that are assumed in the Blue Book.

CHAIRPERSON JACKSON: Bye the Department of Education.

LENNY HANSON: By the Department of Education.

CHAIRPERSON JACKSON: That's not what the State and the Contract for Excellence--

LENNY HANSON: No, the Contract for Excellence numbers are 20 in K through 3 and 23 in all other grades.

CHAIRPERSON JACKSON: Okay.

LENNY HANSON: And though they went

on in the capital plan and today about how they could reach those goals, given this capital plan and given they don't really have to rearrange the target goals in the Blue Book, it makes no sense if you read it, and it made no sense to me today either, the way they explained it. So they really have to do that. But if you do that, then you can estimate how many new seats are needed to reduce class size. Then we also took the number of kids that, in the Blue Book, that are in TCUs and temporary buildings, which are easy to count, and the number of kids in schools that are over 100 percent utilized, which is also easy to count. Unfortunately, we don't have the numbers for how many high school kids are in TCUs and temporary structures, because it's not in the Blue Book and the City has not complied with the law in this regard. The city council passed a law a couple years ago saying they were supposed to report annually on this, and they have not reported on this in several years. So, I'm hoping that you guys can communicate with them that you actually expect them to comply with the law, because there's no point in passing laws if they don't

1 actually follow them. So, that's basically what
2 we did. And then we calculated the seat's deficit
3 at the elementary school level, per school; at the
4 middle school level, per district; and the high
5 school level, per borough. And the hugest deficit
6 we see is at the high school level. About half of
7 our kids are sitting in schools that are
8 overcrowded according to the DOE's own statistics.
9 Those are thousands of kids, and thousands of
10 kids, more than 60 percent are in class sizes of
11 30 or more, which is way above the levels in the
12 CFE goals that we have. So, and the number of new
13 seats for high schools in this capital plan is
14 paltry, absolutely puny. I think it's probably
15 less than five percent what we really need. So,
16 and then of course there's also, it's based upon a
17 estimation that about 50 percent of our kids are
18 going to be dropping out before they reach 12th
19 grade. So if you actually did improve the
20 graduate rate significantly, you'd need even more
21 seats. So, these are just some of the problems we
22 see with this capital plan. And I would really, I
23 would respect the DOE more if they said, "Look,
24 this is how many seats we need, this is how we
25

1
2 calculated it, but we're only going to do 25,000
3 because we think we can only afford it." But they
4 don't do that, they pretend that that's all we
5 need, yet nowhere is there a rationale, nowhere is
6 there a backup, nowhere is there argument or
7 analysis that actually would support that number.

8 CHAIRPERSON JACKSON: Well, let me
9 thank you, because I've always said, "Tell me what
10 it would take in order to make sure that every
11 child had a seat in this school, and a classroom
12 that is not overcrowded," in essence a state
13 average. And "Tell me what it would take to make
14 sure that the schools are in good operating order,
15 that the fire systems work, that the intercom
16 systems work, that the roof is not leaking. What
17 would it take? \$100 billion? Okay, that's okay,
18 or \$150 billion. Alright, now what's the game
19 plan in order to get it done over the course of
20 five years or ten years?" I mean, that's what
21 ideally what we would like to have. So you have a
22 full assessment of where things are, and then how
23 much can we afford to do over the next five years,
24 knowing that, you know, you can leverage that out
25 and cost it out and the State would reimburse you

1
2 50 percent. We don't have it. So the five year
3 capital plan is what they feel that they want to
4 put forward at this point in time. And that's, as
5 you said, and all of you have said, and what the
6 President of UFT said, is not acceptable at this
7 time. So let me thank you all for coming in. I
8 appreciate all of your input, and especially the
9 young person from Bushwick High School campus. Is
10 that correct? Thank you very much. Thank you.
11 Okay, now, this panel here? Okay. Our next panel
12 is Dara Adams, a congress member Caroline
13 Maloney's office; and Dan Golub from Manhattan
14 Borough President's office; and Matt Borden,
15 assemblyman Glick's office; and Tricia Joyce, from
16 Overcrowding Committee. Dara? Is that Dara or
17 Dora?

18 DARA ADAMS: It's Dara.

19 CHAIRPERSON JACKSON: Yeah.

20 DARA ADAMS: [off mic]

21 CHAIRPERSON JACKSON: Okay, we
22 can't hear you. So just--

23 DARA ADAMS: It's Dara, and I'm
24 going to defer to Dan Golub from the Borough
25 President's office, as he has informed me has a

meeting that he's already late to.

CHAIRPERSON JACKSON: Okay, without a doubt, I'm sorry, go ahead, Dan, you may proceed.

DAN GOLUB: Thank you, Chairman, councilmen, and staff of the committee. I wanted to thank the speaker, the chairman, for their, both for having this hearing and also for the work that they've done to proactively address this issue, but holding those preliminary hearings even before the capital plan came out. The Borough President submitted written testimony which I won't read to you, but I did want to emphasize just a couple points. We certainly thank and recognize the mayor and the Chancellor for the work that they've done to try to address the critical overcrowding issues that face our city and the open dialogue they've begun having with us and with public school parents. And we certainly understand the seriousness of the fiscal crisis, and we understand that it will require shared sacrifice, and that the school system will be a part of that sacrifice. But even with that fully understood, the proposed five year capital plan is

unacceptably inadequate to meet our obligations to our children's futures. I won't provide all the details and the data because most of it's already been provided, but it's worth noting the proposed capital plan proposes no new high schools in Manhattan. Many growing neighborhoods throughout the borough will go without any new schools of any kind. Only one of the six districts in the borough is seeing any new construction, and it's an inadequate amount. It's a 40 percent reduction, not the 20 percent that's been talked about for other agencies, a 40 percent reduction in the number of new seats proposed for Manhattan. The current credit crisis and the economic slowdown are understandable obstacles for new construction, but this is a five year capital plan for a reason. We can't plan for just the current economic situation, we have to build a plan that's flexible enough to adjust to economic cycles. And as Councilman Fidler pointed out, we can't underestimate the possibility that this plan can actually influence economic cycles, instead of just being a victim of it. In the long run, even the mayor has said that failing to invest in

1
2 infrastructure like schools only makes tough times
3 tougher. We can't repeat the mistakes of the
4 '70s. Previous speakers and the council and the
5 chairman have mentioned the campaign for a better
6 capital plan that we launched together with
7 parents, school advocates and educators. There
8 are a couple of reforms that we'd recommend that
9 you encourage the DOE to add to this capital plan.
10 The first is about planning ahead for growth.
11 They should disclose very specifically how many
12 new housing starts they expect in each of these
13 districts, and show how that figures into their
14 planning. That's not in the capital plan, you
15 should ask that it should be. The neighborhood
16 specific planning, and we definitely recognize the
17 important work that's been done on that, and how
18 that's helpful. But there should be more detail,
19 and in particular they need to show the districts
20 where they haven't proposed new seats, and why
21 they've reached the conclusion that there aren't
22 new seats necessary, the neighborhood basis that
23 they've shown only shows the places where they've
24 proposed new seats. Well, what about all the
25 other places where they've concluded that that

neighborhood didn't need new seats? You should see that analysis and have an opportunity to talk to them about it. The class size numbers have gone over. I just wanted to say the chairman asked the right question and didn't get quite the right answer. Your question was "When are we going to start measuring how close we are to achieving the class size targets?" and the answer was an understandable argument about why it's difficult to achieve the class size targets. That's understandable, but your question was "When are we going to start measuring it?" It's a reasonable question. And you should ask them to put that in the capital plan, so we're at least basing off the class size targets they said they've agreed to. I want to echo everything Center for Arts Education has said about capacity numbers and cluster rooms, and the last thing I'd just recommend in the analysis is that the cost per seat should be analyzed. It appears to be considerably higher in this plan than in previous plans. You should find out why, and talk to them about that. The conclusion we just offer is that there are new seats proposed for Manhattan, we're

1
2 very grateful for those, they're the product of
3 communities and elected officials working closely
4 with the DOE to come up with good plans for new
5 schools. But if you ask these reforms to be made
6 to the capital plan, as the Campaign for a Better
7 Capital Plan has proposed, you may well find that
8 significant new investment would be necessary to
9 meet those. But that's as it should be. And then
10 we will have to make the discussion as a city,
11 "Well, what are we going to do if the capital plan
12 would require this much new construction? Are we
13 going to ask for the money from the federal
14 government? Are we going to conclude that we're
15 going to leave educational needs unmet? Or are we
16 going to conclude that we need new revenue
17 enhancements or public/private partnerships?" But
18 we can't underestimate the needs from the start.
19 We have to be honest about what the needs are. It
20 should start with a needs assessment, and then the
21 tough job of making those tough choices, is of
22 course what the city council and the city do
23 together. Certainly the Borough President has no
24 illusions about how the difficult the challenges
25 will be, but failing to rise to meet them is not

1
2 an option. And I want to keep working with you
3 and all members of the council to make sure that
4 we keep fighting for the new school seats that
5 Manhattan children, and of course children
6 throughout the city, need to learn and grow.
7 Thank you, Chairman.

8 CHAIRPERSON JACKSON: Thank you,
9 Dan, for coming in and look forward to working
10 with you and the Borough President on the details,
11 especially for the Borough of Manhattan. Next,
12 Dara.

13 DARA ADAMS: Dara. You're welcome.
14 I'm Dara Adams, on behalf of Congressman Caroline
15 Maloney. I'd like to echo Dan's appreciation and
16 gratitude for all the hard work that you guys have
17 done, holding all these hearings prior to this
18 one, and including this one. I'd like to thank
19 you for giving me the opportunity to offer
20 testimony, expressing my serious concern about the
21 Department of Education's proposed five year
22 capital plan. Currently, district two is
23 experiencing a school overcrowding crisis,
24 precipitated by the abundance of new apartment
25 buildings in my area, and decisions of parents to

stay and raise their children in Manhattan. DOE's plan is a step in the right direction. But DOE still have not told us how it plans to solve the most serious problem in my district, the lack of zoned schools for families living in the former PS 151 area. PS 151 families face a lottery for a shrinking number of schools, all of which are themselves overcrowded. Until this year, the families had a choice of six schools. Extreme overcrowding required DOE to reduce the number of option to four. It is unfair for these families to have no zoned school, or for these families to face the stress and uncertainty of a lottery, when most children in the city can simply attend their neighborhood school. I am particularly troubled by the fact that ten families from the PS 151 area began the 2008/2009 school year not knowing which school their child would attend. DOE must take steps to make sure this does not happen again. All six of the surrounding schools, both those that accept PS 151 families and those that cannot, are well above capacity and have been forced to make difficult choices. They have lost cluster rooms, they start lunch early, and they have class

size far in excess of state goals, as was previously mentioned. DOE has been promising to reveal a solution this month, and it's suggested that it's plan will involve repurposing an existing facility. I hope that DOE's plan will resolve our concerns, but I find it disquieting that it has issued its capital plan without putting a plan for PS 151 on the table. If DOE cannot identify a school building to repurpose, then clearly it must build a new school in this area. And it cannot wait for the next capital plan. Parents in Murray Hill have been watching the swiftly rising residential towers in their community with great trepidation. This community is served by the overcrowded PS 116. Local residents tell me that at least 40 high rise buildings with an estimated 3,377 new housing units are currently being constructed in Murray Hill, and that all these new developments are zoned for PS 116. This fall, the DOE reported that PS 116 enrollment was slightly up from last year's; however, DOE failed to note that the school has already lost its pre-K and gifted and talented programs, that lunch begins at 10:20, and

that cluster rooms have been converted to classrooms. Moreover, reportedly 50 children were withdrawn from the school by parents concerned about crowding. The DOE acknowledges that it's facing an inevitable crisis at PS 116, if concrete solutions are not reached immediately. DOE proposes two schools in this area, at the Family Hospital on West 17th Street, and the 35th Street site. The DOE recently advised that it has acquired the 35th Street site from the Con Ed Waterside developer, and indicated it was prepared to build a standalone school for 738 students, whether or not the residential commercial complex rises on the site. Unfortunately, we have little information about when construction will begin, when DOE expects the school to be completed, and what it will do if construction is not finished before PS 116 experiences a critical situation. It's important to note that the tough economic times will have an impact on public school enrollment. It has been reported that private schools expect to lose as many as 20 percent of their currently enrolled students over the next year. Preliminary surveys reveal that parents are

1 planning to enroll their children in public
2 schools. I would be interested to know how DOE
3 proposed to accommodate these new students, and
4 what contingency plans they have made. I know
5 that school placement is an uncertain science, and
6 that a prolonged economic downturn could drive
7 people from the City. However, it would be wrong
8 to assume that this economic crisis will mimic the
9 last one. Or that large numbers of families will
10 leave the City. At present, it looks as if
11 families may look to the public schools to
12 alleviate some of their financial pressure. If
13 that happens, the DOE would be completely
14 unprepared to accommodate the influx of new
15 students. We are at a crisis point right now,
16 because DOE's previous capital plans were
17 inadequate, and no effort was made to fix
18 inevitable problems. DOE seems to be moving in
19 the right direction, and taking real steps to
20 alleviate problems on a neighborhood basis.
21 Unfortunately, we have not yet seen realistic
22 timetables for the construction of each proposed
23 new school, and there are no real plans to address
24 existing overcrowding during the interim period,
25

1 before the new schools open. I am hopeful that
2 DOE will be able, will be asked to fill in the
3 missing details. Finally, we need a better system
4 for siteing and paying for new schools. The City
5 should not permit the construction of 40 new
6 buildings in a single neighborhood without
7 requiring DOE and the Department of City Planning
8 to come up with a plan to build a new school. I
9 hope the city council will work with DOE to
10 develop a proposal that require new schools to
11 accompany new construction. Thank you.

12 CHAIRPERSON JACKSON: Thank you.

13 Next.

14 MATT BORDEN: Thank you, Council
15 Member Jackson. It's Matt Borden from Assembly
16 Member Glick's office. I also really would also
17 like to thank Council Member Fidler for sticking
18 out this with everyone here. It means a lot, I
19 mean, for the brave souls that haven't made it.
20 Let me just be brief. As the Assembly Member
21 representing neighborhoods in Lower Manhattan that
22 urgently need new schools to help reduce
23 overcrowding, I testify today to express my
24 serious concerns regarding the DOE's proposed
25

capital plan for 2010-2014. The new capital plan is entitled, "Building on Success," a misleading name given that the plan commits to hardly any new building, and the last capital plan's success is very much in question. The new capital plan only calls for 17,000 new seats to be built, as compared to the 66,000 in the previous plan. As a result, I'm concerned that the gross overcrowding that I have witnessed in my assembly district, and around the city, will not be alleviated. Rather, I predict that it will only grow worse as the economy continues to falter, and fewer families are able to afford the cost of private schools. The new capital plan, however, runs counter to this likely trend, instead assuming that the general enrollment will decrease in the coming years. Past assumptions made about capacity have resulted in today's overcrowding, leaving little comfort about today's projections in this capital plan. Challenging times call for bold planning; unfortunately, this capital plan is not bold, and will ensure that the 40 percent of students who are learning in overcrowded classrooms will continue to be educated in environments that are

1
2 unsuitable and inappropriate. Under this capital
3 plan, class sizes will remain large, undermining
4 the effectiveness of many students' education. In
5 closing, even though state law requires that the
6 new capital plan be aligned with the City's class
7 size reduction plan, this law has been ignored.
8 Accordingly, I strongly urge the city council to
9 reject this capital plan and force the DOE to
10 reexamine its assumptions and priorities. As it
11 stands now, the DOE's new plan takes the same old
12 approaches to decreasing class size, that have not
13 been effective or efficient. Until the DOE
14 corrects their capacity and utilization formulas,
15 New York City will be severely undermining its
16 efforts to make classrooms into effective and
17 productive learning environments for all students.
18 The city council should demand that the DOE takes
19 class size seriously for all schools, therefore
20 ensuring that the new plan will not foster the
21 same old results. Thank you.

22 CHAIRPERSON JACKSON: Well, let me
23 thank all of the representatives for the assembly
24 member, for the congress member, and the borough
25 president for coming in. It's important that

every elected official, not only from a council point of view, but from a state assembly, state senate and congress, pay attention to the needs of their constituents. So please thank the congresswoman, and thank your assembly member for always coming in and giving testimony on this important issue.

MATT BORDEN: Thank you. And please continue to stick it to the DOE.

CHAIRPERSON JACKSON: Thank you. Next. And next we'll hear from Joel Rivera from Latino Pastoral Action Center in High Bridge, High Bridge United; George Rivera, United Parents of High Bridge, PS 73; Chauncey Young, United Parents of High Bridge; and Boleo Alcarea [phonetic], of the Northwest Bronx Community and Clergy Coalition. Please come forward. Okay. And you may begin your testimony. I would appreciate it if you don't read, but summarize your testimony, it would be appreciated. [laughter] You may begin, just introduce yourself and you may begin. Press the button again.

GEORGE RIVERA: Now it's on. Good afternoon, thank you for persisting with us. My

1
2 name is George Rivera. I'm a member of the United
3 Parents at High Bridge. I'm the second vice
4 president of the District Nine Community education
5 Council. I'm here to speak--

6 CHAIRPERSON JACKSON: District nine
7 is in The Bronx?

8 GEORGE RIVERA: Yes. I'm here to
9 speak, although I'm familiar, I'm not an expert
10 with the problems of the entire district nine, but
11 I will focus on the High Bridge neighborhood.
12 Specifically, PS 26 and PS 73. I spoke to the
13 principal, Ms. Foster, at the beginning of the
14 year, and as, during the early registration period
15 she was already full. She was turning away
16 students. I don't know what her, the current
17 status is, but before the close of registration,
18 she already to stop registering, accepting
19 students. At PS 73, this year, has a population
20 that is 103 over the population that it had last
21 year, and it was overcrowded last year. I spoke
22 to Mr. Mirvil, the principal of PS 73 this
23 afternoon, and he told me that he had to, in order
24 to accommodate the increase in students, 25
25 percent of that hundred are fifth graders, he had

1 to re-designate an art room to make that into an
2 additional classroom. So now there is no art
3 room, which means that the art teacher has to go
4 from room to room, and it deprives the students of
5 all the art materials that would normally be in a
6 room. The CSA has projected the construction of a
7 school with 389 seats for the High Bridge
8 neighborhood. Unfortunately, the projected need
9 is 2,003 seats for a deficit of 1,614 seats. The,
10 I was asked to mention this. The sixth grade
11 school fair in district nine is being held in
12 district ten, which makes it very difficult for
13 the parents, most of which use public
14 transportation and have to take their children
15 along, to make it to district nine, so that
16 decreases the participation, which is something
17 that, if people who are counting numbers, like to
18 mention, that there's a lack of participation in
19 district nine, and there's this type of
20 inconsideration on the part of DOE towards the
21 members of district nine, disrespects 'em and is
22 in fact what enables them to not be able to
23 participate. And that's concludes my comments.
24 Thank you.

CHAIRPERSON JACKSON: Thank you, sir. Next, please.

CHAUNCEY YOUNG: Okay, I'm going to go just to give the overview for the High Bridge Middle School. So name's Chauncey Young, I'm representing United Parents of High Bridge and the High Bridge United Coalition for 40 community organizations, community leaders and elected officials. First, I'd like to thank council members Foster, Council Member Arroyo and of course, Education Chair Robert Jackson, for their continued support of the High Bridge Middle School campaign, over the last two years, in getting it onto the capital plan. I think without City Council's support, we wouldn't be at this point right now, where we're going to be talking about the seats that we need to have in this school, we wouldn't actually have a school on the capital plan without the support of the City Council. So we want to first thank you for that. You know, the, thankfully, the School Construction Authority, City Council, Department of Education, everyone has agreed that there are neighborhood concerns here, and these concerns are long

standing for over 40 years for having a middle school. And it's been acknowledged in the capital plan specifically for High Bridge, because of geographic constraints, the High Bridge area does not have appropriate access to middle school facilities. It's on page 23, it's on the sheet that you have in front of you. What unfortunately, while we are celebrating that the school is proposed in the capital plan, the size is a major problem. At 389 seats, it really does not meet the needs of the community. We're looking at five elementary schools with no middle schools. So we've built, we're proposing one middle school of 389 seats, it doesn't even meet the needs of a single elementary school, because you have a graduating class, just on a fourth grade level, you have to remember we have five elementary schools, two graduate at fourth grade, two graduate at fifth grade, and one graduates at sixth grade. So, in the fourth grade, going into fifth grade, every year we have 265 students going from fourth grade to fifth grade. So, even if we were to look at only our youngest students, the students that we really don't want to have to

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2 travel far, that's 265 students, so four grades is
3 a 1000, over 1000 seats. So, we realize that
4 this, the current economy is very difficult for
5 us, and there are space constraints. But our
6 concern is that we have been waiting to meet with
7 our city council representatives, who are happy to
8 meet with the School Construction Authority, the
9 Department of Education, and NYCHA, who is the
10 space that we're looking at. City council speaker
11 has been trying to put together this meeting, for
12 the past several months, with Deputy Mayor
13 Walcott, who would oversee this. So what we're
14 really asking for is if city council, all city
15 council members, can really help make this meeting
16 happen. We feel that the community should be at
17 the table, to really feel like the school that is
18 built is going to meet the needs of the community.
19 Thank you so much.

20 CHAIRPERSON JACKSON: Thank you.

21 Next, please.

22 JOEL RIVERA: Yes, my name is Joel
23 Rivera. I represent El Pac, the Latino Pastoral
24 Action Center.

25 CHAIRPERSON JACKSON: You're not

the city council member, are you?

JOEL RIVERA: Soon to be.

CHAIRPERSON JACKSON: Okay.

[laughter]

JOEL RIVERA: September 2009.

CHAIRPERSON JACKSON: Alright, you never know.

JOEL RIVERA: Well, we're one of the largest non-profits in the area. And the first thing that I wanted to say is that I don't know what the other--first of all I don't have a testimony, if that makes anybody feel good to read, I'm just going to speak from the heart. This wasn't an easy process for us, to get this school approved. As you can remember yourself, Mr. Jackson, in December, we were freezing our butts off on the steps here with 200 parents, when you gave us your support for this middle school. We've had, we've advocated, we've had all types of rallies, and as recent as July we were told that it was impossible. That we couldn't have this school, that we wouldn't be able to get into the capital plan, by the New York Housing Association. Their biggest complaint was that they couldn't get

the School Construction Authority on the phone. We already saw today how they're wonderful at dodging question. But that's neither here nor there. The point of the matter is that we've been waiting for a meeting from them since before July and still to this day. I don't see any of their representatives here, it seems that they make their decisions in a vacuum, and community support is not asked for or needed in any of their meetings. So, that's the first problem I have in the way that they make decisions, and that they don't ask for community support or input in schools that are in our district, that we so vigorously fought for over the last 16 months. Finally, you guys got it right. We needed this school, we've been fighting for this school for the last 16 months, and it got approved. The problem is now that Mr. Koppell had mentioned that he needed a breakdown of all his schools and all his graduating classes, and this, that and the third. Now, as Chauncey so--mentioned to you, we already have that breakdown, and it shows that 300 and something seats is just not enough. It's almost like putting a band-aid on a gunshot wound.

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2 I don't want to seem facetious or seem that we're
3 ungrateful, I'm glad that we got this school in
4 the capital plan, and we needed it, but it's just
5 not enough seats. Finally, the right decision was
6 made and we don't want the city council's hard
7 work and our hard work all to be in vain. We want
8 to make sure that we don't have to, we're not here
9 next year, with 200 or so parents, again fighting
10 for an amendment on the capital plan. We need
11 more seats. I question sometimes if this school
12 was in Mr. Koppell's district or on the upper east
13 side, if we would even be having this
14 conversation. Unfortunately, our area's one of
15 the most underserved areas in High Bridge, and it
16 has a lot of problems. I think that's well-known,
17 I don't want to beat a dead horse or preach to the
18 choir, which is really what I feel like I'm doing
19 now. I mean, it's very well known that the
20 gentlemen in front of me have been fighting for
21 education for as long as I can remember, but at
22 the same token, we need more seats. And you guys
23 got it right, and let's get it right all the way.
24 Thank you.

25 CHAIRPERSON JACKSON: Thank you.

Next, please?

BOLEO ALCAREA: Hello, my name is Boleo Alcarea, and I'm from the Northwest Bronx Community and Clergy Coalition. The capital plan doesn't include any new seats for high schools in The Bronx. The - - answer to which is located in an elementary annex doesn't have a library, a computer lab, a suitable gym, or enough classrooms for staff and students. They need a new building for their own. And another example is my school, in which I eat lunch at 10:00 o'clock in the morning. We have no, we hardly have any seats in the classrooms, and also we have no library. In district ten, which is the third worst overcrowded district in New York City, got new seats, but not enough. New schools can be built outside the Kings Bridge Armory, and even though I'm not going to get a new school building, I want my children and the children of the future to get a good school, a good and suitable education. Thank you.

CHAIRPERSON JACKSON: Well, let me thank all of you for coming and advocating on behalf of the children of High Bridge and the areas that you represent. Now, is on 175th Street

1
2 and University Avenue considered part of that High
3 Bridge area?

4 JOEL RIVERA: No, it's not. That
5 area is right across the Cross Bronx Expressway,
6 so we've been advocating to have a school in the
7 High Bridge side of the Cross Bronx Expressway,
8 which goes up to, High Bridge really goes up to
9 like 170th.

10 CHAIRPERSON JACKSON: Okay.

11 JOEL RIVERA: So you're looking at
12 five blocks past, it's the Cross Bronx Expressway,
13 it's actually that school's being built right next
14 to the old 82, which is three--

15 CHAIRPERSON JACKSON: Oh, right,
16 right there, yeah.

17 MALE VOICE: --232 and 303. So a
18 lot of our children go to that school, and it's
19 nice that they're building a lot of seats there,
20 but it just continues the problem that we're
21 saying, is that why are you building those seats
22 when you could've built those number of seats in
23 High Bridge instead of building it over there. So
24 it's just more of the problem, unfortunately.

25 CHAIRPERSON JACKSON: Well, I ask

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2 that question because I, part of my years growing
3 up, I lived at, part of my years growing up, I
4 lived at 176th Street and Montgomery Avenue. Not
5 Montgomery, and, right off University Avenue. And
6 PS, junior high school 82, with their local junior
7 high school, that the kids in that area went to.
8 But the area that you're talking about runs, the
9 most northern part is 170th Street.

10 JOEL RIVERA: Yes, it goes through-

11 -

12 CHAIRPERSON JACKSON: The most
13 southern part is what?

14 JOEL RIVERA: Is Yankee Stadium.
15 It goes from 161--

16 CHAIRPERSON JACKSON: And from,
17 where's your eastern border?

18 JOEL RIVERA: Eastern border is
19 Jerome Avenue.

20 CHAIRPERSON JACKSON: And the
21 western border?

22 JOEL RIVERA: The Harlem River.

23 CHAIRPERSON JACKSON: Wow.

24 JOEL RIVERA: You know, so--

25 CHAIRPERSON JACKSON: And there's

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no junior high schools in that area?

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JOEL RIVERA: There's no junior high school in that whole area. This--

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CHAIRPERSON JACKSON: That's a--

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JOEL RIVERA: There was originally the two, two of the PS schools, PS 11 and 73 were originally, and I don't mean to say this, but when it was a white neighborhood, up until the '60s, it was a, they were one, grade 1 through 8th grade schools. So, it was designed as middle school--

CHAIRPERSON JACKSON: I see.

JOEL RIVERA: With middle schools in the neighborhood--

CHAIRPERSON JACKSON: Designed for K to 8, to keep the kids in the neighborhood.

JOEL RIVERA: And once we built the giant middle schools in district nine, which are on the far east side of the district--

CHAIRPERSON JACKSON: Right.

JOEL RIVERA: --then they changed all the schools to be just elementary schools. So.

CHAIRPERSON JACKSON: Okay.

JOEL RIVERA: That's in the '60s

when that happened.

CHAIRPERSON JACKSON: But would that, was one of the reason for that is because the population increase of the area?

JOEL RIVERA: At first there was a decrease, and then yes, an increase that went so far that they needed to, that they made the schools smaller. Instead of building more schools, they just cut the number of grades to go into each school.

CHAIRPERSON JACKSON: Well, keep the pressure on, I mean, because clearly you have to keep the pressure on to have a meeting, to get the number of seats that you need in that area.

JOEL RIVERA: Thank you so much.

CHAIRPERSON JACKSON: Thank you.

JOEL RIVERA: We need your help on this. [laughs]

CHAIRPERSON JACKSON: Thank you.
Next, we're going to hear from Joseph McGivin [phonetic], Advocates for School Indoor Air Quality; Ann Clyburg [phonetic] from PS PAC; and Jacqueline Berry, CEC 7. Is Jacqueline here?
Okay. Who else is here to testify? You here to

1
2 testify? William? Come on, William, come on
3 down. PS 199, and the 199 Parent at Large? Okay.
4 Is anyone else here to testify? Okay. You're the
5 final, last but not least, panel. So, please,
6 ladies first, I'm sorry. Ladies first. Press the
7 button, please. Press it again.

8 ANN CLYBURG: --er.

9 CHAIRPERSON JACKSON: There you go.

10 ANN CLYBURG: There we are. We're
11 holding these hearings today. I'll try to just
12 raise the points that haven't been brought up by
13 others, to make my testimony as brief as possible.

14 CHAIRPERSON JACKSON: Okay.

15 ANN CLYBURG: First I just wanted
16 to mention that the proposed new capital plan
17 creates 1200 freestanding elementary school seats
18 in district two, and only 194 freestanding middle
19 school seats, another dimension of the problem
20 that was raised by the previous speaker. As I've
21 told this body before, our middle schools are
22 already seriously overcrowded, but this outlook
23 going forward is a recipe for disaster. Now,
24 looking on a larger plane, I outlined some of the
25 figures that have been stated before, about how

far this current capital plan falls short of providing the necessary seats to relieve overcrowding, and to bring the capital plan into alignment with the Contract for Excellence commitments. I'd only like to add to that one other detail, that the calculations for enrollments on new facilities assume maximum class sizes, rather than Contract for Excellence class sizes. For example, the founding school is listed as having a capacity of 563 students. According to the number of classrooms appearing in plans for the Foundling School, shown at a hearing of community board five, this figure assumes class sizes in its brand new school of up to 30 for 5th graders. This is a school that parents in Greenwich Village fought to get to over, to relieve overcrowding, and it's being built to be overcrowded. Parents also demand a, as others have said, a thorough, modern and transparent process for analyzing enrollment trends, a process that's separate from a political process, so that we can see a real analysis of needs before the political effort begins to find enough money to meet those needs. I also wanted to raise on the

subject of the lack of high schools in Manhattan, that we haven't seen a clear analysis of how the DOE and SCA will address lost leases. They seem to be providing some money for it, but the, as we've seen from other cases, at least in district two, they suffer serious inhibitions when it comes to actually identifying sites for new schools.

There's no mention of what, of the looming eviction of Beruk [phonetic] from its present site, there's no mention of the proposed three high schools for Pier 40, that the SCA stated interest in. How do the plans for new schools, or the lack of plans relate to the lost leases? And to that end, I would like to propose that the SCA and the DOE search for a much more vigorous approach to acquiring sites. Many of the sites listed as current new capacity for district two were found by parents and members of the community. Just recently, a private high school found a site in Greenwich Village somehow, without using the vaunted four real estate agents that the DOE has obtained to find sites unsuccessfully.

And we seem to have lost Martin Street, one of our best candidates for a middle school site, even

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2 though it's still sitting there without having
3 been turned over to private developers. The SCA
4 and the DOE need to find a way to use their
5 advantage more forcefully in the city's real
6 estate market, and to play a stronger hand with
7 developers. In spite of the mayor's claim, this
8 administration has spent less on school
9 construction than prior administrations, and the
10 current budget process, the current budget
11 proposes to spend less on schools as an overall
12 percentage of capital spending, than at any time
13 in the city's history, the overall commitments
14 arising by 75 percent while the commitments to
15 school construction are falling. At this time
16 when the state offers historic supports to New
17 York City education, including a 50 percent
18 reimbursement, we think it's time to use the
19 economic benefits of stimulus and prepare for our,
20 the future needs of our city. Thank you.

21 CHAIRPERSON JACKSON: Thank you.

22 Joe?

23 JOESPH MCGIVIN: Thank you, Mr.
24 Chairman. Honored members of the education
25 committee, recently a decision by The Bronx

Supreme Court, filed by the New York Lawyers for the Public Interest, directs the city to create a plan to monitor indoor air quality for a series of schools that are to be built in Mod Haven, in The Bronx, on a site containing mercury and lead.

Although this decision is progressive in protecting the health of children and teachers, it may not be adequate enough, since it depends upon the ability of parents and teachers to obtain information and testing results in a timely manner, from government agencies. In hearings before the council's environmental committee, New York Lawyers for the Public Interest recommended the need for parents to be able to bring in their own independent air quality testing at the expense of the Department of Education. I am a New York City schoolteacher, who was recently terminated while awaiting air quality test results in my school, which had been built adjacent to a toxic spill site. I am very familiar with the obstacles to obtaining such information. My rights under the federal occupational safety and health guidelines were ignored in my request for environmental testing results, particularly

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2 regarding vapor intrusion. When I was compelled
3 to leave my classroom due to toxic vapors, - -
4 request, the State Department of Environmental
5 Conservation had no record of any environmental
6 impact statement from my school, built in 1994.
7 Recently, councilwoman Christine Quinn requested
8 that the New York City Department of Investigation
9 review my whistle-blower claim. Councilman Bill
10 de Blasio of your committee, has requested that
11 your committee investigate my recent termination.
12 I learned of my termination recently by the
13 Department of Education, when my State
14 Assemblywoman Michelle Schimmel inquired of my
15 status through the New York City Controller,
16 William Thompson, in her letter of July 8, 2008.
17 The New York State Labor Department is requesting
18 information for my claim of safety and health
19 discrimination under Section 27(a)(10) of the New
20 York State Labor Law. Despite my own
21 tribulations, I am testifying today regarding new
22 school construction being built on toxic sites,
23 and the question of liability. I am asking your
24 committee to delay any decisions regarding the
25 approval of this current construction and

renovation budget before you today, pending the judicial review in my case that is immediately before the Queens Supreme Court, index number noted. Besides holding the City accountable, I'm also holding accountable those who design and construct and rehabilitate schools that happen to be placed on toxic sites, for any resulting liabilities to the children and teachers of the City of New York. I have attached relevant case law supporting my concerns, which are currently before the Queens Supreme Court and have yet to be reviewed. Honored committee members, I suggest that the School Construction Budget be approved only for those projects which involve repair and maintenance. Pending this current judicial review regarding school construction liability, should designers and contractors be liable for air quality accidents, they will require the appropriate liability insurance which will entail regular monitoring and accountability by both the private and public sector. I've attached and addendum that you can read at your leisure. Thank you very much, Mr. Chairman.

CHAIRPERSON JACKSON: Well, let me

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2 thank all of you for coming in and giving te--Oh,
3 I'm sorry, we have one more. I'm so sorry. Just
4 identify yourself and you may begin. Joe, if you
5 don't mind, just identify yourself for the record,
6 because you didn't identify yourself.

7 JOESPH MCGIVIN: My name is Joe
8 McGivin, I'm a New York City schoolteacher, and an
9 advocate for school indoor air quality.

10 CHAIRPERSON JACKSON: Thank you.

11 BILL RYNISH: Yes, Bill Rynish
12 [phonetic], I'm a parent at PS 199,

13 CHAIRPERSON JACKSON: Okay, Bill,
14 pull your mic up closer to you, so it'll be a
15 little louder.

16 BILL RYNISH: Okay. Thank you,
17 Chairman Jackson, committee members, and thank you
18 Committee Member Fidler for staying with us. I do
19 not have a prepared testimony, and I'm probably
20 not going to talk about what you expect me to talk
21 about. I am here as a parent. Assemblyman
22 Fidler, to paraphrase two of your comments, two
23 most of important factors are reduced class size
24 and parent involvement. I've become an involved
25 parent since my child now attends PS 199, one of

the public schools that's been highly pressed.

And thank you, it's one of the main things I wanted to convey, for your work with the crisis situation in this committee at PS 199. But our work is not done. And we told this committee, as well as we told the DOE, we're not done, we're going to keep going, and that's what I wanted to hear, and make a few specific comments to our current situation. The lack of planning in our district continues for what will undoubtedly be a crisis situation. But I don't want to talk about a specific situation at our school. I wanted to make a few points and I appreciated some of the council members' comments earlier. Okay? The words "neighborhood analysis" where you grilled the DOE, what does that really mean? Okay? As we have seen, I've gotten involved in this process as an involved parent, I'm going to keep using that term that you used to some --. Okay? And I've spent hours, I was up 'til 3:00 o'clock in the morning analyzing DOE data. Okay? They don't have a consistent analysis of what a neighborhood is. And it's done, as you said, well how was this neighborhood analysis done, it's a new term.

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2 They've actually started this, that's great
3 progress. But when we have districts of pocket
4 overcrowding, and we don't know what the pockets
5 are and how that equates to neighborhood analysis,
6 the plan is great, as you said, Chairman Jackson,
7 okay, but you wanted the long term plan, and the
8 long term plan can't happen unless we match the
9 methodology that they're using with the results,
10 and then I understand the fiscal crisis. Okay,
11 and we, how much can we do, but we got to know
12 what we need, as well. The methodology needs
13 continuous improvement. Okay? We really need to
14 focus on this "neighborhood analysis" term. In
15 elementary schools, does that mean we go to a
16 catchment level? That's not what I've seen
17 speaking with other DOE representatives. Okay,
18 I'm curious if they're really going to a catchment
19 level. The other main point I want to make,
20 'cause I'm running out of time, was something that
21 Council Member Brewer mentioned. Okay?
22 Public/private partnerships. You've said 50
23 percent of this capital plan is financed by the
24 City, 50 percent by the State. We know that the
25 are public/private partnerships before this

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2 committee, and we've let those dollars escape us.
3 If we can get the private sector to pay not even
4 half, in some cases more than half of the school,
5 and then if you get the State to pay another
6 percentage, shared with the City, the City's
7 percentage drops dramatically lower. And we are
8 letting those opportunities escape us, because the
9 DOE has their methodology, with this five year
10 cycle that drops off like a cliff. They don't
11 plan for new housing starts, as we've seen in
12 district three. Okay? And then, what happens is
13 we get this, as - - has pointed out, you get these
14 large buildings going up, they're in mid-cycle,
15 the developers don't coordinate, and literally the
16 use of process is not coordinated with that;
17 therefore, we can't capitalize on where we could
18 have one dollar have a multiplier effect of
19 public/private partnerships. And we really need a
20 better system to do that. Thank you.

21 CHAIRPERSON JACKSON: I forgot to
22 acknowledge our colleague, Letitia James of
23 Brooklyn, thank you Letitia for coming in. Now
24 with respect to, I mean, that school has had a lot
25 of press recently. How overcrowded is that

1
2 school, PS 199?

3 BILL RYNISH: The school has had a
4 lot of press, and we've been quite vocal, and I'm
5 part of that group that has been doing that. And
6 we feel that--I don't have the statistics in front
7 of me, but just to give you some of the numbers,
8 and I did not come prepared with statistics, so I
9 apologize.

10 CHAIRPERSON JACKSON: Right.

11 BILL RYNISH: We can get those to
12 you. The school is, you know, was one of the most
13 overcrowded in the district. We have lost one of
14 our art rooms, stuff that was talked about before.
15 We've lost several of our cluster rooms. Okay.
16 The principal has made several decisions on how to
17 reallocate the space. It is uti--you know,
18 depending on which model you want to use, I've
19 been spending my time, I'm not an expert in the
20 situation, understand the difference between, and
21 learning all this process, as I am an elementary
22 school student, about what the teacher guidelines
23 are versus what you have issued as what the target
24 class sizes are. And then, as I start to talk to
25 representatives at the Department of Education,

1
2 and ask that exact question, I can get five
3 different answers, because it depends on which
4 basis you--I mean, I'm a math, I have a math
5 degree, you know, a bachelor's in engineering,
6 okay, and taking calculus, and I can't figure out
7 how they do percentage calculations because
8 basically you sit there and say, "Well, what do
9 you want to use in the denominator?" So, I mean,
10 the answer is I can give you a number, and I can
11 quote five different numbers, and I've seen them
12 quote five different numbers. At the community
13 education council, there was an argument about
14 this exact question. I mean, I'm sitting there
15 with representatives of the Department of
16 Education, and they say, "Well, and part of the
17 other problem is their numbers were also four
18 years old." Okay. We have now got seven
19 kindergarten classrooms this year. Okay? We can
20 give you the number of every single kid in that
21 classroom, the Parent Teacher Association has, and
22 I believe some of this has even been forwarded to
23 your office; if not, we can get it for you. We've
24 done a survey, we've also done a survey of all the
25 incoming students. We've done a survey of all the

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2 buildings going up in the area, to know what the
3 perspectives are, and this was information the DOE
4 did not have. Now, if you want to say what the
5 target enrollment is, well then I got to look to
6 the DOE and say, "What's the formula?"

7 CHAIRPERSON JACKSON: Well, let me
8 just say that I, based on everything I know, the
9 school is definitely overcrowded. That's without
10 a doubt. And I know that there's some issues
11 there between, I believe there's a school inside
12 of a school, the Center School, I believe, and the
13 whole issue there, and I have not gotten into the
14 details of it. But I understand it is a
15 controversy. And I think that going back to what
16 Lenny Hanson said, and what Randy said, that we
17 need 167,000 seats to meet the current needs of
18 the students in New York City. And that's what we
19 really need. And not to have parents pitted
20 against each other for the space in a particular
21 location. That's not what we need. But let me
22 thank you all for coming in--

23 BILL RYNISH: Chairman Jackson,
24 just responding to you.

25 CHAIRPERSON JACKSON: Sure.

BILL RYNISH: I absolutely agree with that, I've been to all these meetings where there are security guards with parents pitted against each other. Okay, we had a nice civil meeting here.

CHAIRPERSON JACKSON: Right.

BILL RYNISH: That's not what has happened.

CHAIRPERSON JACKSON: Right.

BILL RYNISH: Okay, and I agree with you, but I really wanted to talk about something, again, much more fundamental. The fundamental problem was that the, inadequate planning was done.

CHAIRPERSON JACKSON: Right.

BILL RYNISH: But we're here talking about a capital plan, a five year plan. Okay? What I'm really concerned about is the fact that the DOE let a potential site slip through their fingers, okay and now the second bite at the apple. You heard Gail Brewer say, Councilman Brewer say, "What about public/private partnerships?" in her question. Okay, there is a developer who has planned and offering to give

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2 money. The fact in this fiscal crisis that we can
3 let dollars slip away from us, when we need
4 167,000 seats. Yes, we need the whole plan, and
5 then we need to leverage our dollars with the
6 highest multiple, and then make the tough calls.
7 And maybe my district doesn't answer in the
8 priority scheme, but like you said, let's get the
9 167,000, let's get the queue down right. I can't
10 even get that answer.

11 CHAIRPERSON JACKSON: Well, as an
12 involved parent, stay involved, and I remember my
13 involvement as an involved parent, from 1980 to,
14 up until the year 2000, almost 20 continuous years
15 as a parent of children in the public school
16 system. So, let me thank you all for coming in,
17 giving testimony today on the proposed five year
18 capital plan from the year 2010 through 2014.
19 We've heard a lot of testimony today from the
20 Department of Education and from witnesses and
21 advocates in the field, and I want to thank all of
22 them for coming in, and thank my colleague,
23 Council Member Lew Fidler from Brooklyn, for
24 staying the course, and we appreciate his
25 involvement on a continuous. And we started at

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about 1:15-1:20, and it's now 4:55. And so this

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oversight committee on the proposed five year

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capital plan for the Department of Education is

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hereby adjourned. [tap-tap-tap]

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[silence until end]

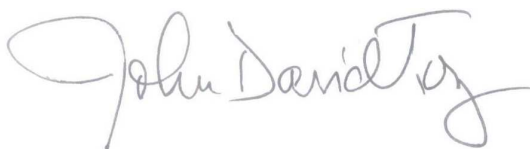
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[end tape 1002]

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script, reading "John David Tong". The signature is written in a dark ink and is positioned to the right of the printed word "Signature".

Date DECEMBER 9, 2008