

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

JOINT COMMITTEES ON FINANCE AND EDUCATION

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May 21, 2009
Start: 3:20pm
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HELD AT: Council Chambers
City Hall

B E F O R E:

DAVID I. WEPRIN, ROBERT JACKSON
Chairpersons

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

Kathleen Grimm
Deputy Chancellor
New York City Department of Education

Sharon Greenberger
President and CEO
School Construction Authority

Jamie Smarr
President
Education Construction Fund

Elizabeth Bergin
Senior Director for Capital Planning
New York City Department of Education

Richard Farkas
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Helene Duran
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PS 183 Parent Teacher Association

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

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Solange Cabral
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Laney Hamson
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Class Size Matters

Eric Weltman
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Andy Lachman
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Irene Kaufman
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Ann Kjellberg
Representative
Public School Parent Advocacy Committee

Rebecca Daniels
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Sarah Jean Avery
Resident
Baltic Street, Brooklyn

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

Reiko Tahara
Resident, Baltic Street, Brooklyn
Member, Baltic Street Community Garden

Sayida Hall
Resident
Baltic Street

Anne Chelberg
Resident
District Two

Annette Evans
Parent
Child in Lab Middle School

Lauren Rosenthal
PTA Co-President
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SPEAKER QUINN: [gavel] [off mic]

May I have your attention? - -

CHAIRPERSON WEPRIN: Good afternoon and welcome to today's Finance Committee hearing on the Mayor's Executive Budget for Fiscal Year 2010. I'm happy to see such a nice crowd this later in the afternoon. My name is David Weprin, I chair the Council's Finance Committee. Today we will begin the Executive Budget Hearings with the Education Committee, co-chaired by my colleague, Robert Jackson, to hear testimony from the School Construction Authority. The Executive 2010 Capital Commitment Plan includes \$11.3 billion in Fiscal 2009 to 2013 for the Department of Education. The Department of Education executes its capital plans through the School Construction Authority in five year increments, otherwise known as the five year plan. The current plan which expires on June 30, 2009, was originally funded by \$13.2 billion, but grew substantially to \$13.8 billion by Fiscal 2009, due to yearly additional funding from the Council and the Borough President. The--or presidents, I guess. The School Construction Authority cites the current

economic climates, climate as the major factor in reducing the proposed plan by 18 percent. The proposed plan which will begin on July 1st is funded at \$11.3 billion. With this 18 percent reduction, the question still remains: Will the children of New York City lose access to sound, basic education facilities? Today we will hear from Sharon Greenberger, President and CEO of the School Construction Authority, and Kathleen Grimm, Deputy Chancellor for Finance and Administration. Let me introduce--And Jamie Smarr, also with the Department of Education, I believe. Let me introduce our colleagues that are here now, and we also have a special guest in the audience. We have Caroline Vallone somewhere. You want to stand up? Stand up. [applause] Caroline Vallone is of course daughter of our colleague Peter Vallone, Jr., and granddaughter of the former Speaker of the City Council, Peter Vallone, Sr., and I think it was Caroline in mind that Council Member Vallone introduced that bill a couple of years ago to limit the amount of homework. And I know he was very popular in my household. [laughter] We have--

MALE VOICE: The fourth grade vote.

CHAIRPERSON WEPRIN: We have

Council Member Jimmy Vacca here, we have Council Member Diana Reyna, Council Member Jessica Lappin, Council Member Albert Vann, Council Member Alan Gerson, Council Member Maria del Carmen Arroyo, Council Member Peter Vallone, Jr., Council Member Tish James, Council Member Liu Fidler, Council Member Simcha Felder, and Council Member John Liu; and behind me Council Member Vincent Ignizio, and Council Member Jimmy Oddo. I'm going to turn it over to Chair Jackson, who I believe has a statement to make.

CHAIRPERSON JACKSON: Thank you,

Chair Weprin, I believe I do. Good afternoon and welcome to our Fiscal 2010 Executive Capital Budget Hearing. My name is Robert Jackson, I Chair the Education Committee, and today we will hear testimony from the Department of Education, the School Construction Authority, and regarding the Department of Education's Fiscal 2010 Executive Capital Budget. And the proposed 2010-2014 five year Capital Plan, which the City Council must approve before July 1, 2009, which is

the beginning of the City's fiscal year. We all know that these are very difficult economic times, as evidenced by the fact that the Mayor has asked the majority of City agencies to reduce their ten year capital programs by 30 percent, beginning Fiscal Year 2010. The Department of Education's Capital Plan has not been cut in the 2010-2014 timeframe, due primarily to the use of federal stimulus funding in the form of qualified school construction bonds (the acronym is QSCB) and qualified zone academic bonds (another acronym, acronym is QZAB). While I am pleased that the administration did not reduce the DOE's capital budget, I find the current budget to be insufficient to meet the needs of our children. Our schools are suffering from overcrowding, and increasing class sizes, and their maintenance and repair needs are tremendous. The \$11.3 billion proposed 2010-2014 five year capital plan already represents a \$2.5 billion, or 18.1 percent reduction, from the current 2005-2009 five year capital plan, which totaled \$13.8 billion. The reduction in new capacity slated for the proposed 2010-2014 capital plan is, to me, a very serious

problem, as it reflects the inaccuracy of the Department of Education's capacity calculations. Just yesterday, the Campaign for Fiscal Equity, commonly known by this acronym, CFE, which I helped cofound with Michael Rebell, they released a report entitled "Maxed Out: New York City's School Overcrowding Crisis." And CFE's report found that 48 percent, nearly half, of the City public school students attend an overcrowded school or one that uses a temporary structure, such as a trailer or an annex to accommodate their students' needs. To that end, there are a number of districts that currently have overcrowded schools and increasing class sizes for which the proposed capital plan offers no new capacity, including School District Six, which I represent. And let me just say loud and clear, this is totally unacceptable. I started the Campaign for Fiscal Equity with Michael Rebell in 1991, in part to put and end to the chronic overcrowding in our City schools. After 15 years, the lawsuit resulted in a new provision in State law called "The Contract for Excellence," commonly known by this acronym, C4E. The law requires that the

City's five year capital plan be aligned with the standards set forth in C4E. While the Department of Education has aligned its capital plan with the C4E mandated class size for K to 3, of 20 students, it is not aligned with the C4E class size for grades 4 to 12, which the alignment would be 23. Instead, the Department of Education uses a class size standard of 28, for grades 4 through 12. The Department of Education has refused to align its proposed plan with the Contract for Excellence. And it is for this reason, and the others that I mentioned earlier, that I must vote no on their proposed plan for the 2010-14. I've worked too long and too hard to see my labors and the labors of many others result in a lawsuit that the DOE chooses simply to ignore. I cannot in good conscience vote to approve the Department of Education's proposed plan for 2010-2014 as it stands right now. I understand that these are very difficult financial times, and funding is even scarcer than it usually is. What I am asking for is the Department of Education to incorporate the Contract for Excellence class size of 20 for grades K to 3, and 23 for middle school and high

schools, in their plans. If these class sizes were applied to the Department of Education's enrollment capacity utilization report, which is commonly known by "The Blue Book," it would go a long way to providing an accurate, true picture of the seats needed in the school district, districts, and result in a proposed plan that would be aligned with the Contract for Excellence. I do realize that this would increase the size of the proposed plan, but it would create a proposed plan that is according, accordance with State law, and a plan that accurately reflects the state of overcrowding in our great City. Right now, the Council is in the process of drafting legislation that would amend state law to provide more input on the City's education, educational capital plan, facilities plan. And under existing State law the Council is required to vote to approve the school capital plan as a whole, but has no ability to vote on individual components of the plan, or to propose amendments. Specifically, the legislation would one, provide the Council with the authority to alter the content and scope of the plan, and the plan amendments; two, require the Chancellor

to notify the Council within 30 days of a significant change in the capital plan; three, address the difficulty of site selection and other factors that require ongoing attention by requiring the Chancellor to submit an annual amendment to the plan, which would require the Council approval--such annual amendment would detail any additional additions, removals, or modifications to the plan, as well as the remaining projects anticipated by the Chancellor over the remaining years of the plan; four, enhanced information sharing between the Chancellor and the City Council, regarding projects in the capital plan; and five, provide the Council with a greater, and more meaningful role relating to appropriations in the plan. Once finalized, the Council is planning to get the legislation introduced in Albany. Today, my colleagues and I have a lot of serious questions, and look forward to hearing the responses to these issues and concerns from the Department of Education and SCA. My Council colleagues are here this afternoon, and looking forward to hearing from the Department of Education and School

Construction Authority, concerning the executive budget and the proposed five year capital plan for the years 2010 to 2014. Thank you, Mr. Chair, of the Finance Committee, David Weprin.

CHAIRPERSON WEPRIN: Proceed.

Well, we've been joined by some additional colleagues. We have Council Member Dan Garodnick, Council Member Oliver Koppell, and Council Member Eric Gioia. And Council Member Melinda Katz.

[pause] Go ahead.

KATHLEEN GRIMM: Okay, thank you.

Good afternoon, Chair Jackson and Chair Weprin, and members of the Education and Finance Committees. My name is Kathleen Grimm, I'm Deputy Chancellor, in the New York City Department of Education. I am joined today by Sharon Greenberger, President and CEO of the School Construction Authority, and Jamie Smarr, President of our Education Construction Fund. We are pleased to be here today to discuss with you the Fiscal Year '10 to '14 five year capital plan for our schools. Nothing has changed in this proposed plan since March, when we last appeared before you on the capital plan. So before we get into the

details of the new plan, I would like to take this opportunity to review our recent capital accomplishments. As you recall, in November 2003, we released our current plan for the years 2005 through '09. A \$13.1 billion plan, the largest in the Department's history, which also, for the first time, is based entirely on need and is aligned with our Children First reforms. While there certainly are not enough dollars to meet all of our school construction goals, we have made great strides in addressing capacity constraints on the school 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 across the City. These kinds of projects include building repairs, such as roofing, system replacements, such as electrical and HVAC systems, and other important initiatives, like our playground enhancements. The original plan called for the construction of 63,000 new seats and 3,000 replacement seats to address overcrowding. I'm happy to report that we are well on our way to

achieving this aim. Over 55,000 of these seats are either in progress or have been completed. The remaining 8,000 seats were rolled into the next proposed plan. We will see an additional 34,000 seats come online in the next three years, that have been funded with the dollars from this current '05-'09 plan. To avoid the pitfalls of the previous plan, which often ran over budget and behind schedule, we instituted 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. We survey all of our buildings each year, this is our building condition assessment survey. We send architects and engineers to each of our 1,200 plus school buildings, to walk through with our principals that we have the most current information about the state of our buildings. We update our enrollment projections every year, pulling together information from our demographers who make projections out five and ten years. These projections incorporate data on birthrates, immigration rates, migration rates, from various

agencies, including the Department of Health and the U.S. Census. We then overlay information we obtain from the Department of City Planning, the Department of Buildings, the Department of Housing, Preservation and Development, all of which give us data on housing starts and rezoning efforts. This helps us to stay on top of shifts in student enrollment, so that we can make adjustments based on where there may be sustained increase in student population in one part of the City, and a decline in another. Thirdly, we undertake a public review process with the community education councils, our CECs, with the City Council and other elected officials, and many community groups. Every year, we send out a form to every CEC, asking them if they want to conduct a public hearing or meeting on the plan, and we make presentations to each that request it. We brief the City Council by borough delegation, and attend other meetings as requested by elected officials. And of course, we meet with all community groups who ask. Each of these steps has made the plan far better to manage and has made the plan we think much more transparent than it

has ever been. And we will continue this annual process, and indeed with your help seek way to improve it. We're quite proud of what we've accomplished so far, but say that there indeed is still much to do. Our school system continues to experience pocket overcrowding, and we are working to address the concerns of parents prior to the opening of the school year this fall. For example, we have confirmed kindergarten wait lists in three areas in Manhattan: PS 166 on the Upper West Side, in district three; PS 3 and PS 41 in the Village, in district two; PS 290, PS 6, PS 183 and PS 59 also in district two, on the Upper East Side. The numbers are actually smaller than some have reported, a total of 273 students in both districts two and three, are currently on wait lists in their zone schools. Of these students, 152 are on the Upper East Side, 90 are in the West Village, and 31 are on the Upper West Side. We continue to work with elected officials and our CECs to address these wait lists, and will provide every student a seat in September. We expect the PS 166 wait list to be exhausted when the gifted and talented placements are accepted. Also, we

recently participated in a taskforce with staff from Speaker Quinn's office, as well as from other, the offices of other elected officials, to actually find a pre-kindergarten site in the village for this September, which we can use to address the wait list issues at PS 3 and 41. To facilitate the search, we posted guidelines for potential site suggestions that allowed some sites to be ruled out before time consuming walk-throughs went forward, and we plan to keep running tallies of suggested sites in our determinations as well as guidelines for responding to suggestions from elected officials and our CECs. Through this taskforce, we have found private space to relocate three pre-kindergarten classes, and that, combined with our G&T acceptances, we think we will exhaust the wait lists in the Village. We are opening a replacement school for PS 151 this year. That is a school that was closed on the Upper East Side by the former Board of Education in 2001, so that this year students in that zone will finally have their own school. This new school, combined with G&T, will greatly reduce the wait list as we continue to explore

other spaces on the Upper East Side. In early November, we released the proposed 2010-'14 capital plan. The proposed plan, as the Chair said, is \$11.3 billion, and it has two major components: \$5.2 billion for capacity, this is the construction of 25,000 new seats, funding for replacement facilities where we have leases expiring, and our charter partnership projects; \$6.1 billion for capital improvement, our capital improvement program, our CIP projects, funding for our Children First initiatives, such as campus restructuring, physical fitness, science labs and mandated programs like remediation code compliance. In fact, the current capital plan includes more than \$350 million for new science labs. These dollars will fund the construction and upgrade of 218 science labs, most of them in existing buildings. During the 2009 school year alone, 47 science lab projects are expected to be completed. Since we testified in November, December, we have attended 29 CEC hearings on the capital plan, we have received over 1,100 comments from 27 districts, and we have folded 20 projects into the plan, projects that were recommended by

both the CECs and the City Council. Sharon Greenberger will walk you through the details of the plan, but before she does, I want to underscore a couple of points. This plan does acknowledge our current economic realities, and as such our capital budget and its spending power are indeed reduced from previous years. We incorporate past inflation rates, as well as anticipated increased cost in the construction sector, in developing this plan. Further, in May, the Mayor did announce that the City was stretching four years of its capital program commitments over five years because of the uncertain economic outlook. Even with reduced out--resources, however, this plan does propose the creation of 25,000 new seats. These seats, coupled with the more efficient use of existing space, are projected to address the overcrowding identified at the neighborhood level in each of our districts. The current economic situation forces us to be more strategic with our resources, and more efficient with our existing space. And it will require us to work together to make tough decisions in the best interests of our children.

This plan also assumes the same financing strategy with half funding by the City and the other half from New York State. Additional resources are provided through partnerships, federal grants, private contributions, 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 this new proposed plan. 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. Many of you have been engaged in these conversations with us, and your insight continues to be a great assistance. In the new 2014 plan, each project is tailored to meet specific community needs. Also in the current plan, we developed a form for CECs to prioritize projects in their respective districts. We've found this extremely helpful, and as a result have been able to include many of their prioritized projects in the plan via the annual amendment process. Because this has been so

useful, we developed a similar form for elected officials, so that we're better able to process your priorities and input. And we hope that you found the form to be helpful, and we look forward to any feedback you may have on it. We have worked successfully with OMB and City Hall to ensure this plan, at the \$11.3 billion level, and it was included as such in the executive budget released a few weeks ago. Because of the funding issues, the panel for educational policy vote was delayed, until the April 27th meeting, but it was at that time passed by the panel. I thank you for your attention, I will now ask Sharon to walk us through the specifics of this proposed plan, and then we're all happy to answer any questions you may have. Sharon?

CHAIRPERSON WEPRIN: Thank you, Deputy Chancellor. Ms. Greenberger.

SHARON GREENBERGER: Sure. You should have copies of this in front of you. I'll just move through this presentation rather quickly. Maybe. Ah. On page two, again, which was somewhat outlined in the Deputy Chancellor's remarks, but in developing the current plan, we

focused on four priorities, making sure that we addressed capacity need on a neighborhood basis, moving from a district basis to a neighborhood basis. Continuing to ensure the stability of our existing facilities--that's of our 1,200 existing school buildings; continuing to ensure the instructional enhancement program that our instructional priorities were aligned with our capital programs; and to allocate limited resources effectively. As you heard, it's an \$11.3 billion plan, divided roughly equally \$5.2 billion for capacity and \$6.1 for what we call "generally capital investment." In the capacity category, we have three primary areas: one is new capacity--\$3.8 billion to create 25,000 new seats; another \$210 million allocated for charter and partnership schools; and \$1.2 billion allocated towards replacement sites; we do have a number of leases that are coming due in the next plan. As I mentioned, it's 25,000, just over 25,000 new seats, primarily focused on the primary and intermediate school level, 22,000 seats again throughout all five boroughs, and 2,600 high school, intermediate and high school seats. We

are rolling over 8,000 seats into this plan, that 8,000 seat came from the 20 percent push that OMB and City Hall implemented last year, so those seats were pushed over into this plan. So 8,000 of those 25,000 seats are rollover seats. Again, in determining the need, our analysis was based on a district wide analysis, not just--a district wide analysis that looked at capacity of schools, the enrollment of schools, and the anticipated demand from housing. It also looked on a neighborhood level, we moved from a district level to a neighborhood level, in response to some of the concerns that we had. And we've also undertaken a review of our facilities to ensure that where we can, we recapture additional space through facility realignment strategies. It's also important to remember that we have 34,000 seats coming on line over the next three years, that are funded from funds in this current capital plan. Again, as the Deputy Chancellor mentioned, we have 55,000 seats in process. That means either in design, construction or completed, and the 8,000 seats that were rolled over, from the original plan. This chart on page seven just

gives you a sense of how many seats will be coming online over the next several years. There are a lot of seats coming on line next September, it's over 12,000 seats alone; September 2010, another 14,000. On the capital investment side, again a \$6.1 billion total allocation--three primary categories: our capital improvement program--this addresses through our building condition assessment survey the most urgent conditions, that has an allocation of \$2.2 billion; our Children's First initiatives, our technology and our facility enhancement initiatives for \$1.7; and our mandated programs, another \$2.2 billion. In developing this current plan, we used a lot of data, all of which is available online, I thought I would just highlight some of them: our enrollment projections again, which we conduct annually; our projected housing starts and rezoning projects, working very closely with HPD and city planning and others, also updated annually; we worked with City Planning to enhance our housing multiplier and to project our public school ratio spinoff from new housing units; our Blue Book is also conducted annually, and it's worth just reminding

everyone that that information is provided to us from the principals themselves. The facilities realignment strategies prospectus is also online. And finally BCAS [phonetic] is online. During this plan, as the Deputy Chancellor mentioned, we initiated a number of enhancements to the process. On the plan approval side, we initiated the CEC review, we increased the number of Council briefings, and we increased mechanisms for public input. On the communications side, and I think in the past we've brought copies of brochures that we have, they're also available online; a brochure describing the Reso A brochure, both for your information and for principals' information, so that they create and identify projects that are most relevant. We created fact sheets about environmental conditions, and we've also initiated a number of internal improvements to ensure that we're working as efficiently and effectively as possible; whether it was our change order system enhancements, increasing our ability for our vendors to communicate with us directly, and our value engineering program. This chart on page eleven gives you a sense of how many seats will

come online over the next several years through the combined two plans. So it's over 80,000 seats through the two plans. And then finally, I thought I'd share some pictures. Last time we had different pictures, I thought we'd share different ones this time. We do have an enormous amount of work going on, we have over 50 new school buildings in construction, and we have over 1,000 capital improvement projects in construction. So this just gives you a sampling of some of those projects: in district five, a reading garden at PS 36; in district eight, an auditorium upgrade at PS 93; in district ten, a playground upgrade at PS 330; in district 14, a playground, a Reso A playground project at PS 19; a library upgrade at PS 184 in district 25; a playground project in district 27 at PS 64; an auditorium upgrade at PS 106 in district 32; and I thought I'd also include some either renderings or pictures of some of the capacity projects, the new school projects that will be opening this September: PSIS 237 in Brooklyn; PSIS 366 in Brooklyn; PS 113, it's an addition in Queens; and addition to PS 102, also in Queens; the Frank Sinatra High School actually

will open this month, and the graduation will be held there this year; Staten Island will see a new PSIS school 861; The Bronx Studio School for Writers and Artists in The Bronx, also a high school; a campus in The Bronx, PS 169, this is a PS school, will open this September; and the addition at New Utrecht High School in Brooklyn will open; and I think there's one more, Sunset Park High School will also open in Brooklyn this September. Those are some of the 22 schools that will open this September. So with that, we're happy to answer any questions.

CHAIRPERSON WEPRIN: Thank you. As you know, there has been a great, there has been a great debate about what will happen if the City Council disapproves a plan, in other words votes no. It, you know, it's, we're put in an untenuous position because, you know, it's either all or nothing, and, you know, I even saw some signs in the audience here, from district three, I guess, with kindergarten's and others, but there are a number of aspects of the plan that there is disagreement among the Council. What would actually happen if we, we voted down the entire

plan?

KATHLEEN GRIMM: Well, if you didn't approve the plan, there would be no appropriation, and if there's no appropriation, we can't spend the money. So we would grind to a halt. We would not be able to proceed with our capacity projects or our capital improvement projects.

CHAIRPERSON WEPRIN: Well, you, I assume you still have some left over from the prior year, wouldn't you?

KATHLEEN GRIMM: Yes, we would continue those, those projects, but you will recall in this plan, we suffered through the first two years because full funding wasn't in place from the State. Many, many, the efforts of many people, including the people in this room and Chair Jackson, particularly at the beginning, ultimately got us that funding. So for the first two years, we were at half mast, and struggled there, because we then got the full funding, and were faced with the challenge of spending an incredible amount of money in the last three years, which we've managed to do. But I think if

this Council chooses to vote this plan down, we're doing a great disservice to the children of the City.

CHAIRPERSON WEPRIN: Well, couldn't we in theory actually approve the appropriation without signing off on all the aspects of the plan?

KATHLEEN GRIMM: No, I don't believe you could, but--

CHAIRPERSON WEPRIN: Are you sure about that?

KATHLEEN GRIMM: I don't understand how you would do that?

CHAIRPERSON JACKSON: Because there's a citywide capital budget, in which this allocation for the five, your capital plan is part of the capital budget overall. And in fact, it's my understanding from our people that we can approve the capital appropriations, but disagree with your plan.

KATHLEEN GRIMM: Well, I think we need to get the lawyers together to talk about that.

CHAIRPERSON WEPRIN: Okay, we'll

have our lawyers call your lawyers. [laughter]

KATHLEEN GRIMM: Thank you. In the morning, I hope.

CHAIRPERSON WEPRIN: You, you referred to the State, and obviously there was a lot of negotiations and my distinguished colleague was very much involved in the original battle for CFE, and equity, and of course it resulted in a lot of negotiations with the State on the 50/50 funding split, specifically for the capital plan. Let me ask you a question, has the State given any indication that it will or won't meet the 50/50 arrangement with this new proposed capital plan?

KATHLEEN GRIMM: No, it has not, we're working on the assumption that the current funding stays in place on a 50/50 basis.

CHAIRPERSON WEPRIN: Well, when you're dealing with the State, and I know they have some tough fiscal challenges themselves, I think you should probably have some discussions with them about it.

KATHLEEN GRIMM: We will do that.

CHAIRPERSON WEPRIN: Okay, can you apprise these committees of the status of those

discussions.

KATHLEEN GRIMM: Of course.

CHAIRPERSON WEPRIN: 'Cause we all know that they're going to be adjourning probably sometime in June, so we're running out of time.

KATHLEEN GRIMM: Yes.

CHAIRPERSON WEPRIN: Okay. It has been stated by the Office of Management and Budget that the \$100 million expense reduction it asked the Department of Education to take, was offset by excess building aid. How did this building aid accrue and is there any more of it?

KATHLEEN GRIMM: Hm? I'm not exactly sure what the issue is, but if I--You will recall that when the arrangements were made with the State to fund 50 percent of this plan, at that time building, the building aid that we received was used to fund the, part of the operating budget of the Department of Education. The arrangement with the State was that the, those first dollars would continue to flow into our expense budget, so we would be held harmless. But the increase in budget aid would be flowing to the Office of Management and Budget, to be used for capital

financing. And what, what might be happening, and I would defer to O--you really probably need to ask OMB, they may have--

CHAIRPERSON WEPRIN: Well, Mark Page doesn't answer a lot of questions, so.

KATHLEEN GRIMM: They--They may have had.

CHAIRPERSON WEPRIN: Well, he does, but you know, we run, he like, waits us out, 'cause till he gets his answer out, you know, most of us are onto the next question already.

KATHLEEN GRIMM: What may have happened, and this is pure speculation on my part, was that the, was sufficient building aid, perhaps to cover some of our operating expense.

CHAIRPERSON WEPRIN: To Chair Jackson.

CHAIRPERSON JACKSON: Thank you. Thank you, Chair Weprin. My colleagues, we have about eight members that have signed up for questions, and what we're going to attempt to do is to have five minutes per member, and if in fact you have more questions or concerns, we'll rotate you back on a second round. But let me ask a

question about the Blue Book. My understanding at the Department of Education's Blue Book, which measures capacity needs in the schools, currently determines seat need for K to 3 based on the Contract for Excellence of 20 per students per class. Is that correct?

KATHLEEN GRIMM: The Contract for Excellence is 20.

CHAIRPERSON JACKSON: Right, and the Blue Book is based on 20 students per class currently for K to 3, is that correct?

KATHLEEN GRIMM: 20--

FEMALE VOICE: For K through 3.

KATHLEEN GRIMM: Yes.

CHAIRPERSON JACKSON: Yes. That's what I, I assumed that, but I wanted to hear you say yes, to make sure that we're aligned. But when will the Blue Book be updated to reflect the capacity needs based on a Contract for Excellence class size target of 23 in grades 4 to 12?

KATHLEEN GRIMM: Well, my initial reaction to that was the Blue Book is really designed to measure capacity. But we were discussing it actually today, and we're going to

look at that and we, we may think about adjusting the Blue Book in the next edition.

CHAIRPERSON JACKSON: In the next edition?

KATHLEEN GRIMM: Well, we're looking at the possibility of doing it. I mean, we're having a discussion internally about whether we should do that or not. And we'll share our thinking with you when we finalize it.

CHAIRPERSON JACKSON: But currently, the proposed five year capital plan is not based on the Contract for Excellence for grades 4 through 12, it's based on what you've said earlier in hearings, based on 28 students per class, and not 23 or 24, as the Contract for Excellence calls for. Isn't that correct?

KATHLEEN GRIMM: That is correct.

CHAIRPERSON JACKSON: Okay. Is there any reason why you did not comply with the law that says that the proposed five year capital plan must be aligned with the Contract for Excellence?

KATHLEEN GRIMM: That's not our interpretation of the law.

CHAIRPERSON JACKSON: Okay. Then please explain to me what your interpretation of the law is, then.

KATHLEEN GRIMM: The, our, our interpretation is that we have a Contract for Excellence plan, with targets that we have to meet over the next five years, and that we plan to meet through many different ways. The capital plan is simply one of those ways, one way to help meet class size reduction is to build more capacity. We're doing, we're doing that. We can't possibly build enough capacity to achieve our goals, so we have to use other mechanisms. We can have a debate on what the meaning of class size reduction is, but the Department's position is that by team teaching, and various other methodologies, we will achieve our class size reduction.

CHAIRPERSON JACKSON: Okay. Well, you know I disagree with that wholeheartedly.

KATHLEEN GRIMM: I do.

CHAIRPERSON JACKSON: And in fact, let me just, in a simple response, and I'm not going to debate the position with you, because you know my position. If there's 28 kids in a class,

I don't care if you have five teachers in the classroom, class size has not been reduced, you still have 28 students in that classroom. Not unless you're going to split the classroom into four different classrooms, then you have class size reduction. But if there's 28 kids in one class, it is not class size reduction. And in fact, I challenge you, and I challenge anyone, right now and forever, to prove to me that that is class size reduction. And in fact, if that's your position, and I'll, I'll file a lawsuit against you and the Department of Education on that particular matter and let the courts decide.

[applause] And I'm, and I'm not here, believe me, I am not here to receive brownie points from anyone. Huh? I'm not here to do that. I'm just standing up and saying that the Department of Education, what you're doing, is not right. You're not aligned with the, the Contract for Excellence, and for you to say that you're going to find other ways as a representative of the Department of Education, to align with the Contract for Excellence, the only way, the only way that you can align with the Contract for

Excellence, if you have a plan that does that.
And the plan that you presented does not do that.
This plan does not do that. And we'll work on
that, and we'll talk about it, and whatever legal
things have to be done we're going to do. But
I'm, but let me know, let me let you know right
now, I will fight you and everyone else tooth and
nail on this subject. But let me move to my next
question, and you don't need to comment on me
fighting tooth and nail. [laughter] School
district two, has been identified by the
Department of Education as an area of high
capacity need. In light of the Department of
Education, of this, the Department of Education
has been working intensely with the City Council,
borough president, State elected officials, and
congressional elected officials, to address the
many issues that come from the extreme
overcrowding. You know, and everybody, some
people may not know, a war room was created to
gather the elected official representatives
together with the DOE, and closely monitor the
progress of siting construction in the districts.
Will this model be rolled out to the rest of the

high needs districts in the City of New York?

KATHLEEN GRIMM: I would encourage our rolling it out on a borough basis. I think it's been very, very effective, it helps us. I think it keeps elected officials informed. I think we've all moved forward under this scenario, and I would very much urge everyone to think seriously about doing this in other boroughs.

SHARON GREENBERGER: Can I just add, we do do it in Queens. We have done it in Queens on a regular basis for many years.

KATHLEEN GRIMM: Correct, that's true.

CHAIRPERSON JACKSON: The borough of Queens, or a particular district?

SHARON GREENBERGER: The borough of Queens, we have a war room that we meet regularly with the borough president and others, in the same manner that we're doing with district two in Manhattan.

KATHLEEN GRIMM: Actually, that was the model, Helen Marshall's war room.

CHAIRPERSON JACKSON: That was the model, yeah, because she mentioned that a couple

years ago, that she was doing.

KATHLEEN GRIMM: Yes.

CHAIRPERSON JACKSON: Okay. Let me turn to my colleagues and I'll come back. Vincent Ignizio from Staten Island, who is directly behind both of us.

COUNCIL MEMBER IGNIZIO: Thank you very much. And on behalf of the Staten Island delegation, my colleagues, Council Members Oddo, Council Member Mitchell, we too had read the report online today about overcrowding of schools, from CFE, and we had concerns. I mean my, Council Member Oddo as you know has serious concerns about PS 48. Council Member Mitchell has Curtis High School in PS 21. In particular on my first question, I want to speak to regards to mine, 'cause I was told by you all in your administration that we don't need a school in Charleston. However, top two over capacity schools in my district are PS 1 and PS 6, of which Charleston would be able to alleviate--144 and 135 percent, respectively. A lot of the conversation has been around the district says, "We don't have sites, we can't build--we'd love to build more

1 schools in Queens, but we don't have sites. We
2 would love to build more schools in Brooklyn, but
3 we don't have sites." Here we have both the
4 capacity issue and a site, and I'm being told by
5 the Department of Education that we don't intend
6 on seeking to build a school there. I'd like to
7 know why.

8
9 SHARON GREENBERGER: You're
10 correct, we do not have plans to develop that site
11 in this plan, based, you're right, on our
12 assessment of need, and there not being a need in
13 that area.

14 COUNCIL MEMBER IGNIZIO: But I have
15 numbers in from of me that show 144 and 135
16 percent above capacity for those two schools, PS 1
17 and PS 6, of which this school would be zoned into
18 to alleviate the overcrowding there. So who is,
19 how are those two things jive?

20 SHARON GREENBERGER: I'm not
21 familiar with those two schools, I'm happy to talk
22 to my staff. I know they met with you separately,
23 and with the delegation, and looked at this.

24 COUNCIL MEMBER IGNIZIO: Yean, and
25 we were supposed to get utilization numbers and

never got them, which is why I'm asking the question now, and if you need to consult with your staff, I'm happy to give you sufficient amount of time to do so. But I am asking, what I have number in front of me, these are your numbers, coming off your website.

SHARON GREENBERGER: I understand.

COUNCIL MEMBER IGNIZIO: And they showing a 1--let's pretend the school is anywhere, 144 percent capacity, and 135 percent capacity, along with land already under your agency's jurisdiction within that zone. Why would you go forward with the school?

SHARON GREENBERGER: Well, I have to talk to them because we'd also have to look at other neighboring schools, if their utilization, it may be that these are overcrowded, it may be that other schools are underutilized. So we have to look at--

COUNCIL MEMBER IGNIZIO: They're over 100 percent, as well.

SHARON GREENBERGER: I don't doubt you, I just don't have that information in front of me, so I'd like to talk to them and then we'll

get back to you.

COUNCIL MEMBER IGNIZIO: No, I appreciate it, I, this is certainly not a personal affront to you or your agency, but I've been told that three times now. And every time I get some sort of answer as, "We'll talk about that down the road," or--but now the rubber meets the road, because I have a budget that I need to vote on or not vote on, based upon your addressing the needs of community.

SHARON GREENBERGER: I understand.

COUNCIL MEMBER IGNIZIO: And I don't believe you are. So I'm asking the question in, not, in a not a specific, but in a rhetorical factor of how is it possible that a district with 144 percent and 135 percent capacity, along with a site, which is under your agency's jurisdiction, not eligible for a school. Mr. Chairman, please, I ask for that answer.

SHARON GREENBERGER: And I will give you that answer, I will consult with my staff, and we'll get back to you within a week.

CHAIRPERSON JACKSON: And I think that one of the questions that my colleague has

raised, President Greenberger, is that he has, he said he has asked this question at least three times over what period of time, my colleague?

COUNCIL MEMBER IGNIZIO: We've had several delegation meetings, and each time I was told "We'll get the numbers back to you, we'll get back to you--"

CHAIRPERSON JACKSON: So it's been how long since you asked the first question?

COUNCIL MEMBER IGNIZIO: Well, I've been on the Council for two years.

KATHLEEN GRIMM: We clearly don't have the information, we apologize, we'll be back to you by Wednesday.

COUNCIL MEMBER IGNIZIO: Okay, and if we can do the same for public school 48, I'd be grateful as well, for Council Member Oddo.

CHAIRPERSON JACKSON: I just ask that the, the Administration would communicate with the Council of the Education Committee, so that everything's aligned.

KATHLEEN GRIMM: Is together, absolutely.

CHAIRPERSON JACKSON: I'm still

using the word "aligned."

COUNCIL MEMBER IGNIZIO: Mr. Chairman, it's totally acceptable for me, I have no problem working through the committee, as well.

CHAIRPERSON JACKSON: Yes. Okay, anything else, Council Member Ignizio.

COUNCIL MEMBER IGNIZIO: No, I'm going to defer the rest of my time. I know there's a lot of my colleagues that have questions.

CHAIRPERSON WEPRIN: Yeah, we've been joined by some additional colleagues. We have Council Member Jim Gennaro, Council Member Gale Brewer, Council Member Helen Sears, Council Member Domenic Recchia, Council Member Rosie Mendez, Council Member Helen Diane Foster--

CHAIRPERSON JACKSON: Peter, don't forget about Peter.

CHAIRPERSON WEPRIN: And did I introduce Council Member Jimmy Vacca? [off mic] Okay, I'll introduce him again.

CHAIRPERSON JACKSON: Okay, now we're going to go to our colleague, Council Member Peter Vallone, Jr., of Queens. Council Member

Vallone, Jr.

COUNCIL MEMBER VALLONE: Thank you, Mr. Chair. Ms. Grimm, does the plan that you submitted provide a seat within the district where the child lives, for every child anticipated to need a seat during that plan?

KATHLEEN GRIMM: Could you repeat? I didn't hear the end.

COUNCIL MEMBER VALLONE: Does the plan that you've submitted provide a seat in a school within a child's district for every child anticipated to need a seat within the timeframe of that plan?

KATHLEEN GRIMM: Yes, it does. What, what we tried to refine in this plan was to address seat need on a neighborhood basis, in addition to the district basis.

COUNCIL MEMBER VALLONE: And what is the average time from, for a seat to actually exist, from the time that you plan it, put it in a plan, and it has no site, to the time it actually comes into existence?

KATHLEEN GRIMM: It depends on how, generally it depends on a few things: how long it

takes us to find the site, which can be painfully long in some areas; and then Sharon, do you want to address the construction piece?

SHARON GREENBERGER: Sure.

COUNCIL MEMBER VALLONE: Well, what was the average time in the 2005-2009 plan? Average.

SHARON GREENBERGER: To identify a site?

COUNCIL MEMBER VALLONE: Not to identify a site, to put a seat in the plan, and then have that site, have that seat exist.

SHARON GREENBERGER: I don't have that number right in front of me. I can tell you this, that in a, we, we identified and began construction on, for example, on 88 percent of the seats, in a four year period. Again, as the Deputy Chancellor mentioned, it can take some time to identify sites, based on the market conditions. We were competing in a particularly brutal market over the last couple of years, throughout the City, to identify sites. We also have to do an extensive site analysis, we do an environmental review, we do a market analysis to ensure that it

1 makes sense to site a school in that area. Once
2 we've determined that a site does make sense, and
3 we have completed our environmental due diligence,
4 then we design and construct. The average time
5 can depend, depending on the site of the school,
6 it's probably about a year to design and two to
7 three years to construct, depending again on the
8 size of the site.
9

10 COUNCIL MEMBER VALLONE: Yeah, but
11 you've been doing it a while, so I would like some
12 of those numbers, actually, about how long it
13 actually takes from once you say, "We're going to
14 get one" to when we get one. And you just
15 mentioned something interesting, you said you've
16 been competing in a brutal market, and you have,
17 and construction costs used to be a lot more than
18 they are today, too. So your new plan budgets
19 twice as much, more than twice as much money per
20 seat than the 2005-2009 plan did. That was
21 \$74,000 and change, this new plan is about
22 \$150,000 and change. So the market is now down
23 for you to purchase land, the construction costs
24 are now down. Does this plan capture those costs?
25 Or is that potentially a place that we're going to

find some new money?

SHARON GREENBERGER: We may see some savings, we'll see. We're beginning our busiest bid and award season right now. And we'll see what the bids come in as. What I would say is that what we saw over the last several years, was significant escalation; and what we're seeing right now is a holding pattern, so that the costs aren't necessarily coming down, but that they aren't continuing to rise. I will say, it's just important to remember that there are three primary reasons why we saw costs increase overall. One is that costs have increased since 2004, since the last plan was crafted. And this plan, this proposed plan, is based on actuals, so that's the actual cost of site acquisitions and others. The second reason for cost increases is because of regulatory requirements. We've seen a full implementation of all green design standards, our environmental protocols have been enhanced, there are costs associated with the building code requirements that are new, so there are new costs associated with that. And the third is that we did in fact reduce our class size, and when you

1
2 reduce the class size, you reduce the number of
3 students that can fit into a particular site. So
4 and I think we talked about this the last time we
5 were here, if we were constructing a 92,000 square
6 foot school, in the past that might have housed
7 665 children, now it would 612. So that means
8 that that extra seat need continues to exist for
9 another school. So the cost of building schools
10 has also increased on a programmatic level.

11 COUNCIL MEMBER VALLONE: I
12 understand, and those are all legitimate reasons,
13 but so are the, what I just mentioned, the
14 lowering costs of property and lowering costs of
15 construction, which should be built into the plan
16 is my, is my suggestion, and I'm sure you'll work
17 with us on that. I've got a lot of questions,
18 obviously, about my own district, but I'll save
19 that for a meeting between us at a future date,
20 and let's get to my colleagues.

21 SHARON GREENBERGER: We'd be happy
22 to meet.

23 COUNCIL MEMBER VALLONE: So thank
24 you.

25 CHAIRPERSON JACKSON: Thank you,

Council Member Vallone. And next we're going to hear from Council Member Lappin from Manhattan.

COUNCIL MEMBER LAPPIN: Thank you, Mr. Chairman. I have been talking a lot to some of you, and to others in the Department, over the last few weeks and, and months, about both our current crisis and the next capital plan, and I don't think it's a surprise to any of you that I'm pretty angry about where we are with our waitlists. And before I discuss the specifics of the capital plan, 'cause that's really what I want to get into, now that we are looking at a neighborhood level, which I think is great, I just don't think this addresses our need in, on the Upper East Side, at all. So I want to specifically discuss that. But I wanted to just go back to something Ms. Grimm said in her testimony about the new PS 151, which I do think is a great victory, although very long time coming, but you said that this new school, combined with G&T, will greatly reduce the waitlists. But that's not actually accurate, because those 80 kids would be on a waitlist, if we weren't building a new PS 151--we'd have 230

kids on the waitlist instead of 150. So, that new school isn't going to reduce the number of kids who are currently on the waitlist. And that sort of takes me directly to the projects in the plan. I see project six not sited, 126 seats, projected to open in 2013. Is that PS 151? What is that?

SHARON GREENBERGER: No, that's not 151, that's a new project that has not been identified. So that's the seat need that exists in that district that we need to identify a location for.

COUNCIL MEMBER LAPPIN: So, how did you come up with 126 seats?

SHARON GREENBERGER: I think 126 is based on what we'd seen as the overall need, and I think there are other projects that are absorbing a portion of that need, in that area. I don't, I'm looking for the, the chart, so bear with me.

COUNCIL MEMBER LAPPIN: While you look for that, I'm going to turn to Jamie, 'cause I'm on the clock. Part of the big plan for the last five years, is PS 59 in tandem with MEETH. MEETH is open, but it doesn't do us any good if we don't have a new PS 59, which is stalled, and at

1
2 least six months delayed. So, I'd like to have an
3 update on that project, and I'd like to know, well
4 let's start with an update on that project.

5 KATHLEEN GRIMM: Jamie, you want to
6 update us.

7 JAMIE SMARR: Well, right now we
8 are, the PS 59 Art and Design High School project
9 is obviously an initiative of the Educational
10 Construction Fund. We have been in negotiations
11 with the developer. We've wrapped up those
12 negotiations, so we know what the current
13 financial standpoint of that project is. So I
14 think in the, in the next, you know, week to ten
15 days, we will be in a better position to brief you
16 about how we think that project will or will not
17 be carried out. But in any circumstance, if the
18 project cannot be carried out, we would naturally
19 then look to actually, they would capitalize on
20 the capacity that we plan to create from that
21 project, by just restoring the original location,
22 so that it could be used - -

23 COUNCIL MEMBER LAPPIN: Hasn't it
24 been demolished?

25 JAMIE SMARR: It has not.

COUNCIL MEMBER LAPPIN: So the school is intact.

JAMIE SMARR: It is.

COUNCIL MEMBER LAPPIN: Okay. I, I can't tell you how, I would really hope that that is not an option, because this community has been looking forward to and promised a new facility, both to add 200 seats of new capacity, but also to rebuild what is an old structure. And then MEETH was supposed to add capacity. So, I really hope that that's not an option, and that in seven to ten days you tell me that you have made a favorable deal with the developer. And, and I had emailed you, I appreciated the update last week, I asked for weekly updates, you didn't respond to that email. So if you could give me weekly updates on the status of that project, I would appreciate that. And can we go back to project six?

SHARON GREENBERGER: The plan had identified 500 seats in the, in the Upper East Side. The MEETH project itself has 374 seats, so the difference is that 126 seats that remained to be sited in that zone.

COUNCIL MEMBER LAPPIN: Okay. I, I would just say, with my 53 seconds, that I don't think that's enough. And I, and not because I just don't feel like it's enough, but because we have buildings that are well over capacity, before we had waitlists, before we had this new enrollment process this year. We've got buildings over 150 percent of capacity, that have no cluster rooms, that have long since lost their rooms. And when I had a meeting with Deputy Mayor Wolcott and somebody in the room said, "Well, we'll just walk around and we'll see if there's any extra capacity in these buildings for some of these kids on the waitlist," I was flabbergasted because it just showed a complete lack of understanding of the overcrowding in those buildings, before we had all these kids on waitlists, and before we found a new PS 151. So, and by the way, these kids that are in kindergarten now, they're going to be in first grade next year, and they're going to be in second grade the year after that. So, getting rid of our one pre-K class is not going to solve the problem. We have got to find more seats on the Upper East Side in this plan.

SHARON GREENBERGER: And I would just add that we do, this is one of the reasons that we look at our projects every year, and that we amend our projections every year, and that we follow trends. And if you remember in the current plan, we watched them for a couple of years, and where we saw trends increasing, or decreasing, we then amended the projections. And we did reallocate resources to make sure that where we saw the most significant need, that we had allocated, resources allocated there. And we will, we've committed to doing that, and we will continue to do that on an annual basis.

CHAIRPERSON WEPRIN: Council Member Gerson.

COUNCIL MEMBER GERSON: Thank you, Mr. Chair. As one who's office participated in the district two war room, I certainly concur with you assessment that the process worked well, and of course you and your team contributed to that well worked process. In particular, the most recent success in finding temporary space for the young people on the waitlist for PS 3 and 41. So with respect to that, a) is the temporary space

contract, signed, sealed delivered; and--

KATHLEEN GRIMM: It's in negotiation.

COUNCIL MEMBER GERSON: Okay. But we're optimistic.

KATHLEEN GRIMM: But we're very, we've very optimistic, very optimistic.

COUNCIL MEMBER GERSON: Okay, so we'll leave it at that. And then could you explain how, how the capital plan will, in the long term, alleviate that situation and the PS 3/PS 41 Greenwich Village/SoHo/North Tribeca area, by creating capacity. Or will it?

SHARON GREENBERGER: Well, again, we have the Foundling School that will come online, in several years, and we have another project that's not yet sited, for an additional 368 seats, in that same area, that's project number two in the plans. So we do have a team working right now to identify sites for a longer term solution.

COUNCIL MEMBER GERSON: And, and that 368 site, once an appropriate location is sited, I don't know, we've participated in some of

those discussions as to potential sites. But the, the plan does provide capital funding for that.

SHARON GREENBERGER: That's correct.

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER GERSON: Okay. The Beekman and Battery Park City K to 8 schools, I take it they're on schedule.

SHARON GREENBERGER: It's on schedule, yes, it's beautiful.

COUNCIL MEMBER GERSON: Terrific.

SHARON GREENBERGER: I know you go by, it is beautiful, it's scheduled to open in September 2010.

COUNCIL MEMBER GERSON: And, and we're, we're all looking forward to that. Now, now I hope you'll, you'll add an even wider smile to my face. The Millennium High Scholl Gym, we spoke about that at the preliminary hearing. I asked that we aim by the FY'10 fiscal year to have a plan. Do we?

SHARON GREENBERGER: Well, we are looking, as you know. Our real estate department I think has been talking to you recently about

looking for alternative sites, besides this, the building where Millennium is, is housed. I can ask for an update on that. I know they identified one very good potential, so I will find out where that is.

COUNCIL MEMBER GERSON: And--

SHARON GREENBERGER: Where that is in the process.

COUNCIL MEMBER GERSON: And actually, now, the funding for that gym, will that be a carryover of the current plan, or has that been added as a new item in the proposed new five year plan?

SHARON GREENBERGER: well, I know that you allocated resources, as, as did the Speaker's--

COUNCIL MEMBER GERSON: And Speaker Silver.

SHARON GREENBERGER: --offices, those will be carried over, and I'd have to just check on the specifics about whether on not funds would carry from this plan or be used from the next plan.

COUNCIL MEMBER GERSON: Okay, could

you get back to our office--

SHARON GREENBERGER: Yes.

COUNCIL MEMBER GERSON: --on that, and also on the update on the site search. And so maybe we could give that school some very good news before the summer break. So let me then expand the discussion division. As you know, we've been talking for a while, and of the need for a citywide plan to assure that all of our students have access to a real gym, a full-fledged gym, not a makeshift. And so can we say that the five year capital plan assures, assures that, in the form that either each school building will have a full fledged gym, or where we have clusters of buildings in close proximity, students in those buildings will have access to a full-fledged gym in a good state of repair. Is that one of the specific goals of the five year capital plan? And if it is a goal, how, how far along does the five year capital plan go to meet that goal?

KATHLEEN GRIMM: It is, it is unfortunately not a goal of the plan. We do not contemplate having a full gym in every single building. We certainly aim to have some kind of

multi-purpose room, it does not meet your goals and your vision of a full-fledged gym. We'll continue to look at options that you propose in terms of clustering schools, but it, I, we have to say that the, the plan does not contain resources to assure a full gym in every building.

COUNCIL MEMBER GERSON: Well, Deputy Chancellor, I appreciate your frankness on this point, even as I am disappointed. Mr. Chair, in the 20 seconds remaining, and by the way I do appreciate this rotation system, I strongly urge that the Council and the Administration get together and that we not pass a plan that does not include a gym for all kids. We as a City are talking out of two sides of our mouths, wherein on one hand we talk about the emergency with respect to child obesity, fighting diabetes, fighting all of the other ailments directly related to lack of physical fitness; and on the other hand, we're not, as a City, providing sufficient resources so that we even have the goal of assuring physical fitness facilities for every child. And you know, and my mother's, who is a retired phys. ed. teacher, she'll yell at me if I don't make the

point that a multi-purpose room is not the same as a gym. It doesn't serve the purpose, it doesn't serve the health and the fitness needs of children. So we have a few weeks left, and I cannot in good conscience, Mr. Chair, in addition to the points that you raise, with which I agree, I cannot in good conscience vote for a five year plan, a plan which does not set forth physical fitness facilities as a goal. I hope we will correct that in the next few days and weeks. Thank you.

CHAIRPERSON WEPRIN: Thank you, Council Member. Council Member Koppell

COUNCIL MEMBER KOPPELL: Thank you. Let me start off in a positive note, and thank--

KATHLEEN GRIMM: Thank you.

[laughs]

COUNCIL MEMBER KOPPELL: --Deputy Chancellor Grimm for her cooperation. We've accomplished a number of things in the last year, including the new Jonas Bronck facility, which I still haven't had a chance to visit, 'cause they didn't let me in. [laughter] Hopefully you'll arrange for me to get in.

KATHLEEN GRIMM: You'll be the first visitor.

COUNCIL MEMBER KOPPELL: A commitment to a new school in Norwood, which is so important, and I might just parenthetically say, I think we need more, I don't think that new school's enough for Norwood, I think we have to look at perhaps another building, or maybe an annex to PS 56. And the movement of the, the return of the annex to PS 24, which was so important in Riverdale, and I know that was difficult. And I really appreciate your, your work on that, and we're now working with you on the possibility of a, a new school in North Riverdale, which I know you're looking at actively, and we want to look with you, to decide where that's need to go, whether that should go. But let me focus on the most important thing, which I've talked about forever, and that is the Kingsbridge Armory, and school sites at the Kingsbridge Armory. Finally, finally, finally, after many, many years, we have movement on moving the National Guard out. And there are hearings underway to move the National Guard from the two

buildings which are no really part of the armory, but they're right next to the armory, to a new site also in my district, on Near Reed Avenue, which is being vacated by the, by the Army Reserve. So it's, it's sort of a perfect movement 'cause the Army Reserves use it basically for the same purpose as that the National Guard uses the space at the Armory. And that's moving along. And what, what we would like to see, and I speak for myself, I know I speak particularly also for Council Member Baez, because actually the Armory's in her district, across the street from my district. And children from Council Member Rivera's district, also would be affected. So the three of us particularly in The Bronx delegation has made this an objective, all of us--We'd like to see a commitment in this capital plan for at least two new schools at the Kingsbridge Armory site. I recognize that's some years off, but this is a five year plan. And, you know, maybe this should be near the end of the plan, given the fact that moving the National Guard will take some time. I'm not saying I want that, but realistically it's certainly not going to be in

1
2 the next year or two, because the National Guard's
3 going to take a while to get this done. But it
4 should be part of this five year plan. And this
5 is what the community has been begging for since
6 the Giuliani Administration. We initially had a
7 commitment from Giuliani to do it. Assemblyman
8 Rivera had that commitment, and it sort of fell by
9 the wayside. So, this, Mr. Chairman, I, this is,
10 you know, this is a major, glaring hole in the
11 five year plan. And can we do something about
12 that?

13 KATHLEEN GRIMM: Well, I think we
14 can have some discussion about it. I, I do agree
15 with you, it's not going to happen in the next
16 year or two. So as we move through this plan, I
17 think we'll want to have discussions, and take a
18 look at the viability. And the need, frankly,
19 we'll have to look at what the need is.

20 COUNCIL MEMBER KOPPELL: Well, I
21 was hoping it would be put in as a, as a part of
22 the plan. I mean, could always be adjusted, but I
23 think the need is there, if we look now. For
24 instance, and I've said this many times, I know
25 you've heard it. Near the Kingsbridge Armory is

1 school 256. It is a disgrace that anybody's going
2 to school there. That was a former residential
3 facility for the blind, the classrooms are tiny,
4 the auditorium seats 90 kids, in a school of
5 hundreds and hundreds of kids, the auditorium
6 seats 90 kids. It's a ridiculous building, it
7 should've been torn down 25 years ago. And it's
8 still open with kids in it. So, if you say "Is
9 there a need," yeah, I think there's, there'd be a
10 need for one school just to replace that school.
11 And then we're talking about that we believe there
12 are additional, definitely additional needs. So,
13 that's my plea, and just one last thing because
14 Councilman Gerson was articulate on the physical
15 facilities. Are you building any new schools
16 without gyms?

17
18 KATHLEEN GRIMM: No new buildings.
19 No new buildings without a gym.

20 COUNCIL MEMBER KOPPELL: I
21 understand that it's probably impossible;
22 unfortunately the Giuliani Administration built
23 five new schools in my district before I was the,
24 was avail--able to stop it, without gyms. And
25 it's, it's, it never should've been permitted, it

was done because there was a rush to add new seats. And I know that it would be very expensive and probably impossible to put gyms in those buildings, so I appreciate. But new schools in my opinion should not be built without gyms.

KATHLEEN GRIMM: We agree.

COUNCIL MEMBER KOPPELL: Great, glad to hear that. Maybe we should tell Councilman Gerson at least that. Maybe [laughter]

KATHLEEN GRIMM: That's not enough for him. [laughter]

COUNCIL MEMBER GERSON: Ten second clarification, Mr. Chair? And I do appreciate that, but the correlated question: Are we, are we leasing space for new schools without gyms?

KATHLEEN GRIMM: Sometimes we do that.

COUNCIL MEMBER GERSON: Okay.

KATHLEEN GRIMM: The space does not permit us the luxury of a gym.

COUNCIL MEMBER GERSON: So even though we're technically not building, we are through leasing, creating schools without gyms, and that's why that is not good enough for Council

Member Gerson. Thank you.

CHAIRPERSON WEPRIN: Thank you,
Council Member. Council Member Garodnick?

COUNCIL MEMBER GARODNICK: Thank
you, Mr. Chairman, and Deputy Chancellor, and your
team. Thank you for being here. I just wanted to
ask you, Ms. Grimm, if I heard you correctly in
response to the question from Peter Vallone, I
think you said that it was your view that there is
a seat for every kid based on need in this five
year capital plan. Did I hear you correctly?

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER GARODNICK: Okay.

KATHLEEN GRIMM: May I--

COUNCIL MEMBER GARODNICK: If you
want to hedge, go ahead, let's hear it.

KATHLEEN GRIMM: To be perfectly
clear, I don't want to hedge, I just want to
clarify.

COUNCIL MEMBER GARODNICK: Please.

KATHLEEN GRIMM: There is a seat in
this capital plan for every child where we see
need. That is a very, we go through, however, a
very thorough process, neighborhood by

neighborhood, and in fact have done it in conjunction with some of you, where we have actually looked at schools in a neighborhood, looked at what the need was, what the differences were in different schools, what options were in terms of grade reconfiguration, maybe rezoning, different kinds of solutions, and then when we finally say we've exhausted all those creative things, now we have to build seats.

COUNCIL MEMBER GARODNICK: Okay.

KATHLEEN GRIMM: So in that sense, yes.

COUNCIL MEMBER GARODNICK: Okay, so, let's talk about need for a moment, because I think some of us are not completely persuaded by the fact that this plan satisfied the need. I will just point to you, the Department of Education's own figures, which estimate that there's going to be an eighteen-and-a-half percent increase in the number of kids in district two between 2005 and 2015, and that today we are already 1,000 students over capacity in the Upper East Side elementary schools. And that as you pointed out in your testimony, right now there are

a 152 students who are currently on a waitlist for kindergarten. Now, obviously I don't need to make this point to you because we make it to you all the time. And I know that you appreciate the challenges. But what I don't understand is how can, how can we say that in this plan, which has seats as I see it for this Project Six, which is, you know, 126 seats, and also for the Con Ed site, how that addresses this eighteen-and-a-half percent increase over a ten year period, some of which has passed. How does it do that? How do we get there?

KATHLEEN GRIMM: I don't know if the eighteen--We have, what 6,000 seats that are coming online in district two. I mean--

COUNCIL MEMBER GARODNICK: But remember, we're talking about neighborhoods here.

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER GARODNICK: We're talking about neighborhoods, and we're talking about a specific--

KATHLEEN GRIMM: Yes, especially--

COUNCIL MEMBER GARODNICK: -- neighborhood in district two.

KATHLEEN GRIMM: Right.

COUNCIL MEMBER GARODNICK: So I want, and I know that you all are now assessing these things based on neighborhood. And I'm pointing this out to you about our thousand students over capacity situation in the elementary schools today; and the fact that we have those kids on the waitlist in kindergarten. How are we satisfy--how are we getting there? How does this plan deal with that? How do the number add up so that if we were to look at this, as we are doing right now, and saying, okay, well we would all very much like to be able to authorize or support or allocate, whatever it is, and we can ask our lawyer to figure out what it is exactly, the action is we're taking. But how do we support a plan where we can't feel absolutely confident that the numbers line up between the actual needs in a neighborhood where we're constantly dealing with this concern, and the plan that's put before us.

KATHLEEN GRIMM: Well, we can keep talking about it, and we certainly have over the last year-and-a-half. And you and your colleague, Council Member Lappin, actually initiated the

conversations with us, I remember that meeting at Tweed. We are addr--we are doing a lot of things. We have, we are creating a school for 151, a school that was just closed down in 2001, and never replaced. We have Jamie's project on 91st Street is going to be opening up, where we're going to be moving the East Side Middle School out of 158. So, we've got a lot of things that are happening. I'm not saying to you, "This is a whole plan for the rest of our lives, and this is going to do it," we're going to have to keep working at this--

COUNCIL MEMBER GARODNICK: But are-

-

KATHLEEN GRIMM: --and watching the data.

COUNCIL MEMBER GARODNICK: But are you saying that it satisfied the need even in this next five year period?

KATHLEEN GRIMM: Well, we do. Yes, we think it does.

COUNCIL MEMBER GARODNICK: Okay.

KATHLEEN GRIMM: If it doesn't, you don't think it does--

SHARON GREENBERGER: Along, along
with the facilities - -

KATHLEEN GRIMM: Along with all of
the other things we were talking about:
facilities realignment, grade reconfigurations,
maybe rezoning. It's very complicated.

COUNCIL MEMBER GARODNICK: Okay,
let me, let me follow up with you on that point
about 151 that you just made a second ago, because
obviously you are honing in--and we appreciate by
the way, by the way, your work on 151--honing in
on a temporary space for, for that school. I, the
discussion about where it will be permanently held
is still an open question. Correct?

KATHLEEN GRIMM: Correct.

COUNCIL MEMBER GARODNICK: Now,
from all of our discussions, the temporary space
is a two or three year solution. I don't see the
permanent solution in this five year plan. And
three years comes within that five year period.
So where is the money? Or where is the plan for
the permanent seats for 151.

KATHLEEN GRIMM: Well, the money's-

-

SHARON GREENBERGER: The money's there.

KATHLEEN GRIMM: Oh, yes.

SHARON GREENBERGER: It will come out of the replacement funding. It would come out of the replacement, the \$1.2 billion allocated for replacement sites.

COUNCIL MEMBER GARODNICK: Okay. So you have the, you have that dollar set.

SHARON GREENBERGER: It's funded.

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER GARODNICK: Now why are those seats not set out in the plan, though? The seats are not in there.

SHARON GREENBERGER: Because they're not, they wouldn't, they're not considered new capacity seats. These projects that are listed, whether it's Project Two, the 35th Street, those are the new capacity seats.

COUNCIL MEMBER GARODNICK: So 151, I'm sorry, and this is my last thing, 151 is not considered new capacity.

SHARON GREENBERGER: Oh, no, new capacity, no, no, no, I'm sorry, 151 is.

COUNCIL MEMBER GARODNICK: It is,
but I don't see it in the plan.

SHARON GREENBERGER: No, it's, it's
here.

KATHLEEN GRIMM: It's there.

COUNCIL MEMBER GARODNICK: Okay,
what is it listed under in your form?

SHARON GREENBERGER: PS 151.

COUNCIL MEMBER GARODNICK: Okay,
well I don't have that in the handout that you
just gave to us.

SHARON GREENBERGER: 500--Well--

COUNCIL MEMBER GARODNICK: So,
alright, well we'll, we will have to, to revisit
that, 'cause we don't see seats there. I see a
number of 500 for the MEETH annex, I see 738 for
the Con Ed site. I don't see, I don't see number
in the papers that--

KATHLEEN GRIMM: It's definitely
there.

SHARON GREENBERGER: 544.

COUNCIL MEMBER GARODNICK: Okay,
good, well then we're, we'll, we will look forward
to evaluating that with you, but--And talking

about that need question, 'cause we got to be comfortable with that.

KATHLEEN GRIMM: Good.

COUNCIL MEMBER GARODNICK: Thank you.

KATHLEEN GRIMM: Okay.

CHAIRPERSON WEPRIN: Thank you, Council Member. Council Member James?

COUNCIL MEMBER JAMES: Thank you. Deputy Commissioner, we just sat, or I just sat for five hours at a hearing prior to this hearing on the Dock Street Project, which as you know is a public/private partnership where the developer, Two Trees, anticipates building a middle school, some affordable housing, market rate housing, in Dumbo. There were 100 some odd witnesses who testified, and it was pretty much evenly split. And there was a moment there where it was a "gotcha" moment where Council Member Gioia pulled out a smoking gun, and that was some emails between Council Member Yassky and School Construction Authority, with regards to an email from someone at the School Construction Authority, who indicated that they did not analyze other

1
2 alternate sites, because they wanted to SEA
3 supported, the, the Two Trees development, and
4 therefore they were not analyzed properly. The
5 individual who was here, who's name escapes me at
6 the moment, indicated that it was taken out of
7 context. Perhaps Ms. Greenberger or Ms. Grimm,
8 you could speak to whether or not that was a
9 smoking gun, a "gotcha" moment, whether or not
10 that email was taken out of context, and whether
11 or not there was a thoughtful analysis of the
12 alternate sites in Dumbo for a middle school.

13 SHARON GREENBERGER: I'm happy to
14 speak to that. I also do have a copy of a letter
15 that was sent to Council Member Yassky this week,
16 outlining the process that we did undertake, in
17 looking at a variety of sites, as a potential, as
18 alternatives to the Dock Street site, that
19 concludes that we did do a thorough analysis and
20 we evaluated all of the options that we were
21 presented with, in a diligent way. So I'm happy
22 to send that to you. I think that the email that
23 was shared, and that was also shared at the
24 previous hearing, was taken out of context, and if
25 looked at within the inventory of other emails

around this project and around the communication around this project, would be seen as, as not an indication of a question of integrity about our process. We, we have always followed a process that is, that is appropriate and fair, and that is exactly what we did in, with the Dock Street, and that's what this letter outlines.

COUNCIL MEMBER JAMES: I would urge you to, to provide a copy of this submission to Council Member Gioia and to Council Member Jackson, and to Council Member--Chair Avella.

KATHLEEN GRIMM: We'll provide it to the staff, and it can be distributed to everybody, absolutely.

COUNCIL MEMBER JAMES: Thank you. My next question has to do with, there were some questions with regards to the savings to the taxpayers as a result of Two Trees going forward with this middle school. And the gentleman was not sure of the exact amount of the savings. Would you happen--

SHARON GREENBERGER: Well, it's hard to calculate the exact amount of savings because you're comparing it against a

hypothetical.

COUNCIL MEMBER JAMES: I see.

SHARON GREENBERGER: What we have said, and what we said from the very beginning, is that we support this project because, because of the cost savings it provides us in a time of economic crisis. So, the developers have provided for the land, so that means that we do not have to expend public resources on acquisition costs, and for the core in shell [phonetic]. And so that on a comparative basis to any other project is a significant cost savings. And that is why we have said from the beginning that we have a fiscal responsibility to pursue this project, because of the cost savings in this climate, where every dollar has to count for twice as much. And where we can save funding here, those resources can be allocated to another area with extreme need as well.

COUNCIL MEMBER JAMES: And if, and I believe it was Council Member Jackson who asked the question at the hearing, whether or not the Dock Street project was included in the five year capital plan, and I recall that it was. Am I

correct?

SHARON GREENBERGER: It is.

COUNCIL MEMBER JAMES: Okay.

SHARON GREENBERGER: It is.

COUNCIL MEMBER JAMES: And how, and how much funds are put in the five year capital plan for the core and shell of the Dock Street project.

SHARON GREENBERGER: Well, there's, there are budget numbers assigned to projects. Those are placeholder numbers only, and they are used based, they are developed based on averages and based on the actuals that we have seen in this plan. And so you shouldn't treat it as funding for this area. What's allocated to district 13 is seats. There are seats allocated on a need basis, and the funding for it is a placeholder. So what we're saying is that we're committed to developing the seats, because of the financial deal that Two Trees has presented to us. We support this project for this area.

COUNCIL MEMBER JAMES: And there's, and there is, is there a need for a middle school in 13?

SHARON GREENBERGER: Is there a--?

COUNCIL MEMBER JAMES: Need for a middle school at--

SHARON GREENBERGER: This plan identifies a need for a middle school in district 13.

COUNCIL MEMBER JAMES: Thank you.

I want to go onto some other question/issues.

There was a press conference that I held two days ago at middle school 117, 300 Willoughby. Let me just at the outset state that I believe, I support the notion that children learn better in smaller learning environments. However, I don't believe that those learning environments should all be in one building. 117 has five schools. I know 117 is being phased out next year, but it has led to some tension inside the building and outside the building, which is, which was the subject of the press conference. And so, if we could just look at the census and the capacity at 300 Willoughby, formerly known as 117, where there are middle and high school students, and where there have been some tensions and some incidents, I would greatly appreciate that.

CHAIRPERSON WEPRIN: Thank you,
Council Member.

COUNCIL MEMBER JAMES: Last
question is Medgar Evers Preparatory School, there
is no gym, there is no auditorium, and despite
that we have had two African-American males who
graduated valedictorian and salutatorian, both of
them are going, have been accepted to med school.
Despite the limitations, those children have, are
rivaling the test scores of that of Brooklyn Tech,
and that of Stuyvesant. It's a story that needs
to be told, and I will be telling it. I don't
think anywhere have we had two black males
graduate as a valedictorian and salutatorian, one,
one from, one that was just accepted to Brown, the
other one NYU, joint programs to med school. You
can, you can look forward to my press conference
next week on that.

CHAIRPERSON WEPRIN: Thank you,
Council Member.

COUNCIL MEMBER JAMES: And so I
thank you again, and if we could get a gym for
them, and a auditorium, that would be greatly
appreciated. Thank you.

CHAIRPERSON WEPRIN: Thank you.

Council Member Gale Brewer of Manhattan.

COUNCIL MEMBER BREWER: Thank you very much. Maybe Robert Jackson covered this, but how do you decide if a school has a kindergarten, more students are on the waiting list--At what point is it stay at 20? Do you divide up? How do you make those determinations? Because obviously what we're worried about is not just class space, but overcrowding. In other words, if you have a situation where you have an overcrowding in PS 166, we're hoping that people go to G&T, but you know, you don't want to end up with 28 kids and it's not, you can fit them in, but it's not appropriate. How does that get determined?

KATHLEEN GRIMM: It--We have to watch it. We have to, and I think going forward do a slightly better job of making sure all our processes are being integrated. For example, maybe trying to get our G&T done a little earlier, so that maybe--

COUNCIL MEMBER BREWER: Maybe, definitely, and then don't lose them at PS 9. Go ahead.

KATHLEEN GRIMM: Keep pushing us on that, we really need to do that. And what we do is, we look at a building's capacity, and what we think the demand is going to be. And at the various programs and different kinds of seats we have; for example, the gifted and talented.

COUNCIL MEMBER BREWER: Okay, because I think that's, needs more clarification, and we definitely need to get G&T to have a different timeframe. The other question is pre-K and kindergarten, how many, are all schools supposed, all elementary schools supposed to have a pre-K?

KATHLEEN GRIMM: No, we simply don't have the capacity for that. And in fact when that program was begun, I think in the late '90s, much of the supply was really provided by not-for-profits. We are certainly very supportive of pre-K in our public schools, and look forward to enhancing that, as we go forward.

COUNCIL MEMBER BREWER: I understand that. Are there, what is, I mean, this is expense and capital. But can any of the money that we send back for pre-K be used to help with

some of these overcrowding issues?

KATHLEEN GRIMM: The money we send back for pre-K could be used to help so many different things, overcrowding certainly being one of them.

COUNCIL MEMBER BREWER: Right. The issue of neighborhood or, are we now a neighborhood south of 96th Street in district three?

KATHLEEN GRIMM: What is the name--

COUNCIL MEMBER BREWER: We're trying to make, we are trying to point out that we are overcrowded in district three. We've been trying for a very long time.

KATHLEEN GRIMM: We will continue the conversation with you on where the neighborhood lines are.

COUNCIL MEMBER BREWER: Alright. So then that begs the question of, if 199 could end up with now six, eight kindergartens, could potentially have twelve, how would you suggest dealing with that?

KATHLEEN GRIMM: We're looking at, we're looking at that, and looking at it with you,

I hope, and--

COUNCIL MEMBER BREWER: Twelve kindergartens is a lot of kindergartens.

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER BREWER: Okay. So, are we any closer to Riverside South, or we're still looking at it?

SHARON GREENBERGER: We're still looking at it, and we are in conversations with the developers to understand their plans and the timing and what the impact of those plans might be.

COUNCIL MEMBER BREWER: Okay. And what about Beacon School that leaks and makes everybody crazy?

SHARON GREENBERGER: We received a counterproposal from the landlord, which we're reviewing right now, to extend the lease. We're optimistic that we'll reach agreement in a short period of time.

COUNCIL MEMBER BREWER: And why can't we have some other rooms in 80 West End Avenue/GHI/TWU, also owned by the same owner? We need more space in that room, in that building

also.

SHARON GREENBERGER: Right. Right now our efforts are focused on renewing the lease, not expanding the capacity of the school. So, our focus really has to be on getting that done first.

COUNCIL MEMBER BREWER: And what do you think the timing is on that lease renewal?

SHARON GREENBERGER: We're looking to extend the lease I think through 2015, so--

COUNCIL MEMBER BREWER: But when might the negotiations--

SHARON GREENBERGER: Oh, we're in negotiations right now. As I just said, we just received a counterproposal, so we're optimistic that we'll be able to resolve that.

COUNCIL MEMBER BREWER: Okay, and, and then just finally, the PS 166 issue, how do you think that will resolve itself? Just G&T?

KATHLEEN GRIMM: We do.

COUNCIL MEMBER BREWER: Okay.

KATHLEEN GRIMM: We do think so.

COUNCIL MEMBER BREWER: Alright, and then the issue of the East Side, the West Side, other communities have the same problem with

figuring out a way that the new buildings will be part of a discussion. Will that be ongoing in the future?

KATHLEEN GRIMM: Absolutely.

COUNCIL MEMBER BREWER: Alright, thank you.

CHAIRPERSON JACKSON: Thank you, Council Member Brewer. I have a couple of questions, and then we're going, I'm turning to my colleague, Jessica Lappin. One quick question is, it was mentioned that there's a kindergarten waiting list in district two. Are there waiting lists in all the other 31 districts for kindergarten? And have you identified those districts and what the waiting lists are in those districts?

KATHLEEN GRIMM: We're in the middle of that process right now, and we'll get that information for you as soon as it's finalized.

CHAIRPERSON JACKSON: Okay, well--

KATHLEEN GRIMM: We do not expect there to be wait lists in, in all districts.

CHAIRPERSON JACKSON: How soon, how

soon will you have that information?

KATHLEEN GRIMM: I hope we have it next week.

CHAIRPERSON JACKSON: Okay. Can you please share with us as soon as it's ready?

KATHLEEN GRIMM: Absolutely.

CHAIRPERSON JACKSON: Okay, thank you. Now, in 2001, Justice Leland Degrasse identified a flaw with the capacity and how it was calculated, and I just want to read from that decision. And it says, it was dated January 10, 2001. And it says, "Overcrowding is even worse than indicated above, because the ECU formulas actually overstate schools' capacity. This inflation occurs--"

KATHLEEN GRIMM: ECU?

CHAIRPERSON JACKSON: "--because the formula adjusts for overcrowding by adding to school capacity non-classroom spaces, if such space is in fact used for classrooms. For example, if a crowded school is forced to convert its gymnasium or auditoriums into classroom space, the capacity formula indicates increased capacity." This is quoting directly from his

1 decision. So my question to you is, is my
2 understanding, there is no provision in the annual
3 building facility survey for a principal to
4 indicate that an instruction space, which was
5 formerly a specialty room, such as an art room or
6 music room; therefore the building capacity
7 numbers are inflated by the numbers of students in
8 each of these converted space. Given, given that,
9 how do you plan to remedy that, as far as so that
10 principals or others will be able to say that,
11 that this classroom at IS 218, which is up in
12 Washington Heights in Inwood, that was formerly a
13 dance studio, which has mirrors and floors and
14 bars, are being used as a classroom.

16 KATHLEEN GRIMM: First I have to
17 say I'm not sure what you're reading from, is
18 totally inaccurate.

19 CHAIRPERSON JACKSON: I'm sorry--

20 KATHLEEN GRIMM: It is totally
21 inaccurate.

22 CHAIRPERSON JACKSON: Well, as far
23 as what I'm reading, you mean the quote from
24 Justice Leland Degrasse?

25 KATHLEEN GRIMM: Our capacity today

dos not--

CHAIRPERSON JACKSON: No, no, let me, let me just clarify. You're saying what I'm reading is inaccurate. I read to you a quote from the decision of January 10, 2001, from Justice Leland Degrasse. Now you, are you telling me that that is inaccurate?

KATHLEEN GRIMM: For today, we do not do that today.

CHAIRPERSON JACKSON: Okay. Well what do you do today?

KATHLEEN GRIMM: Today what we do is we look at, first of all we do not add TCUs; we take every building and we say every building, every elementary school, for example, should have X number of cluster rooms; we factor that in. The Blue Book, for example, carries what we call our "target," and that means that we're looking at that school saying, "If this school had use of all of its cluster rooms, what would it be at?" That's our target because we want those cluster rooms used as cluster rooms.

CHAIRPERSON JACKSON: Right, because that's what you said in this current five

1 year plan, that all of these cluster rooms would
2 basically under the, this current plan, would be
3 eliminated, meaning put back to what their uses
4 were, and, and all schools in the City of New York
5 with K to 3 would be no more than 20 students, and
6 all the transportables would be gone. And I know
7 that we've had this discussion where some
8 principals would say, "Hey, considering the
9 situation, let's keep these transportables." But
10 your current five year plan, going back to when it
11 first started, promised that this would occur by
12 the end of the plan, which has not occurred.
13 Aren't you, aren't you, you agree with me that the
14 goals identified in the beginning of the five year
15 capital plan have not been achieved.

17 KATHLEEN GRIMM: Nor, as we said
18 then, at the beginning, will they be achieved
19 until all of the projects in this plan have come
20 online.

21 CHAIRPERSON JACKSON: But you know,
22 when you talk about, we're talking about, when you
23 say "We have a five year capital plan," you're
24 talking about five years, not nine years, five
25 years.

KATHLEEN GRIMM: Well--

CHAIRPERSON JACKSON: No, you know, no, no, no, I'm very serious. When people identify five years to 2009, you know, there's not an assumption that 8,000 seats or X amount of schools are not going to be built for another three or four years after that. That's just unrealistic to parents, to communicate that to people. And to say, and you said, I believe in your opening statement, in your, in your statement, that 80,000 seats, I believe you said, will be built with these two five year capital plans. Now, you know one thing? I hope you're right. But based on past history, that, that, what you said, will probably not be true, because it will be rolled over into the next five year capital plan. And that type of communication is totally unacceptable, it's not realistic. It's not realistic. It's not realistic on this five year capital plan, it wasn't realistic on the previous capital plan. And all I want DOE to do is realistically communicate to people what the deal is going to be. And that's all people are asking for. And so, when you talk about capacity

and the survey, that the principals must use, there's nothing in there that says, "Was this space previous--" or let me ask the question. Is there anything that says that this previous space was used for an art room, a music room, assistant principal's office, or anything else, going back to when the building was built?

KATHLEEN GRIMM: Our Blue Book analysis takes into account the need for every school to have these cluster rooms. I do want to say, as to the five year plan, that's what we got, is a five year plan. That's the construct of the State legislation, that's what we have. It's a five year--and it is subject, I agree with you completely, Mr. Chair, it is not an easy message to put out there, and we look for your help in getting it out there. The State law calls for a five year of appropriation. Those appropriations are made, but the building, the actual construction, takes much longer. And it happens with each plan. And when you say, based on the track record, I'll stand on the track record of this current capital plan, we have done a good job of implementing and carrying out these projects,

at a level that hasn't been seen in this town ever.

CHAIRPERSON JACKSON: It's been seen during the Great Depression, it's not true what you said that it's never been seen before. And you know it. Just look at the statistics--

KATHLEEN GRIMM: - - under the, under the legislation of the School Construction Authority.

CHAIRPERSON JACKSON: Ahhh, that's a different story, because previously you said that this had been the most construction of schools ever in the history of New York City. That's what you've said. And I've said, "That's not true." That during the Great Depression, they built more schools than at any point in time in this City's history. And if they can do it in the Great Depression, then the will and determination of Mayor Bloomberg, Chancellor Klein and all of his staff, must be just as diligent and must put forward a plan just like they did then. Because other than that, it's not acceptable. It's not acceptable to me, it's not acceptable to these parents in district three, four, five, six, or

district one, or even two, because in, in Manhattan alone, in Manhattan alone, there's not one seat, not one seat, is expected to be built in the proposed five year capital plan in district six, five, four, three or one. The only seats that are expect to be built is in district two, and I'm saying to you, that is totally unacceptable to me, and to many of my colleagues, especially when, and I'm sorry, I'm, I'm getting a little emotional, 'cause this is an emotional subject for parents, especially when you talk about that the Blue Book, the citywide totals of, of cluster rooms, there's a minimum standard that is not being met. And as you know, cluster rooms are the music, the art, the other rooms, so forth and so on. And in your Blue Book, it calls for a minimum standard. And that minimum standard is not being met. And when that minimum standard is not being met, what in reality it says, that the school is overcrowded, because you're using these cluster rooms for, for instructional purposes, and not for what they were called for. And when that happens, you know, how can you say that the needs are being met? When the minimum standard, as far

as cluster rooms, are not being met. So, I ask you to, if you can please explain your decisions of, of how you stop reporting on cluster room usage in middle schools. Because it's just, it's just not realistic for DOE or SCA to stop reporting cluster rooms in the middle schools. Somebody explain it to me. Why did you stop reporting it?

KATHLEEN GRIMM: We haven't stopped repor--I'm not exactly sure what the question is.

CHAIRPERSON JACKSON: The question is, is my understanding, you have stopped reporting cluster room usage in middle schools, which was a useful tool for gauging the true utilization of space in schools, and you're saying that you have not stopped reporting that? [pause] Help me out, my staff, is that true? Come on my, where's my staff at? Education Committee staff. I'm sorry, excuse me, Jan and Regina, pay attention to me right now, if you don't mind. Is the information true that they stopped reporting? I just want to know, somebody tell me. The answer is yes, right? [pause] It's not reported as cluster rooms, what is it reported as?

Specialized?

KATHLEEN GRIMM: Cluster rooms are used when we look at elementary schools. We have a different formula when we look at middle schools.

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

KATHLEEN GRIMM: Liz, do you want to explain the middle school formula? This is Liz Bergen.

CHAIRPERSON JACKSON: Thank you.

ELIZABETH BERGIN: For middle schools, as we discussed when we met with your staff last week--

CHAIRPERSON JACKSON: And just pull the mic up a little closer, if you don't mind.

ELIZABETH BERGIN: Sure. The middle school formula looks at classrooms in two different ways. We look at general education classrooms, and we assume that those classrooms can be programmed seven out of eight periods a day. But for specialty classrooms like science labs, music, art, we assume that we can only program those rooms five periods out of each day.

So, when we do the calculations, we take into account, based on the survey, the number of rooms specifically identified in each school, as general classrooms or specialty classrooms. So the cluster room formula is really just for elementary school.

CHAIRPERSON JACKSON: So as far as a middle school, as far as, you called them what, specialized rooms? What do you call them?

ELIZABETH BERGIN: We call them specialty rooms.

CHAIRPERSON JACKSON: Okay. And so, and, and how are you reporting those now, in the book? Because I'm looking here, what is, are you--there's nothing in there whatsoever.

ELIZABETH BERGIN: That's correct. The Blue Book identifies cluster rooms, and cluster rooms for elementary schools.

CHAIRPERSON JACKSON: Okay.

ELIZABETH BERGIN: What I said was the formula use, for middle schools, uses the specialty and general ed classroom.

CHAIRPERSON JACKSON: Well let me just say loud and clear, that I have schools in,

in our district, and let me take one example:
Intermediate School 218, which we've cited over
and over and over again, where it was built with
many cluster rooms, and now those cluster rooms
are gone. They're being utilized as classroom and
instructional spaces, and not being used for what
they're supposed to, what they were built for.
So, you can call it whatever you want, these are
rooms that were not built for classrooms, they
were built for a dance studio or art studio or
something else, and they're not currently being
used for that.

KATHLEEN GRIMM: That could be.
That could be. What we're doing is trying to
target the most, the use of space, so that schools
do have that available to them.

CHAIRPERSON JACKSON: Well, but
what it clearly shows me, and many other
advocates, is that the, the Department of
Education and SCA does not have enough space in
order to carry its holistic approach to education.
At PS 41, which is in Christine Quinn's district,
I was there one morning, and the option as far as
the two pre-K classes, in order for them to

continue, was to get rid of the science, the art room or the computer lab, which is totally unacceptable. That's all part of a holistic education. And I know we're working that out, by looking for other space, but for even to think about to get rid of the only computer lab that you have in the school, or to get rid of your art room, it's totally unacceptable. And I'm just saying that, that SCA, the Department of Education, Mayor Bloomberg, has to have a better vision in order to ensure that our children have a future and a space. And right now, it's not being met. It's clearly not being met. You, parents are here in district three, up in arms; district two, up in arms; and everywhere else. And it's not acceptable. The five year plan is a proposed plan maybe that you have to live with, as the Deputy Chancellor for Administration and, and Instruction, because if you probably disagree with that, you would be fired. And I'm, and I'm being very serious about that, and I don't expect any response for you. But I am not a hired employee of the City of New York, I'm the elected official here to represent the people, and my district, and

overall in New York City. And I'm, I'm going to get off this horse, and ask a couple of questions. But quite frankly, I am not happy with what's going on. What question is that? Okay. Let me turn to one of question, let me calm down a little bit. With the, with the Department of Education and School Construction Authority, posts a list of general siting criteria on its website for parents and advocates, groups to review before suggestion for, before DOE and SCA, suggesting possible sites to the Department of Education.

KATHLEEN GRIMM: Yes. We're looking at that, and actually we've had some experience with it, with the taskforce, organized by Speaker Quinn, where we were able to lay that out, so we're developing it and we hope to do that.

CHAIRPERSON JACKSON: Deputy Chancellor, how soon do you think that would happen?

KATHLEEN GRIMM: Well--

CHAIRPERSON JACKSON: Because, I mean, to say it could get done, but we're talking about next year? Are we talking about in the

fall?

KATHLEEN GRIMM: As soon as the capital plan is passed. We'll work on it very quickly. I just don't have an estimate of the time.

CHAIRPERSON JACKSON: Okay. And can you, could you or the president, Sharon Greenberger, tell us what is the Department of Education's policy for responding to site suggestions from parents and advocacy groups? Is there a timeframe for response? And are the responses in writing? You know, do you log the, do you log them into a book or computer, to say "These are suggestions that we, we received"? And "This is the response we gave to parents" in order for us to look at those, as far as by district or by neighborhood, or by borough?

SHARON GREENBERGER: We have started doing that with the district two war rooms, that exact thing, which is looking at the suggestions that come in, tracking them, responding to them, giving reasons as to why they do or do not work. And as part of what the Deputy Chancellor said, looking at how we can share

siting criteria, we're looking to expand that as well, so that we can create a system by which we both accept suggestions, because we want to be as inclusive as possible. Right now we work with CECs, we work with some of you, we have our brokers that are looking for sites, but we're open to suggestions, and we want to create a more comprehensive process for tracking those, so that the communication is better both ways.

CHAIRPERSON JACKSON: You have that in place right now?

SHARON GREENBERGER: Well, we do, on the district two war room. And what I said is we sort of treated that as a pilot, and we're looking to expand that. And we would hope to expand that with the implementation of the next plan, which starts July 1.

CHAIRPERSON JACKSON: So, not only both the districts that have war rooms, whatever suggest--

SHARON GREENBERGER: But expand it beyond that, that's true.

CHAIRPERSON JACKSON: Right now, how do you respond to an inquiry by a parent or a

CEC or an advocacy group, let's assume they shoot you an email. They're, "Oh, we've looked at this place, the building is up for sale," how do you respond to that right now?

SHARON GREENBERGER: We respond, we have a real estate group that follows up on those, and communicates either by email or phone calls. But it is not a, what's it called, it's not an [off mic: institutionalized] institutionalized system, that's exactly right. And what we're looking to do is based on the experience we've had with the district two war room, and quite frankly with the Queens war room, 'cause we had the same system in place there, where we shared ideas, we reported back on them, on a regular basis, again giving the rea--where we were, in following up, and the reasons why they did or did not work out. So we're looking to expand that, so that we can do that city, on a citywide basis.

CHAIRPERSON JACKSON: Okay, well I, I would strongly suggest that it be instituted immediately, and I, I hear you're saying that you're, that that's probably what you will do, you know, under the new five year capital plan.

SHARON GREENBERGER: That's pretty immediate. [laughs]

CHAIRPERSON JACKSON: Yeah, that should be immediately.

KATHLEEN GRIMM: Assuming it's passed.

CHAIRPERSON JACKSON: Let me turn to my colleague, Jessica Lappin.

COUNCIL MEMBER LAPPIN: Thank you, Mr. Chair. I wanted to go back to PS 151, because I'm looking at page M5 of the capital plan, "Capacity Projects Borough of Manhattan" and I, I do not see it. I see a 51, but I don't see a 151. So is this a--no, no, or is it, is it a replacement, and not new capacity? And now, the other piece is that the plan we have is the February plan, and I'm not sure we had made this much progress in February, for either a temporary lease space at Our Lady of Good Counsel, or for a long term new building.

KATHLEEN GRIMM: The funding is in the plan, and if--

COUNCIL MEMBER LAPPIN: I'm sure, but I want to--

KATHLEEN GRIMM: If we're not articulating it in the plan, we'll change it.

COUNCIL MEMBER LAPPIN: I want to see it.

KATHLEEN GRIMM: Yes, no, I understand.

COUNCIL MEMBER LAPPIN: Before I vote on it.

KATHLEEN GRIMM: I understand.

COUNCIL MEMBER LAPPIN: Okay. And, and that, so when you figure out where it is, will you please advise Council Member Garodnick and myself?

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER LAPPIN: Okay. And then, you know, I like to be constructive, and I know some of these things I have shared with you before, at least with John White. I mean, when I, when I say I don't think there's enough in the plan, I wanted to provide some suggestions, which, you know, obviously the 151, a long term solution, PS 59, which is going to happen, and using the additional space at 158, and whatever this Project Six is, which, you know, 31 seats per grade--I

guess I'm not sure, 126 seat school, what that is. But we can discuss that, we should actually discuss that now, 'cause I'd like to know what that is. But before we do, I wanted to mention two other things. One, Richard Green really should come back on the table for the next five year capital plan. It's a building right in the heart of the, part of this neighborhood that has the most severe overcrowding, and it was taken off the table for this fall, and I think it should absolutely come back on the table for discussion. And an expansion of Lower Lab is something I have discussed with the Department, both expanding grades and potentially expanding size, if not, or I should say and/or another G&T program, because I think we, I think the hope that you're having this year, that some of the G&T kids will come off the waitlist, would be more plausible if they didn't have to go to Chelsea or the Lower East Side. I know--

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER LAPPIN: --that 400 plus kids scored above the 97th percentile, but those seats at Nest and Anderson and Lower Lab

fill up very quickly, and I think more parents would accept a G&T option if it wasn't so far away. So those are my constructive suggestions, but I would like to understand what a 126 seat school would be.

KATHLEEN GRIMM: What--?

COUNCIL MEMBER LAPPIN: 126 seat school, that's the Project Six that's not sited. What would that be?

SHARON GREENBERGER: Well, again-- generally, those kinds of, that number of seats would, we would--sorry--traditionally look to do as an addition or an annex, in most districts. It wouldn't be a standalone.

COUNCIL MEMBER LAPPIN: So is that 158? I'm trying to do some deduction here. What is, I mean, does that represent the seats that are going to be vacated by East Side Middle? Or is that in addition to that?

SHARON GREENBERGER: No, this is the, this is the five, in addition, this is the 500 seats that were identified as needed in, in the Upper East Side. Part of that is being met through the MEETH building, and the remainder is

this. So, then we would say, with 126 seats, where else could we site them, where else could we identify a place where we could create 126 additional elementary seats?

COUNCIL MEMBER LAPPIN: So it almost sounds like it was more of a math, you came up with 126 because you had this formula that did a calculation when you subtracted what you have at MEETH, you came up with 126, not that it's necessarily a vision for a particular school or a particular annex--

SHARON GREENBERGER: But it's based on the 500.

KATHLEEN GRIMM: Exactly, right.

SHARON GREENBERGER: It was based on the original 500.

COUNCIL MEMBER LAPPIN: So this is a number that could change. As you actually--

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER LAPPIN: --drill down on what we were going to--

SHARON GREENBERGER: Yes, that's what I said earlier, as we look on an annual basis, and we look at the need, it is something

that could change.

COUNCIL MEMBER LAPPIN: If we say, reclaimed PS 66, Richard Green, that could become that project.

SHARON GREENBERGER: We would look at it on an annual basis.

COUNCIL MEMBER LAPPIN: Okay.

CHAIRPERSON JACKSON: Council Member Yassky.

COUNCIL MEMBER YASSKY: Thank you, Mr. Chair. Just two, two items. One is, on the, the subject of, you know, reducing the cost of construction, which, you know, I credit the SCA with the significant improvements you've made over the last several years in reducing the cost of construction. The, a few years a go, the Council passed and the Mayor signed, the, a false claims act, that gives whistleblowers and incentive to report padding, or other fraud, but in particular padding on construction contracts. I raise this, see I'm raising this with all the agencies that do significant construction, no reason to think the SCA has a particular amount of that, but no reason that he has any less of that than any other

agency. I just am suggesting, it's not even a question, that you look at kind of publicizing that within the agency and within your contractor world, so people know it's out there. The law's just been around a couple years, it hasn't, it's only been used a few times so far. It'll gradually work its way out in the world, but right now, it's, I don't think it's, there's a widespread awareness of it. So, the more awareness of it, the more it will play its - -

SHARON GREENBERGER: We do have a, we do have a very close working relationship with our IG; we also have a labor law compliance unit. And we are fairly aggressive about making sure that all staff is aware of these regulations.

COUNCIL MEMBER YASSKY: Yeah, that's the staff and, staff and contractors know--

SHARON GREENBERGER: And our contractors, yes.

COUNCIL MEMBER YASSKY: --that there's a whistleblower law out there, that--

SHARON GREENBERGER: That's right.

COUNCIL MEMBER YASSKY: So, that's, that's just a suggestion. That's one, and then

two, and I know this was covered earlier, I have a parochial issue, or neighborhood issue, I guess better word here, on downtown Brooklyn. I won't go over the ground that was trod before, but I just do want to make sure, the five year plan has in it \$42 million, yes, for a middle school in Downtown Brooklyn?

SHARON GREENBERGER: What I mentioned earlier is that the five year plan carries a seat need in Downtown Brooklyn for a middle school, and that the funding associated with those really are seen as budget lines, and placeholders, and you shouldn't see the \$42 million as an allocation. What you should see is that we've identified a seat need, and we are trying to find, we have identified a project to address that seat need.

COUNCIL MEMBER YASSKY: Okay, well, my question is, if the Council rejects the rezoning application for Dock Street in particular, and then the owner there decides not to make it available for a school, which he said he would not, I gather, if, if that happened, would we still, would the plan still have a seat

need, and would the money that you, I treat that
as a--

SHARON GREENBERGER: As I
mentioned, this--

COUNCIL MEMBER YASSKY: --as an
allocation, but whatever, would, would whatever
funds that you will, would be making available for
that project, be available for middle school in
the Downtown Brooklyn area?

SHARON GREENBERGER: As I said,
the, the plan identifies a seat need, at this
moment. As I also mentioned earlier, we look at
those needs on an annual basis, to confirm that
they still exist, to confirm where we're seeing
trends, either for increase or decrease, and we
would continue to do that across the City. So
right now we are carrying an identified need in
district 13 for a middle school.

COUNCIL MEMBER YASSKY: Alright.

SHARON GREENBERGER: And we've
identified the project as the Dock Street project
to, to meet that seat need.

COUNCIL MEMBER YASSKY: Okay, I
don't want to belabor it, I just, I worry that, am

I, am I hearing you kind of suggest that if the Dock Street Project doesn't go forward, the Department would not pursue? No, okay.

SHARON GREENBERGER: No, what you're hearing me say is the plan has identified seats, period.

COUNCIL MEMBER YASSKY: Okay, you're alerting me--

SHARON GREENBERGER: As we do in every other district across--

COUNCIL MEMBER YASSKY: --that that could change if circumstances change.

SHARON GREENBERGER: --as we do with every other district across the City, we look, that's right.

COUNCIL MEMBER YASSKY: Alright, 'cause I'm assuming that that's a commitment to a school, and if not that site, then we'll find another one, and, you know, unless something changes, that your commitment to the middle school is, is genuine and we'll, we'll find a way to do it. Thank you.

CHAIRPERSON JACKSON: Council Member Simcha Felder of Brooklyn.

COUNCIL MEMBER FELDER: Thank you very much, I've, I've been here, I think I've been here since the beginning. And given the earlier testimony today, about that Dock Street project, Deputy Chancellor Grimm, are you in favor of medicinal marijuana? [laughter]

CHAIRPERSON JACKSON: You can take the Fifth and not answer that at all.

COUNCIL MEMBER FELDER: I've been--

KATHLEEN GRIMM: Fewer word--

COUNCIL MEMBER FELDER: What?

KATHLEEN GRIMM: I'm a woman of few words, and fewer words when I don't know what I'm talking about. [laughter] So, I'll take, I'll take the Fifth.

COUNCIL MEMBER FELDER: Alright, thank you.

CHAIRPERSON JACKSON: And I know that you have a public engagement, and I have looked at the questions, I have one question of you, the other questions I can ask of President Greenberger, but I'm going to turn to my colleague and I ask her if, if the questions for Kathleen Grimm, then let's move on that so we can get, she

can leave, and then we'll continue with President Greenberger.

COUNCIL MEMBER JAMES: Thank you, Mr. Chair, I'm going to have to leave soon, since they just announced that one of the schools in Brooklyn in my district has to close, 18 children came down with flu-like symptoms and 104 children have been absent today, and they will reopen on Wednesday, and I need to go deal with that. My question is there, is there a war room in, in Brooklyn?

KATHLEEN GRIMM: Pardon?

COUNCIL MEMBER JAMES: Is there a "war room" in Brooklyn?

KATHLEEN GRIMM: No, I think we have to explore creating one.

COUNCIL MEMBER JAMES: Okay, I would like to work with you--

KATHLEEN GRIMM: We do, we do meet regularly with the borough president, so I think we probably have--[off mic: we have a delegation]

COUNCIL MEMBER JAMES: If we could meet--

KATHLEEN GRIMM: A start.

COUNCIL MEMBER JAMES: I would like to work with you on that war room.

KATHLEEN GRIMM: Good.

COUNCIL MEMBER JAMES: Second question is, Benjamin Banneker apparently their lease has expired and just wanted to put that on your radar, we have to renew their lease and their building in Clinton Hill. And last question is, I'm opposed to the transfer of kindergarten children from ACS daycare centers into public schools, and I wanted to know how many kindergarten children are currently on waitlists, and in what schools? And that's my last question, Mr. Chair.

KATHLEEN GRIMM: Mhm, well, we're committed to providing that, as soon as we have it.

COUNCIL MEMBER JAMES: But do you have a waiting list, and do you know where those, what schools have waiting lists?

KATHLEEN GRIMM: I do not have, have it, and I think we discussed earlier, we hope to that have next week.

COUNCIL MEMBER JAMES: Okay, thank

you.

CHAIRPERSON JACKSON: The question-

-

KATHLEEN GRIMM: I'm not sure there is, there are waitlists, I'm not sure there are, I just don't have any data, yet, on that.

COUNCIL MEMBER JAMES: Member Fidler wanted me to follow up. Do you have a position on medicinal marijuana?

KATHLEEN GRIMM: Same as before.

[laughter]

COUNCIL MEMBER JAMES: But I wanted him to qualify it, I--[off mic: Mr. Chair, I have to take exception, I asked one question, she didn't answer it, I want it - -]

CHAIRPERSON JACKSON: We want that in writing.

KATHLEEN GRIMM: I'll get back to you next week on that, Council Member.

CHAIRPERSON JACKSON: Deputy Chancellor, my question of you, in which you or President Greenberger may be able to answer, is, is my understanding at, that the Department of Education will spend \$210 million allocated for

charter schools in the proposed plan.

KATHLEEN GRIMM: Mhm.

CHAIRPERSON JACKSON: Do you plan to spend that money on buildings that are currently housed in public schools? Or, or in new spaces? Or how do you plan on spending that money?

KATHLEEN GRIMM: It's not necessarily all charters, that is an allocation for both charters and our partnership program, which has been very, very successful.

CHAIRPERSON JACKSON: Can you explain the partnership program?

KATHLEEN GRIMM: Partnership program is where we work with a nonprofit organization, which contributes to the project, contributes capital dollars, so that in effect we're building at a much cheaper cost, for our schools. And so that's been an innovation in this plan, of this administration, and we're very, I think a very successful innovation. We will have, probably, placements both in freestanding buildings and in public spaces, or in public school spaces.

CHAIRPERSON JACKSON: And are, are you using any capital moneys now? For example, there's a charter school in my district called New Heights Charter School. And they're renting space, or I don't, I assume they don't own the building, in a former commercial space. And I understand there's a large space there. Are we paying for that? Or who's paying for that?

KATHLEEN GRIMM: I don't believe we are. I'll double-check that for you and let you know, but I don't think so.

CHAIRPERSON JACKSON: If you could double-check and get back to us. And, and I--

KATHLEEN GRIMM: What we're doing is, is if in areas where we have space available in our public schools--

CHAIRPERSON JACKSON: Right.

KATHLEEN GRIMM: But I don't think we have any--

SHARON GREENBERGER: - - rent, we don't cover - -

KATHLEEN GRIMM: Yeah, and if it's for rent, if it's a rental, no, we don't cover that.

CHAIRPERSON JACKSON: Okay, well, I thank you, Deputy Chancellor, I know you have a previous commitment.

KATHLEEN GRIMM: I do.

CHAIRPERSON JACKSON: And I'm, most of the questions that we have, have been answered. I have a few more questions, and I, I'm sure that President Greenberger will be able to answer those questions.

KATHLEEN GRIMM: I'm sure she will be able to, also.

CHAIRPERSON JACKSON: You sure of that? [laughter]

KATHLEEN GRIMM: All except for Council Member Felder's question.

CHAIRPERSON JACKSON: Thank you.

KATHLEEN GRIMM: Thank you very much.

CHAIRPERSON JACKSON: You're welcome. [off mic: Maybe she's willing to answer] [laughter] I'd like to turn to, I believe in response to one of my questions about, with respect to suggestions for space, by parents and advocacy groups, or--The response was that you

1
2 have real estate people that are, will look at
3 that stuff. How are the contracts arranged, and
4 how many contracts exist between either DOE or
5 SCA, with real estate brokers that are employed to
6 find space or whatever they are supposed to do.
7 Can you explain that and give us a sense of--

8 SHARON GREENBERGER: Sure.

9 CHAIRPERSON JACKSON: --what
10 they're doing and how much are we spending on
11 that?

12 SHARON GREENBERGER: The SCA
13 conducts a competitive RFP process to secure real
14 estate services. So, we put out an RFP, we do an
15 extensive evaluation, we meet with firms, and we--
16 This time we put out an RFP I think two years
17 ago, and we currently have four contracts. So we
18 have four contracts with existing brokerage
19 houses, that we use to help identify spaces, do
20 market analysis, do a variety, provide a variety
21 of real estate services. They work closely with
22 our real estate department, our real estate
23 department has five, a staff of five. That real
24 estate department also manages all of our leasing
25 activity, all the department's leasing activity,

so they work with the brokers to help identify sites, give them direction in terms of where we have identified seat need, the neighborhoods where we might need schools. And those brokers go out to identify areas. The terms and conditions of leases are negotiated between SCA staff and our lawyers, and the owners.

CHAIRPERSON JACKSON: Do you know what the total value of all your contracts with the real estate--?

SHARON GREENBERGER: Well, they're a fee for service, and based on commissions. So--

CHAIRPERSON JACKSON: Okay, so there's a small fee for service. And then--

SHARON GREENBERGER: There's a fee for service depending on what, if we have 'em doing a market analysis or something like that, and then there are commissions associated with identifying space.

CHAIRPERSON JACKSON: And depending if they find stuff, there's a certain commission there--

SHARON GREENBERGER: That's correct.

CHAIRPERSON JACKSON: Okay.

SHARON GREENBERGER: That's industry standard practice.

CHAIRPERSON JACKSON: And are the contracts basically the same with all four, or the--

SHARON GREENBERGER: I think all four are identical. Yes.

CHAIRPERSON JACKSON: Can you, can you please send us a copy of one of the contracts, if you don't mind, we'd like to look at them.

SHARON GREENBERGER: That's fine, yeah.

CHAIRPERSON JACKSON: Okay. Thank you. Four, eleven, okay. The capital improvement program addresses, to my understanding, only the most critical capital repair projects, are projects that are currently assessed at level five in the proposed plan. In the interests of preventing the growth of less critical repairs to level five, how much would it cost for SCA to address all of the level fives and the slightly less critical projects ranked in level four?

SHARON GREENBERGER: I know this

1 was a specific question you had in a letter that
2 you sent, I think in January, and we did respond
3 to that, and in that letter we said that we really
4 though the best course of action would be to meet
5 with your staff to sit down and try to understand
6 what you meant by "full needs assessment," because
7 there are different ways that you can define an
8 assessment, which would then have certain costs.
9 So we'd be happy to do that, we said we'd do that,
10 we could do that as early as next week, if you
11 want to. Because there are different ways that
12 you can look at how you would assess an overall
13 need. Would you, for example, include the life
14 cycle of systems? Would you look at defects? So
15 I think, as we said then, we're happy to meet and
16 talk about that, and figure out how we would go
17 about assessing that need.

18
19 CHAIRPERSON JACKSON: And can you
20 or one of your staff members explain what are
21 capital improvement projects for level five? And
22 give me an example of some in level four, so we
23 can see the difference in the severity of the
24 problems.

25 SHARON GREENBERGER: Well, level

five is considered critical.

CHAIRPERSON JACKSON: Critical.

SHARON GREENBERGER: And so that would, yeah, so if you look at building systems, for example, which BCAS does--they look at the plumbing system, they look at the electrical system, they look at the exterior system--and a critical system repair would be that the plumbing is no longer meeting the needs, it needs to be replaced. Or there are leaks, the building is not watertight. Or the windows need to be replaced, those are critical projects, and those--

CHAIRPERSON JACKSON: And those are huge projects, overall.

SHARON GREENBERGER: And those are very extensive projects. And those, you know, depending on the severity of this, the, the condition of the system, it would be rated a four or five. We generally try, we are trying to ensure that we replace all the fives, and where we can, the fours.

CHAIRPERSON JACKSON: Can you give, give me, give us examples of level fours? I'm sorry, can you give us an, several examples of

level fours? Categories in level four. We know that level five are critical capital improvement things that you described.

SHARON GREENBERGER: I think it's a question of extent, of a sort of question of degree not kind, right. So if you had a window replacement system, where all of the windows were in, in poor condition, and I, and Jamie made a good point, which I should just mention, level five does not mean it's a hazardous condition. If it was a hazardous condition, it would be elevated to an emergency. But it's a critical condition and it's a system that should be replaced. And it's a question of the extent of the need to replace. So that would be a five versus a four.

CHAIRPERSON JACKSON: So, if it was a critical need, then that, that would, you'd just have to get it done. I'm talking about level five is critical, but level, there's a higher level than that which is an emergency, that whatever, it has to be done right away.

SHARON GREENBERGER: Correct.

CHAIRPERSON JACKSON: Is that correct?

SHARON GREENBERGER: Correct.

CHAIRPERSON JACKSON: Oh. I guess I would call that, you know, whatever, that level that is emergency level.

SHARON GREENBERGER: Emergency, that's what we call it.

CHAIRPERSON JACKSON: But what about, give me an example of what is a level three. Do you, is anywhere there's a breakdown as to what--because it's based on a one through five. Is that listed anywhere, anywhere that anyone can look at, and get a determination? I know that based on your explanation, that some of the level fours, depending on the severity, may be a five; but is there a breakdown so people can understand what are level fives, four, threes, two, ones, because obviously I believe that schools have identified, or SCA and DOE, from five down to one. Is that listed anywhere?

SHARON GREENBERGER: I think we did. I think we had a chart that we had once shared with you, that defined these levels, and we can find that, we're happy to provide that. So maybe we'll do that, and that would help clarify

it.

CHAIRPERSON JACKSON: Yeah, that, that would help a lot. [pause] Okay. At the preliminary hearing that we've held, the Department of Education attributed the rising costs of construction to environmental regulations and SCA standards. And SCA has recently touted its use of the green standard, particularly in the development of PS 276, a new school that opened in Battery Park City, that's scheduled to be open in I think 2010. What, what is the green standard? And how much does it cost, as far as to have a school in that standard zone?

SHARON GREENBERGER: Well, our green standards are available online, you can download them, it's a whole comprehensive document that outlines what we're trying to achieve in terms of water conservation, energy conservation, and improved air quality and we can also send you over a copy, but you can look at it online. And I should just say that it recently won an award from the Sustainable Building Industry Council, for its comprehensiveness. We are seeing that the costs associated with that could run anywhere from eight

to ten percent above our design standards. We are just seeing some of the first schools that were designed with green standards being implemented, and we're tracking costs so that we can see what the impact of those standards is on actual costs.

CHAIRPERSON JACKSON: So, for example, the building, a school was built and it normally costs \$50 million, about ten percent more?

SHARON GREENBERGER: Somewhere, between eight and ten percent more.

CHAIRPERSON JACKSON: Eight to ten percent more. So anywhere to \$4 to \$5 million more, to--

SHARON GREENBERGER: Mmhm, that's one, that is one area where we're seeing cost increases. As we did mention, we also enhanced our environmental standards. So we have some controls in place that we now include as our standard; that also adds additional costs.

CHAIRPERSON JACKSON: And that standard was adopted to put in place with all schools that are currently being built?

SHARON GREENBERGER: With all new

schools being designed, that's correct.

CHAIRPERSON JACKSON: And how long ago did you adopt that standard?

SHARON GREENBERGER: I think about two years ago.

CHAIRPERSON JACKSON: Two years ago. Okay. We've been joined by Council Member Bill de Blasio, do you have any questions or comments? Well let me thank you--

SHARON GREENBERGER: You're very welcome.

CHAIRPERSON JACKSON: Jamie Smarr, the President of the School Construction Fund, and Sharon Greenberger, the President of SCA. We thank you for coming in, and we look forward to working with you. But as I said earlier in the beginning, I surely hope that the Department of Education will, will build the five year capital plan based on real, realistic standards, and based on the Contract for Excellence. And look at capacity needs in all of the districts, because currently the way it stands, I say to you, I cannot vote for a proposed five year plan that doesn't, doesn't meet the needs of the Contract

for Excellence, and doesn't meet the needs of, of the children of New York City. And right now, this plan in my opinion does not. [applause] Excuse me. So, let me thank you for coming in.

SHARON GREENBERGER: We appreciate your time.

CHAIRPERSON JACKSON: And I look forward to working with you.

SHARON GREENBERGER: Thank you, you, too.

CHAIRPERSON JACKSON: And next we're going to hear from Richard Farkas, who is the UFT, I believe Vice President; Helene Duran, the Deputy Director for the Campaign for Fiscal Equity; Sasha, hm, Puret, the Manhattan Borough President's Office, Scott Stringer; and Elizabeth Rose, from PS 183, of Parent Leaders of the Upper East Side. And while you're gathering yourselves, for the record, we have testimony from Caroline Maloney, Congress Member, representing, I think she represents Manhattan and maybe part of Queens, meaning--And then we have also testimony from the, in the record from William Thompson, Jr., the Controller of the City of New York. So, Mr.

Farkas, would you identify yourself and your position, and you may begin your testimony. Press the button, please.

RICHARD FARKAS: Okay, thank you.

Good afternoon, Chairman Jackson, and member of the Council, I'm Richard Farkas, Vice President of Middle Schools for the United Federation of Teachers. And as educators, my colleagues and I, we couldn't be more passionate about eliminating the overcrowded conditions in our public schools. Parents and teachers know all too well that school overcrowding just makes it that much more difficult for kids to get the education that they deserve. We place our City's children at a severe disadvantage when their classes are too large and their schools are filled way past capacity. Now, these large classes and overcrowded schools, they're not solely the cause of the fiscal crisis of the 1970, of the 1970s; it's also the fault of the last capital plan. And we can't use our current budget situation to put off buildings for the future. I just saw this morning that, in the Daily News, there was an article that ten schools that should've been built in the last capital

plan, had not yet broken ground. That's inexcusable. And recently the Department of Education has put communities and schools and created conflicts among schools fighting for space, as you mentioned. And by pitting schools and communities against each other, the DOE is denying students their rights to a quality education. Our children are shortchanged and they will continue to be if the five year plan that was presented here today falls short of addressing these problems. Now, for example, and we have a parent here from district two, and you've heard this morning from Councilwoman Lappin, and you will hear from the parents, waiting lists of hundreds of kids for kindergarten in district two is just inexcusable. In district three, PS 185 and 208, they've been pitted against PS 242, which houses another school. So, this current capital plan doesn't meet the current needs or the projected needs of our City's increasing enrollment. You mentioned the CFE, there is nothing in this current capital plan that will go about to address the CFE mandate that the City is under. And unless we reduce our classes to number

that have been mandated by the courts, we're just, you know, wasting our time. You talked about lost rooms, you talked about gyms in our middle schools, science labs. Again, these cluster rooms are so important for our kids, and the current capital plan, again, does not address that.

Yesterday, the Campaign for Fiscal Equity, and they'll talk about this in a few minutes, they addressed a, they issued a report--37 percent of our kids attend overcrowded schools. If we take into place the temporary structures, that number goes up to 48 percent of our kids are in overcrowded schools or schools that hold temporary structures. Let me give you one example. In the capital plan, there are 57,540 students in Queens high schools, in overcrowded buildings. Yet the plan that was presented here today only plans for one additional high school in the, in the borough of Queens. And this current capital plan, while it calls for 25,000 seats and a number of them have been rolled over since the last capital plan, the DOE has announced that by 2012 it does plan to create 100,000 seats for charter schools. So we're asking for equality. So, in order to

develop the potential, we need, we need schools with cluster rooms, as you've called them, with lower class sizes that meet the CFE mandates, the current capital plan without amendment does not address these needs. Thank you.

CHAIRPERSON JACKSON: Thank you.

[applause] I'm sorry, Helen Duran, just identify yourself and your position and you may begin your testimony.

HELEN DURAN: Thank you, Chairman Jackson, for the opportunity to comment on the City's capital plan for schools. I am Helene Duran, I'm the Deputy Director of the Campaign for Fiscal Equity, and I'm here to testify on behalf of CFE. Yesterday, CFE released a report "Maxed Out: New York City School Overcrowding Crisis," and launched a website at www.overcrowdednycschools.org that tracks the data found in the report. The report found 515 school buildings with a total enrollment of five 501,632 students, approximately 48 percent of the students enrolled in the City's public schools that year were either overcrowded or had associated temporary structures during the 2006/7

school year, based on the City's own available data, in its enrollment capacity utilization report for the same school year. That breaks down this way: the report found that 391 school buildings, with a total enrollment of 381,582 students were overcrowded, with utilization rates greater than 100 percent; at the same time, 215 school buildings with a total enrollment of 207,236 students had 252 temporary structures. Previous counts of overcrowding have swept temporary structures under the rug. But this study's comprehensive accounting remembers that schools with temporary structures are overcrowded. Their common spaces, gyms, libraries and cafeterias are overtaxed, and their principals, whose main job should be as instructional leaders, spend too many hours overseeing the smooth running of all their buildings. The report also analyzed the City's ECU reports, the Blue Book, dating back to the 1997/97 school year, and found that 129 of the 515 schools have been overcrowded for more than a decade. Important to CFE, 105 low performing schools on the State's 2007/8 schools in need of improvement and schools requiring

academic progress list, attended by a total number of 162,274 students were located in overcrowded buildings. At the same time, 75 schools on the 2008 seeny strap [phonetic] list, with a total enrollment of 95,089 students, had 85 temporary structures between them, over 34 percent of the temporary structures across the City. 25 percent of the 2007/8 seeny strap schools are overcrowded. The Court of Appeals decision in CFE versus the State of New York specifically cited overcrowding as a deficiency in schools with struggling students and state the problem of overcrowding is inseparable from excessive class size. Lastly, CFE identified 51 highest priority schools that have utilization rates three criteria: have utilization rates greater than 150 percent are seeny strap schools and overcrowded with utilization rates greater than 125 percent, or are seeny strap schools, overcrowded and have temporary structures. 31 of these 51 schools have been overcrowded for more than a decade. CFE called on the DOE to use the 80,000 planned new seats to eliminate overcrowding in the 51 highest priority schools identified in our report. The

current DOE capital plan ending this June aimed to construct approximately 63,000 new seats, but only approximately 21,000 have come online, while more than 34,000 are underway but incomplete, and 8,000 postponed until the next capital plan. The new five year capital plan proposes to build approximately 25,000 new seats, including the 8,000 rolled over. We recommend that DOE reposition the new capital plan to focus on eliminating the most egregious overcrowding, particularly for high needs students. The proposed capital plan for 2010 through '14, contains vague goals with no specific plan to eliminate the worst conditions through either the building of new schools or other categories. The report also recommends DOE develop a plan to ensure that underutilized space is used to combat overcrowding. We identified 308 underutilized school buildings with fewer than 75 percent of their seats filled. We recommend the D of E identify all the school buildings with space available and proximate to overcrowded buildings, use rezoning to eliminate overcrowding and establish new programs in underutilized buildings.

Finally, the report cautions against relying on projected declines in enrollment to address overcrowding. DOE enrollment projections forecast significant declines in many neighborhoods; however, these declines are not evenly spread throughout the City and throughout school buildings. Projected declines, if they occur as predicted, have the potential to impact overcrowding in only a limited number of neighborhoods in Manhattan, The Bronx and Brooklyn. Enrollment projections will have little impact on overcrowding in Queens, Staten Island and in the balance of the other three boroughs. Last sentence. CFE calls on the New York City Council to consider the formation of a Commission to ensure that the 51 highest priority schools identified in this report are mitigated in the FY'10-'14 capital plan. We brought you a copy of the new report. There's several hundred pages missing, we couldn't print all of it, it's a 600 page report, it's extremely detailed. So we know that Jan Atwell, of course, will be probably the only person on this planet who will read the whole thing, but we gladly will share copies with

anybody else. [applause]

CHAIRPERSON JACKSON: Thank you.

And next are Sara Perot?

SASHA PURITZ: Sasha Pierets.

CHAIRPERSON JACKSON: Sasha.

SASHA PURITZ: From Manhattan
Borough President Scott Strickland's office.

CHAIRPERSON JACKSON: I can't, how
do you spell your last name, I can't, I can't
really read it here.

SASHA PURITZ: I have bad
handwriting.

CHAIRPERSON JACKSON: Oh, okay.

SASHA PURITZ: P-U-R-I-T-Z. That's
my scribbling, it's--

CHAIRPERSON JACKSON: Alright, go
ahead. [laughs]

SASHA PURITZ: Again, Sasha Puritz,
Director of External Affairs for Manhattan Borough
President Scott Stringer. We are submitting a
very lengthy version of our testimony, so I'll
read an abbreviated version.

CHAIRPERSON JACKSON: Okay.

SASHA PURITZ: So thank you,

Chairman Jackson, for giving us the opportunity to testify today. As you all know, our City and especially the borough of Manhattan, is facing a severe public school overcrowding crisis, with overcrowded classrooms affecting the quality of our students' education, and parents being told that there may no longer be room for their child at their zoned public school or pre-K of choice.

On May 4th, my appointee to the Panel for Educational Policy, Patrick Sullivan, voted no on the 2010-2014 school capital plan. I would like to share with you today the reasons that Patrick and I--excuse me, the borough President--felt that this was not right plan to recommend to the Council. We all understand the seriousness of the fiscal crisis facing our City. Getting through this economic climate will require shared sacrifice and our school system will have to shoulder its fair share of the cost. However, even with this understanding, the proposed capital plan is unacceptably inadequate to fulfill our obligation to our children's futures. Building schools is an investment that we can't afford not to make. In 2009, 2008, the borough president's

office issued two reports: "Crowded Out" and "Still Crowded Out," which documented how, during the building boom, residential construction in many Manhattan neighborhoods far outpaced school capacity growth. This planning failure set the stage for the crisis we are in today. In early October, the borough president joined with United Federation of Teachers, as well as New York State and City elected officials, parents, educators and advocates across the City, to launch the campaign for a better capital plan, the ABC Campaign. In an effort to persuade the Department of Education to provide the capital investment our public school children need. While our campaign raised critical awareness of school overcrowding issues, and accomplished some important reforms, the plan ultimately proposed to the PEP failed to fully encompass the campaigns three main reforms. First, address existing overcrowding and reduce class size. The 3,296 seats of new capacity proposed in the capital plan for Manhattan represent a nearly 40 percent reduction from the amount proposed in the previous capital plan. This falls far short of what is necessary to

address the chronic overcrowding found across Manhattan. The Department of Education proposed an amount of school construction necessary to limit existing overcrowding, reduce class sizes to the numbers agreed to in the Contracts for Excellence, and plan for ongoing growth. For example, there are waitlists for kindergarten seats and many Manhattan elementary schools in district two and three, leaving hundreds of children still without a school. Upper East Side elementary schools are 1,070 students over capacity, with no new school scheduled for construction. This is, this disturbing reality is compounded by DOE's on demographic projections, which show an 18.5 percent increase in the number of children for district two, from 2005 to 2015. These are just a few specific examples. Similar problems exist in Greenwich Village, in Chelsea, the Upper West Side, Lower Manhattan, East Midtown, Flatiron and parts of Harlem. Second, be ready for growth and plan at the neighborhood level. One of the central elements of the borough president's reform proposal is that we start looking at school planning from the perspective of

urban planners and development analysts. The DOE and SCA should work with their colleagues at the Department of City Planning and the Department of Housing, Preservation and Development, as well as other planning experts and our local community boards, to establish a clear, transparent procedure for projecting future growth for new development. The capital plan should include a projection of the number of new housing units expected the following year, and disclose the estimated impact on local schools at the neighborhood level. Third, we should correct the faulty capacity estimates. The capital plan's assumption about the state of school overcrowding are based on the City's current capacity statistics, as reported in the DOE's Blue Book. But according to principals, teachers, parents and even the State's highest court in the campaign for fiscal equity decision, these official estimates overstate the true capacity of neighborhood schools, neighborhood schools. We can't repeat the mistakes of the 1970s, when the City stopped investing in its future, causing families to flee New York and take their tax base with them. In

fact, new construction could be one of the best ways to encourage private sector growth and stimulate our economy. In the "Crowded Out" reports, and in the work I've done with my overcrowding taskforce, and as part of the campaign for a better capital plan, I made the case of reform to the capital planning process. The capital plan should include a straightforward accounting of what it would take to reduce overcrowding and reduce class size. Then, we as a City need to make tough choices on how much we spend towards school construction within the context of the City's overall budget. We must have that debate as a City and we must not shortchange the discussion by undermining our needs from the start. I feel our public school children deserve better than the current capital plan. We hope, we hope to continue working with you to keep fighting for the new school seats Manhattan children need to learn and grow. Thank you very much.

CHAIRPERSON JACKSON: Well thank you. [applause] And next we're going to hear from Elizabeth Rose, a PS 183 parent leader of the

Upper East Side.

ELIZABETH ROSE: Am I--there I go.

Thank you, Chairman Jackson, thank you, also, to the Council staff for enabling me to speak early in the public session, so that I can attend my third graders chorus concert a little bit later this evening. I am the co-president of the PTA at PS 183, on the Upper East Side, where there are currently 30 zoned children on our kindergarten waitlist. I am also a representative of the parent leaders of the Upper East Side schools, which includes PTA and SLT leaders from all six zoned schools in the Upper East Side, as well as the Lower Lab choice school in our neighborhood. Our schools currently serve over 1,000 students, thank you for the specific number, 1,070 students in excess of our capacity. Yet seats in the capital plan, whether counted under new capacity or replacement, don't approach this figure. So the proposed plan does not even address existing overcrowded, much less address the projected student growth in our area, which has the highest and fastest growth rate in the City. We are grateful for the commitment to open a school for

the PS 151 zone, and recognize that this is a real improvement to the capital plan that we saw as recently as February. But it's not enough. As our children grow to upper elementary grades and middle school, the proposed plan will simply shift the current kindergarten crisis to those higher grades. There is virtually no new middle school capacity and no new high school capacity in Manhattan in this plan. And yet we've heard many times from the Department of Education that they are space challenged for high school capacity in Manhattan, and in fact this has been the primary argument for not reopening PS 66, as an elementary school, which would be a permanent solution for the 151 zone, and also solve the immediate kindergarten seat crisis on the Upper East Side. The availability of local elementary school seats is a critical factor for families in their ability to stay in New York City. We should be celebrating the interest of families to live in the City. Instead, the proposals that have been made for how to accommodate our children appear designed to scare parents into leaving. That can't be good for the City. Clearly, the

Department of Education will not provide adequate capacity without forcible pressure from this City Council. I, and the parent leaders of the Upper East Side schools, respectfully request the members of this Council vote no on the current capital plan. Thank you. [applause]

CHAIRPERSON JACKSON: Well, I, I want to thank you, coming in representing yourself and the, and the parents of the Upper East Side. And I respectfully request all of you, if you feel that this plan is not acceptable, that you need to communicate that to your individual council members and every other council member you can speak to and write to, including our Speaker, Christine Quinn, and also to Mayor Bloomberg, because quite frankly, unless the pressure's there, as you can see, we, this is the second panel of the public discussion, this is the second, the first panel, and there's only one council member here. And that's me as the chair. And I'm not laughing, it's not funny. This is one of the most important issues that's impacting the future of our city, and there's no one here but me. I'm not going to say any more. Thank you.

Next. Next panel. Our next panel, an Eric Zerof, he's representing himself; and Denise Bigo-Early, she is representing her children and herself; and Thea McCallon, PS 151 Zone district two, Manhattan; and Henry Sidel from a waitlisted parent. Are you present? Please come forward. They had to go? Henry and Eric had to go? Okay. Give me two more. Okay, so let's hear from these two, and then we'll go to the next panel. Okay?

DENISE BIGO-EARLY: Okay, hello, is this working?

CHAIRPERSON JACKSON: Go ahead. Identify yourself and your position, you may begin. Bring the mic up a little closer.

DENISE BIGO-EARLY: Hi, my name is Denise Bigo-Early. I am a parent of five year old twins, on the 90 child kindergarten waitlist in our zoned public school.

CHAIRPERSON JACKSON: The 19th or 90th?

DENISE BIGO-EARLY: 90, nine-zero.

CHAIRPERSON JACKSON: Nine-zero, on the waitlist.

DENISE BIGO-EARLY: There's been

rumors, there's been rumors of it being lower, but the only written communication we have from the DOE says nine-zero. I'm anxious, sleep deprived and angry. Not a good combination for a parent speaking for the first time before the City Council. I have to put up with \$5 trillion of crushing new national debt to bail out ineptly run banks. I have to put up with my tax dollars going for bonuses to the reckless who run those banks. I have to put up with \$100,000 disability pensions for Long Island Railroad workers who are not disabled. I have to put up with pay-to-play in our City and State. I cannot put up with my five year olds being shut out of our zoned public school, nor with the DOE promise of a seat somewhere in the five boroughs. There's been a lot of talk of keeping our five year olds close to home; but their only, the only written communication from the DOE promises a seat somewhere in New York City. I hope my children will be lucky and get into either PS 3 or 41; if they do, what awaits them? Not a lunch hour, but lunch minutes, ten minutes that begin sometimes at 10:30. In PS 3 there are five toilets for over

200 five year olds; huge chunks of plaster, four feet in diameter, about to fall off walls in the stairwells; and mice. We're in a crisis.

Business as usual has to stop. And I'm sorry I'm addressing you, but all these people who are gone.

Christine Quinn is not even here. Blame for this disaster falls at the feet of all elected

officials. Everyone knew about the construction

boom, developers made hundreds of millions of

dollars selling two and three bedroom condos in

the West Village and Chelsea. Where are those

children supposed to go to school? Over the last

years, the DOE has crammed more and more children

into schools that are cracking at the seams. And

now you have before you the school capital

spending plan, which contains a \$2.5 billion

decrease over the previous budget in the amount of

money allocated for building new schools. Please

vote against this plan, and I have asked Christine

Quinn to vote against it. Fight for our children

and insist that schools be built in our

neighborhoods now. You may be told, and I heard

you were told that the new Foundling Hospital

School will come online in several years, in my

area. It will be overcrowded with the children from new construction not yet finished, before it's completed. We need schools now. And don't let anyone tell you we don't have the money. Our City, our State, our country are awash in money going to the wrong places. We must redirect this money to our children. We must invest in schools now before more children are shut out. Thank you, I'm very emotional. [applause] But I appreciate your list--I appreciate very much your staying and listening to me.

CHAIRPERSON JACKSON: Well, I can understand you getting emotional, 'cause I'm getting emotional, also. And, and I don't have children in the school system anymore, but I'm ready to stand up with you and fight tooth and nail for the children of New York City.

DENISE BIGO-EARLY: Well, thank you. Thank you very much.

CHAIRPERSON JACKSON: So, and that's why I've said loud and clear, at the current rate, the way it's proposed, I will stand up and vote no, even if all other 50 members vote yes.

DENISE BIGO-EARLY: Thank you.

CHAIRPERSON JACKSON: I will be
voting no.

DENISE BIGO-EARLY: Thank you.

CHAIRPERSON JACKSON: And sometimes
you have to stand up by yourself and do what's
right. [applause]

DENISE BIGO-EARLY: And can you
tell me how we can end mayoral control, the way
that it's set up now? How can we end that? What
can I do?

CHAIRPERSON JACKSON: Your state
assembly members and your state senators will be
deciding that. And let me tell you, most elected
officials will talk a good game, but sometimes
they have to stand up by themselves, also. So,
talk to your elected officials at the state level,
talk to your elected officials at the city level,
also.

DENISE BIGO-EARLY: Okay, the city
level, can weigh in against this mayoral control
stuff?

CHAIRPERSON JACKSON: Of course, of
course. Every, every member of the City Council

has a voice, every member of the City Council probably has a working relationship with their state assembly members, their state senators.

DENISE BIGO-EARLY: It has to stop, it has to stop.

CHAIRPERSON JACKSON: But thank you.

DENISE BIGO-EARLY: Thank you.

CHAIRPERSON JACKSON: And it's okay to get emotional. Emotional, it's okay.

DENISE BIGO-EARLY: [laughs]

CHAIRPERSON JACKSON: Next, Thea, just identify yourself and you're what, a parent also?

THEA MCCALLON: Yes. Thinking I only had a minute to speak, I actually cut my emotion out of my written speech. And I still don't know how I'll get through it without crying. But, my name is Thea McCallon, I'm here representing hundreds of families in my school zone. I reside in the current 151 school zone that I have for years referred to as the Twilight Zone. We're a diverse community that has been significantly neglected by the inaction of the

both the City and the DOE. Our elementary school that once stood in the 151 zone was closed more than a decade ago, and subsequently demolished, but never replaced. And in its place now stands a high rise building called the Azure. Over many years since, our school children have been divided up, yet welcomed into the neighboring school zones on the Upper East Side by a lottery system that the DOE put in place. But inevitably and not suddenly, these schools became dangerously overcrowded, and this year many students, many children from the zoned, many zoned children from those schools have been placed on waitlists. And you've heard the numbers, the DOE says they're inflated, but there's at least 152. I can't see how the G&T placement will eliminate that, given that there's only one local G&T in our neighborhood, with only 56 seats, and well over, I think, 200 that have placed into the G&T numbers. But as a result of the overcrowding in our neighboring schools, who've taken in our children all these years, the PS 151 lottery was abruptly eliminated, leaving our kindergarten age children with no school to go to. A temporary solution

that the DOE is looking into may band-aid our situation for the Fall 2009, it may provide us with three to four classrooms for maybe two to three years, but our question remains: Where will the 151 community find a permanent home for its children to attend school? We think the most appropriate and immediate answer should be PS 66, which sits directly in the heart of the 151 zone. PS 66 was, at its inception, intended as an elementary school, but it's currently occupied by Richard R. Green High School, with a population of students who travel from outside of our district and zone to attend that school. And I've thought for years that they can travel, they're high school students; but, but to walk down the street with a five year old takes a long time. So, to, to either walk with them to our neighboring zone schools and/or to have to bus them, doesn't make any sense to me at all. So, looking into finding an appropriate and safe location for the Richard R. Green High School makes sense; returning PS 66 to the elementary school students of the PS 151 zone makes the most sense. We have seen a rise of many large apartment buildings in our

neighborhoods with no action taken to build even one elementary school for the burgeoning population in our zone, nor for any of the other Upper East Side zones. The diverse tax paying and voting middle class families of our neighborhood have long been ignored, and are in some cases feeling that they have no choice but to flee our area, in order to educate their children in an appropriate setting. We want to stay in the 151 zone, but we need a permanent elementary school in our neighborhood to serve us and our children. Our Mayor and our school's Chancellor claim to support the middle class, and purport to be strong educational advocates. The Mayor has used this as a central part of his election platform. We therefore expect action to address this immediate problem. Build more schools to create more seats. Don't stuff more children into existing seats.

[pause] [applause] I guess I can end, no I wasn't done, but it probably makes sense to end there. Give us a safe, permanent elementary school in our neighborhood. Waiting until this kindergarten crisis evolves into an even larger middle school and high school disaster would be

unconscionable. We implore our representatives, especially the DOE the SCA and the Mayor as well, to include us and all those in need of space in the new capital plan, and that's all I can ask for. Thank you very much for hearing my testimony.

CHAIRPERSON JACKSON: Well, let me, let me thank you for coming in and representing yourself, and talking about the issues and concerns that you have, both of you, for your children and the people of your district overall. And I understand, this is an emotional subject. I mean, I've been there and I've done that. When I started up in district six, it was so crowded in district six, that they were busing children into district three, voluntary busing, about 1,500 children, voluntary. They were involuntarily busing children as far as district one, and over to district seven in The Bronx. Thousands and thousands of children. Totally unacceptable. Poor planning, not enough leadership. And I say that this five year capital plan doesn't meet the needs of your district or the entire City. And to say that, you know, it's an appropriate plan, is

totally false, and inaccurate. And as such, I cannot agree to that.

THEA MCCALLON: Could I ask you a question about what the Deputy Chancellor said about if we don't, if the Council doesn't approve the plan?

CHAIRPERSON JACKSON: Go ahead.

THEA MCCALLON: Then it just, she said then it just stops in its tracks?

CHAIRPERSON JACKSON: We don't--

THEA MCCALLON: What does that mean?

CHAIRPERSON JACKSON: We don't know. We don't know what's going to happen. In fact, you know, our analysis is that the amount of money overall in the capital budget, that's the City's capital budget--

THEA MCCALLON: Right.

CHAIRPERSON JACKSON: The money will be allocated in there, so we, we will approve the capital budget overall.

THEA MCCALLON: Okay.

CHAIRPERSON JACKSON: Which includes the money that the City, for the five

year capital plan, but we won't approve, if the Council doesn't approve the plan, either one, they will not move forward and come back and negotiate-
-

THEA MCCALLON: Okay.

CHAIRPERSON JACKSON: --or number two, they will move forward with the plan regardless of the Council. And the Council has to decide what it's going to do about it.

THEA MCCALLON: Okay.

CHAIRPERSON JACKSON: So, you know, and those decisions are going to be made by the Speaker and members of the City Council, and it depends whether or not we're united, how much pressure is brought to bear on which direction it goes. That's real. But as I said earlier, I've stood up before, when everybody said I was crazy, I'm standing up now and saying I'm not crazy, look at the information, it's based on a false premise, and you can vote yes if you want to, for whatever reason you want to. I cannot. I chair the Education Committee, take your lead from me, or take your lead from someone else. The people of your district elect you to do what you think is

best, so it's up to the people of each district to put pressure on their elected officials.

THEA MCCALLON: Absolutely, thank you.

CHAIRPERSON JACKSON: Thank you. The next panel, Josh Karen [phonetic], district six; Elizabeth Loris-Ritter [phonetic], district six parent; and Solange Cabral [phonetic], the CEC for district six. Please come forward. [pause] Okay? Whoever is ready, they may begin. [pause] Go ahead.

ELIZABETH LORIS-RITTER: Well, I was going to say good afternoon, but I guess I should say good evening. Thank you, Council Member Jackson, for holding these hearings, for staying for these hearings, and thank you for making my job easier that I don't have to go too far to speak not only to you as Committee Chair, but to speak to my own council member, because you're my council member. As you know, my name is Elizabeth Loris-Ritter, I am a parent of two public school children, and I've taken an active role in my children's education, since the older one entered kindergarten. Next fall she will

enter SUNY Binghamton as a freshman, having graduated from a district six elementary school, district two middle school because the district six middle schools had poor options, and The Bronx High School of Science. For the record, my son also left district six for a district two middle school, and currently attends Brooklyn Tech. So I've been doing this for a while. In January of 2004, when I testified regarding the then proposed '04 to '09, '05 to '09 plan, I actually made Deputy Chancellor Grimm cry. Really, I really did this, when I characterized that plan with a word that I cannot repeat in the Council chambers. Immutable truths are supposed to be comforting, but I take no solace in the un--the unchanging BS, frankly, that is the DOE capital plan. At the start of 2005-2009 capital plan, community school district six had 27,006 students, 28,840 seats, even though, or they said they had 28,840 seats, we know that's wrong. There were 37 cluster rooms for those 27,006 students. The Blue Book says that not one middle school in central, in CSD6 has a cluster room. No wonder DOE stopped reporting on this kind of data in the middle schools last

year. Frankly, I think they were embarrassed by reality and they just didn't want to cop to it, or keep on being called to it. Four schools were housed in facilities that politely could be called inadequate: PS 18, 210, IS 223 and IS 528. There was a 428 square foot gym, that's not a gym, that's like a living room. There's no cafeteria, some of these classroom are less than 500 square feet, you had a gym without windows, a gym with structural pillars in the middle. There are significant lapses. Five schools had trailers in their yards, four schools had mini-schools or offsite annexes. These were the conditions which Deputy Chancellor for Finance and Facilities Kathleen Grimm made the following promise about the capital plan that's now concluding: that that plan would eliminate overcrowding; that that plan would restore cluster rooms to their intended purpose; that that, and that that plan would get rid of transportables. I'm not going to belabor that point, I'm going to let Ms. Grimm tell you her promise in her own words. [pause] [tape recording of Kathleen Grimm: - - one years old - - remember when I - - [cheering, applause] I said

earlier, I said earlier, our needs are great, I cannot, none of us can fix everything. But our goals can be achieved: eliminate overcrowding, return the cluster - - . I mean, this is not solving all the problems in the system, but it goes a long way to giving our children a better physical environment for their education. I would like to remind you that there is a school opening in this district this September, with 750 seats. That's in the current plan, which - - PS 18 Annex. - -] [pause] Today at the start of the 2010 to '14 capital plan, CSD6 has fewer students, 21,441; 60 of the 111 cluster rooms that DOE says is the minimum standard, that means 51 cluster rooms in the district where English is being taught instead of art or music or science, they're not meeting their minimum standards. Isn't that an F? We still have large class sizes, we still have trailers at four sites, we still, we still have classes in three of the four that have inadequate facilities. The fourth is actually still, is being used as a rubber room, so there's like no construction happening there. Not surprisingly, DOE has added a K through 8 facility which shares

that windowless gym that I was telling you about. Do I need to stop here and remind what's left of the Council at the moment of the obesity and diabetes problem in Washington Heights and Inwood, and the connection of no gyms to that health problem? So now instead of 340 early childhood students playing in a windowless storeroom with two large columns in the middle, this is now the gym for two K through 8 schools. I could go on and on, but what I need to know is why should the people in my community, or anywhere else in the City, trust these people, trust this agency, to handle \$13.8 billion and now \$11.28 billion. In the '70s, there was a, an ad campaign where Clara Pellman wanted to know, "Where's the beef?" I want to know where are the cluster rooms? If you solve overcrowding by taking away cluster rooms, you're going to pretend that schools are not overcrowded by increasing the number of kids you can stuff into each space, you compromise the education. This concerns me no longer so much as a parent, 'cause my kids are just about out of the public schools, but as a citizen, a New York City resident, a homeowner, and a taxpayer, I would beg

the Council, not just you, to vote against this and to vote not just for lower class sizes, instead of voting for this plan, which supports lower class sizes. Thank you.

CHAIRPERSON JACKSON: Thank you. Next we're going to hear from Solange Cabral, the CEC at district six.

SOLANGE CABRAL: Thank you, Robert Jackson.

CHAIRPERSON JACKSON: You're welcome.

SOLANGE CABRAL: I'm sorry,
[Spanish]

CHAIRPERSON JACKSON: Si, and you don't have to be sorry. It's okay.

SOLANGE CABRAL: Okay. [Spanish translation: I am here naturally representing district six, CEC district six, and I am here concerned about elementary school 223, and the promise which was made regarding that building. That building does not have a proper gymnasium, does not have a proper cafeteria, and it is shared within one of the classrooms. And because of that, it doesn't afford the proper space or the

proper apportionment of studying. And as a result, I feel the Department of Education has failed our children and has failed our community, and us as parents. For those who are unaware, I welcome them to please take a walking tour of the building, so that they can have a firsthand knowledge that there is no space whatsoever. The elevator only fits one person at a time, and the bathroom is very small, the bathroom is small.

City College Academy of the Arts, Middle School 293, currently sharing space in the intermediate school 218 complex, at times with classes relegated to windowless basement rooms, it currently has 325 students in grades six through nine and is scheduled to grow to twelfth grade, requiring another 225 seats. Harbor Heights Academy for new immigrants, intermediate school 349, housed in trailers on the campus of George Washington High School, which were initially used for pre-school students. This program of 160 students has proved extraordinarily successful and should be expanded. Also, as a result of the building itself, there have placed three and four different grade groups together, and to use the

cafeteria and the gymnasium, and as a result the periods are not divided properly, and what you have is a convoluted session, and really takes away from students activities and benefits.

Public School 132, Dear School Board Members, thank you for giving me and other members of PS 132 community an opportunity to express the needs of our school at your meeting on January 11, 2008.

As a follow up, I am enclosing the list of areas that we feel need to be addressed in order to provide a more appropriate learning environment for our students. We understand that all of the areas that we have identified might not be able to be corrected at the same time; therefore, we've prioritized the items listing those that are present, that are presently a safety issue first.

We are looking forward to having your school, our school being included in the capital plan for 2010 through 2015. Thank you for your support in this matter. This is the order of priority we choose: number one, bathrooms need remodeling, they are 103 years old; exposed pipes accessible to students create a safety hazard, are often found swinging from pipes, the students are; stalls are

so narrow that heavy students can barely fit; often flooding on the fourth floor bathrooms. Priority two, the kitchen, makeshift kitchen with mobile warming trays and freezers; we also which lacks proper sterilization facilities, limited meals are able to be served because kitchen does not have a stove, meals can only be prepared in the oven. Third, electrical upgrade; computers overheat because current system can only hold one air conditioner; summer school housed at another site because current system cannot support air conditioners. Fourth, exterior lighting dark - - in the yard, where youth often gather unsupervised and artifacts are found in the morning. Fifth, elevator; school is a five floor walk up on the fifteenth floor high ceilings, and two separate wings that only connect through the second floor; deliveries have to be waked up five flights. Number six, plumbing system, 104 years old. Number seven, fire system, fire alarm system is faulty since the early, and its inception was since the early 1900s. Recreational area, students don't have adequate yard space to play. Number nine, floor tiles for hallways, school

currently has uneven concrete floors] Thank you.

CHAIRPERSON JACKSON: Well, thank you. But clearly, even when I was a school board president or on a school board at that time, they put out a list, meaning the Board of Education put out a list of the ten schools, worst schools in the City, that needed to be torn down and replaced, and PS 132 was one of those schools. But, under the proposed five year capital plan, not one seat is necessary in district six. Something's wrong with that picture. Enough said. Josh Karen, CEC Six.

JOSH KAREN: My name is Josh Karen, I've been a Manhattan Borough President appointee to CEC Six for more years than I can remember. And it's wonderful to be on a panel where most of the essential information has been provided. I will add a few details, which will embellish the themes that you have heard. Some of what you did hear was from an eight page summary report on the 2010-2014 capital budget hearing, which was prepared by CEC Six, after our January capital budget hearing this year, as mandated by the establishing legislation for CECs, which allowed

the CECs to conduct such a hearing. That followed upon a 13 page report that was provided a year ago, an eleven page report that was provided the year before that. A four page report, no six page report, that was provided the year before that. We probably have 25 to 30 pages, single page documentation, of the needs in district six, which we dutifully provided to the Board of Education every year, and never got a response to any report that we provided. Be that as it may. In the report that you have been given, my copy's blue so that I can note which one it is out of all these multiple documents, we did a calculation of how many seats we estimated would be needed. And it was based on the fact that while Helene Duran spoke about the number of schools that are overcrowded according to the CFE report, and I'm pleased that in that report this year, they included transportables. Still, by the DOE calculations, because capacity is calculated the way it is, many, many district six schools would not be considered overcrowded. So, our need is much greater than what the Blue Book indicates, and what the CFE report based upon the Blue Book

will indicate. We estimated that to eliminate just the transportable classrooms in our school, in our district, and those include mini-schools beyond the four TCUs that Liz Ritter talked about, that brings us up to seven buildings with either TCUs or mini-schools. The 941 seats are needed to replace those TCUs. When you add the reduction of overly large class sizes to just the goals that the DOE has indicated, in K through 3 504 seats are needed to reduce every K through 3 class to 20. And that's because, well, the, of 25 district six K through 3 classes, twelve, almost one-half, have at least one-half of their classes with more than 23 students, not 20, but 23 students. Now, the Contract for Excellence also bound the DOE to reduce class size in grades 4 to 8 to 23 per class. Yet, in district six fourth and fifth grades, 16 of 25 schools have at least one-half of their classes larger than 23. Twelve of 25 schools have at least one-third of their classes larger than 25. Nine of 25 schools have at least half of their classes larger than 25. In our middle schools, well, twelve of 25 schools have at least one-half of their classes larger than 25,

eleven of 15 schools have at least one-third of their classes larger than 27, and nine of 15 schools have at least half of their classes larger than 27. The targets of the capital plan, as you know, are not even aligned with the Contract for Excellence. So we figured that 866 more seats are needed to reduce grades four to eight classes to 23. So that brings us to a total of 1,370 seats needed to reduce class size to just DOE committed goals, which is equivalent to more than two 600 seat schools. There are, from the past capital plan, one school that remains to be built of approximately 600 seats, and one additional school, which is being built in a public/private partnership, with the Community League of the Heights. So that may bring us to approximately even. May I continue for another moment, please? We use a different standard, a standard that you established, Robert, and while this is not a legal standard, we consider it the moral standard. Because the professional judgment panels of CFE talked about very different class sizes, 14 in elementary school, and 22 in middle school, and 18 in high school. Use those standards, we're

talking about needing 4,000 to 5,000 additional seats, to bring our class sizes down to the level that we know is necessary. Solange spoke about some of the things the DOE is doing, such as the closing of some of the transportables, specifically Harbor Heights Academy, which we have wanted to see for 20 years, you probably longer than that. When I heard about it, I characterized it as the school for new arrivals by the phrase, "Welcome to America, you all, where your new classrooms are worse than the third world country classrooms that you came from," 'cause that's basically what it was. They are gratefully moving to a building, but the building that they're moving into, PS 173, then will have its building repacked. What happened finally, after 20 years in some of our schools, is that they have set up the schools which, because of reduced enrollment, finally can provide the music and the art and everything that we say we want, and the DOE, because they are not building sufficient schools, will eliminate some of these transportables and other things, but they will do it at the expense of existing schools, which finally have gotten the

programs that you fought for, for 20 years.

CHAIRPERSON JACKSON: Well, let me-
-You're finished, Josh, 'cause I have to move on,
I have other people.

JOSH KAREN: Absolutely.

CHAIRPERSON JACKSON: Okay. Can
you bring my Blackberry. Well, let, let me thank
you, let me thank you for coming in, and clearly I
know more about district six because actually I
live in district six and I represent half of
district six and district five. And clearly, for
the DOE and SCA to say no new seats are necessary
in district six, in my opinion they have to be
insane. And I use that literally, and I'm not
joking. How can you realistically say, with the
CEC members talking about 132, where when I was on
the school board 15 years ago, they said that
school needed to be torn down and replaced. And
the conditions that were outlined, they're not
telling a lie, everything that she lists there is
true, and all, all the other needs. And also, I
got an email from a parent, and it says that the
school that Ms. Cabral talked about, is scheduled
to be a six to twelve school, and they currently

serve grades six to nine, and will add a grade each year until it reaches full capacity. But the question is, where are they going to go? They're already in the basement. There's nowhere to grow. And there's not one seat expected to be built. And so space is their primary issue, and not only that, as you don't know, they share the building with two other middle schools, and because they are growing each year, we are, they are constantly in need of space. And they, and what happens, it pits one school against the other on a continuous basis, to fight for space. And that this school is not a traditional school, it's an early college school in which students begin college courses in the ninth grade. So, here at that school, which is intermediate school 218, is that space is a glaring issue. And that's the school that I mentioned about that, out of all these clusters that they don't have the clusters anymore. And so, it says, for one example this year, one of our college courses, has had to change rooms every 40 minutes. And this floating impacts instruction and ultimately it negatively impacts the students' achievement. The library is another issue, where

the existing library at 218 barely meets the educational needs of the students in this area; however, because it's a middle school, library does not meet the needs of the high school and college students. And we can go on and on and on. But DOE says, "No new seats are needed in district six." Something's wrong there. So let me thank you all for coming in. We have other panels that are going to give, I guess this is glaring testimony, and I'm going to call the next panel, Laney Hamson from Class Size Matters; and Eric Welchman, the Alliance for Quality Education; and Yetta Curlin, is she here? She's representing herself. She's not here. So let's take these two, and who's the other panel after that. Give me two more. And Andy Lachman, from PLUS, is Andy here? Come on, Andy. And who's this? Irene Kaufman, from PS PAC, that's Parents, what's that, PS PAC? Parents--Public School Parent Advocacy Committee. And Ann Kjellberg, for PS PAC. Come on. So, Laney, you're first.

LANEY HAMSON: Okay.

CHAIRPERSON JACKSON: Identify yourself, who you are, what's your position, you

may begin your testimony.

LANEY HAMSON: Thank you for the opportunity to speak to you today, my name is Laney Hamson, I'm Executive Director of Class Size Matters. In October 2008, along with 80 elected officials, community groups, advocates and unions, we released a letter to the Mayor, asking for an expanded capital plan to meet the critical objectives of eliminating existing overcrowding, reducing class size to mandated levels, and dealing with projected enrollment growth. The letter followed the release of three different reports from the City Controller's Office, the Manhattan Borough President, the Campaign for a Better Capital Plan, each of which had pointed out how the City's process of planning for schools was broken and was incapable of providing our children with a quality education. Following the release of our letter, which is in this report, the City released its proposed five year capital plan, and in it the number of seats, 25,000, was cut by 60 percent compared to the current plan, and the total cost was considerably less. The seats in the plan and those to be built in the current plan

will only provide about one-third of those necessary to address existing over crowding, no less accommodate enrollment growth projected in the near future, according to the needs analysis we did in this report. I have some charts here which I've prepared, which basically lay out district by district how many seats are needed in each district, to accommodate enrollment projected enrollment growth from new housing and alleviate existing overcrowding. And there's not a single district in the City which is getting what it needs. The problem of underinvestment in schools has been long pointed out. In 1998, the City Controller found that New York City Public Schools were the most underinvested part of our infrastructure; yet since then, spending on schools has steadily shrunk, in terms of the City's overall capital spending. Indeed, according to the OMB financial summaries, the City's share of capital spending for schools is at least a 20 year low; for the next five years, schools will take up only 23 percent of the City's capital spending, compared to 26 percent over the previous five years. Government operations will

increase substantially over this period from 31 to 39 percent, especially what OMB euphemistically calls "administration of justice," including building new and expanded prisons in The Bronx and Brooklyn, which together are projected to cost over \$1.2 billion. So what else happened this fall since we released our report? Though the State requires the City be reducing class sizes, instead class sizes rose this fall citywide in all grades but one, the largest increase in ten years; our schools have become more overcrowded, not less. We just did an analysis of the latest Blue Book figures, showing that now 47.7 percent of our students attend overcrowded schools, compared to 43 percent the year before. And this is contrary, by the way, to the data that they put out in the Mayor's management report, which is completely unreliable. We got the Excel files, we did the calculations, and our schools are becoming more overcrowding, not less. Kindergarten enrollment has risen for the last two years, City Planning projects a substantial increase in five to nine year olds, between 2010 and 2020. Right now we're facing a crisis with hundreds of kindergarten

students on waiting lists for next year. In district two alone, and by the way the DOE told you today they didn't have figures for the rest of the City? How could that be? How long would it take them to email principals to ask them what their waiting lists? The sign up for kindergartens has been over for months now. You guys should demand that, that information. I don't believe they don't know. So how will they deal with this crisis, and the crisis that will worsen in the future? In answer to a question from Patrick Sullivan, the DOE replied that "To add elementary school capacity where there are aggregate deficits in seats, underutilized seats at other grade levels or in other districts can be repurposed." In other words, they plan to use, to send elementary school kids into middle schools and high schools, or into districts not even their own, across the City. This is their plan. Where is the City's own needs analysis? Have you ever seen this? They say they've done it, but they've never released it to you, have they? Instead, in response to Patrick, again, the DOE replied, "How many," he asked "how many, how many seats are

needed, according to your analysis?" You know what they said? "We have identified the need for over 25,000 seats." That's what they said. Their 25,000 seats in the plan, they admitted that the need is over 25,000, but they refuse to say how many. You guys should demand that needs analysis from them. Either they've done it, in which case they should give it to you; or they haven't done it, in which case they're lying. We realize these are troubled times, but we cannot accept such a dramatic cut to school construction just when our children need it most. In fact, we believe that it will boost our local economy and provided needed jobs to build more schools, especially as the State provides 50 percent reimbursement, which it does for no other form of capital spending. This is a surefire way to get State money into our economy. If we care about education, equity, if we care about the future of the City, we owe it to our children to do better and to offer them the same uncrowded conditions to learn that children in the rest of the State already receive. This is why we are urging the members of the City Council, including you, Robert, who have not yet signed our

letter, to refrain from supporting this totally inadequate five year capital plan for schools, which will relegate our children to an inferior education for years to come, unless the numbers of new seats within it is significantly enlarged. We ask that you reallocate at least the \$1.2 billion slated for new and expanded jails, towards alleviating the crisis of overcrowding in our schools. Thank you for the opportunity to speak to you today. [applause]

CHAIRPERSON JACKSON: Well thank you. Does the letter indicate to reallocate the money, or does the letter indicate to vote no on the capital plan that you said I haven't signed?

LANEY HAMSON: The letter says "I will not support this capital plan unless the number of seats in it are significantly enlarged."

CHAIRPERSON JACKSON: I don't--were you here when I said that under the current conditions, I, I have no choice but to vote no?

LANEY HAMSON: So you'll sign the letter then?

CHAIRPERSON JACKSON: I've already, I've already publicly said that I cannot support

this capital plan--

LANEY HAMSON: Okay, great.

CHAIRPERSON JACKSON: --the way it is, because it's structurally flawed.

LANEY HAMSON: Great.

CHAIRPERSON JACKSON: Structurally flawed.

LANEY HAMSON: Okay, so, so hopefully we'll get the signed letter.

CHAIRPERSON JACKSON: Letter? What more do want me for to stand up and scream and tell them I cannot support it.

LANEY HAMSON: Okay, great.

CHAIRPERSON JACKSON: And I've said it in my opening statement, and I said it at the end. How loud do you want me to yell? I cannot support the capital plan because it is flawed, structurally. And I will be voting no even if 50 members vote yes. Do I need to say it any louder?

LANEY HAMSON: No.

CHAIRPERSON JACKSON: Okay. Not today. Next.

ERIC WELTMAN: My name is Eric Weltman, and I'm - -

CHAIRPERSON JACKSON: Press the button, Eric.

ERIC WELTMAN: Excuse me?

CHAIRPERSON JACKSON: Press the button, please, so I can hear you a little louder.

ERIC WELTMAN: My name is Eric--

CHAIRPERSON JACKSON: There you go.

ERIC WELTMAN: Amen. My name is Eric Weltman, I'm the New York City Advocacy Director for the Alliance for Quality Education. I want to thank you, Chairman Jackson, for the opportunity to testify on the City's five year capital plan for education. We join our colleagues today in expressing strong concerns about the Bloomberg Administration's proposed capital plan. We share the belief that the plan must help the City meet it's moral, legal and constitutional obligation towards our children, to provide all of them with a sound and basic education, and unfortunately we are failing to meet this obligation on a number of fronts. The situation is troubling in all five boroughs. Class sizes have been increasing, not decreasing. Approximately 37 percent of students attend an

overcrowded main school building according to a new report by the campaign for fiscal equity.

There are classes housed in trailers about as temporary as the Egyptian pyramids. We hear too many stories about children who's stomachs are grumbling by mid-afternoon because they ate lunch at 10:00 in the morning. We're the arts capital of the world, but our kids aren't studying art.

The capital plan should be designed to help the City meet objectives such as reducing class sizes to the State mandated targets, providing space for art, science, physical education and libraries, addressing long term capacity needs.

Unfortunately, the proposed plan falls far short in remedying these problems, committing to the objectives, and meeting our obligations. It's not enough, and it's not targeted. 17,000 new seats is not sufficient and the plan does not prioritize the students in the schools that need it most. Of course, we are well aware of the financial crisis that is challenging the capacity of our city to meet its needs, but investing in our children is an obligation that must be fulfilled under any circumstance. As a member of the one New York

Coalition, we join hundreds of organizations in urging Mayor Bloomberg and the Council to adopt progressive revenue and savings initiatives to help prevent harmful cuts to important programs and services that our City relies upon. We have new Yankees and Mets stadiums, and a Nets arena in the works. Unfortunately, it's easy to understand why kids might think New York City places greater importance on accommodating sports teams than students. Thank you. [applause]

CHAIRPERSON JACKSON: Thank you. And why are you so emotional and passionate? I mean, we're only talking about children's education. Next.

ANDY LACHMAN: Mr. Chairman, thank you for your thoughtfulness and staying here so late, long day, to listen to me.

CHAIRPERSON JACKSON: This is my obligation, I chair the Committee. [laughter]

ANDY LACHMAN: But more importantly, I thank you for your courage and the leadership that you show, and I'm going to remember your leadership when I'm the only one walking around trying to get a petition signed,

and it's late Sunday afternoon, and equally important when my wife says to me, "Why are you doing this for every other kid," I'm going to listen, remember the example you set. I also want to thank you amazing staff for staying around, too. And my name is Andy Lachman, I'm the Founder of Parent Leaders of Upper East Side Schools. We represent 400 students. I'm also proud to be the co-treasurer of PS 290. And I think it's significant that the Department of Education is no longer here, because if they were here listening to us parents, they wouldn't be in the fix they're in. And DOE does something pretty clever, they don't really want to solve problems, they'd rather pit community against community, school against school, and parent against parent, rather than solve the problem. You know, every child, children in your neighborhood, in your district, in my district, in every district, in every neighborhood in New York City, deserve a high performing primary school near their home that has limited class sizes. And as you said, this proposed capital plan does not meet that goal. My daughters have been truly fortunate, I have a

sixth grader and a fourth grader. They attend PS 290, the Manhattan New School. And MNS is a nurturing school that makes children feel like it's their second home. They include parents in the school, and they, it's a real community, it's a wonder to see. It's a great learning environment, and it's a shining example to what education should be for all children in this City. My nine year old daughter Emma stood on, on the City Hall steps two weeks ago and said how lucky she was, and she asked the Mayor and Department of Education to provide every child the same opportunity that she has, because unfortunately, not every child is as fortunate as mine. There are hundreds of K to 5 children across the City shut out of their local elementary school. 40 schools are capped. The City closed 3,000 daycare centers, but other people have expressed better than I can what the problems are across the City. I'm here to specifically talk about the Upper East Side, and my school, and I do it humbly because I'm not saying our school has it worse than anybody else, we're all in the same fix together. The children of the 151 zone have been without a

school for eight years. Currently, the Upper East Side is at 135 percent over capacity, and there's 140 children on a waiting list. The only positive news is that they're opening a 151 zone school any day now. Unfortunately, that's just a temporary solution, there's no permanent location. PS 59 is in flux, I heard it alluded to that there is some solution, but until it happens, I don't believe it 'cause they've lost their financing. Now specifically to my school, PS 290, we're the most overcrowded K to 5 school with more than 200 kids in the City. We're at close to 150 percent. We're 100 year old building, with no gym, auditorium or library, and limited play space. The waiting list now at M&S is 47 in K, 15 in first grade, and grades two through five are at capacity. What's disturbing is when you walk in the building and look at the posted fire and building code occupancy, it says 290 is at 423 people. Yet we have 650 children enrolled, and when you add the adults in the building, you have 800 bodies. Children that need OT have trouble concentrating in the classroom. Their OT room is in a copy room with three copiers going while band

practices outside. Reading recovery takes place in a converted, closet-sized, single stall bathrooms, without the sink and bath and toilet, of course. It's untenable what goes on in our school, but nevertheless there is good education. The capital funds that have been allocated in this plan do not meet our needs, and they don't meet the needs of the City. On the Upper East Side, we need 1,000 new seats, not 500, as was testified by the Deputy Chancellor. We reject the capital plan unless it provides funds for the Upper East Side, and guarantees every child in New York City has a seat in their neighborhood. Some of the other things that Chancellor Grimm alluded to, Deputy Chancellor Grimm alluded to, is that they're going to temporarily house 151 in Our Lady of Good Counsel, and then move it up to 158. They can't do that, they need a permanent place for 151, because not only do we need a permanent place for 151, we need the seats in 158 to alleviate the overcrowding in the other six schools, and we also need this temporary spot that PS 59 occupies, which is the MEETH building. The funds in the capital plan do not provide for that, and in

addition, the Department of Education doesn't get the concept of a neighborhood school. They don't understand how beneficial it is for children to be able to walk to school with their parents, and the fact that parents participate in the school. If you go and Google "parent participation," you'll see all the studies that show you how much better children do when the parents are involved in school. And this capital plan needs to be rejected. I hear the Mayor's commercials, he said, "New York City, a wonderful place to live and raise a family." Well, if you don't provide seats for every child for every family, you can't raise your family here. Thank you so much.

[applause]

CHAIRPERSON JACKSON: Thank you.

Clearly you've expressed what your needs are and the needs of not only your community in the Upper East Side, but also expressed the need for every child to be entitled to what you're looking for.

And next, who will we hear from next? Kaufman?

[off mic: Irene Kaufman] Okay. Just shift--[off mic] Yeah, yeah, okay, that's good. Come on, go ahead, go ahead, you're next, identify yourself,

you may begin.

IRENE KAUFMAN: Irene Kaufman, one of the Co-Founders of the Public School Parent Advocacy Committee. When we started, when we first founded our group, just about two-and-a-half years ago, Ann and I, it was falling through a rabbit hole. We thought we just were advocating for some changes that need to happen, needed to happen in our neighborhood. We have had an amazing journey. The, the most revealing part of the journey has been that people lie, but on a level where children are at stake, it's been so shocking. And naïve of me, I guess.

CHAIRPERSON JACKSON: You're saying people lie, actually lie.

IRENE KAUFMAN: I know, I know, I'm a naïve gal. But what we have found out is that the only way to get change is to grind things to a halt. There has to be a crisis. This is why we wholeheartedly agree with you, support you, and are doing everything we can think of to get the other Council members to support you in saying no to the capital plan. Let it grind to a halt, because the lying has to stop. The only way that

they will change what they are doing is if it is proven to them, point blank, that it just won't work any more. When they sit here and say they have real estate agents, when 90 percent of the sites that they've used to try to solve the crisis and 3 and 41, came directly from myself and Ann Shelberg. Directly. I photographed them, she called the developers, we got the information, we've emailed it in, it's been parents. And this is true in other neighborhoods, too. They say that, you were at the meeting where we've, two years ago, where we first presented a lot of the sites they're talking about now. When they say the economic downturn, nonsense, two years ago when you graciously showed up at our meetings, we were telling them, "This is what's going on." And it's true all over the City, none of this is new information. When they say that class sizes are not out of hand, when we have asked Chancellor Klein directly about class size, he said, "There's no difference in quality of education between 17 and 35 kids in a class," and since we could never have 17, there's no point. They're not working to reduce class size because they fundamentally don't

believe in it. So, unless the capital plan is voted no, and we bring things to a grinding halt, it's the only way anything is going to change. So, we support you and anything else we can do, we're happy to do. And anyone who's left in the room, it's always sad at the end of the day, we support you to get your councilmen on board to say no, let it come to a halt. It's the only way they'll come to the table and change anything. Thank you. [applause]

CHAIRPERSON JACKSON: Thank you. Well, we hope it doesn't come to a halt, we hope that there are negotiations and they put more money in the budget and realistically come up with a realistic plan.

IRENE KAUFMAN: That'd be nice.

CHAIRPERSON JACKSON: But the bottom line, though, if it has to come to a halt, then let it come to a halt, and let's build from there. Next, just identify yourself and you may begin.

REBECCA DANIELS: Am I on? Hello. Yeah?

CHAIRPERSON JACKSON: You're on.

REBECCA DANIELS: Rebecca Daniels,
CEC D2 President.

CHAIRPERSON JACKSON: El
Presidente.

REBECCA DANIELS: El Presidente.
[laughs] And thank you so much for this
opportunity. I agree with you, I wish I'd seen
more council members here. There were--

CHAIRPERSON JACKSON: I see them.

REBECCA DANIELS: I don't see them,
I saw them a week or so ago, you know, when there
was a lot of activity, but I don't see them now
when we're still looking for answers. So, I'd
love to see them again, because we need them.
Without them, we're not a force. We need their
influence, we need their influence in Albany, and
we can't do it alone. So, this is why they're
here, so I'm surprised that we're not seeing them.
That aside, I know today we've talked so much
about the figures. And Laney has them all down,
there's absolutely no reason to repeat what's
needed. I'm sure that's very, very accurate.
What I'd like to talk about a little bit instead
is, as these parents are saying, is the nonsense

and the delay. You know, it took, for the CEC, which is a mandated body the State as a check and balance when the Mayor got control, and yet they have been extremely negligent, they have not worked with the body that represents these parents, it has fragmented parents, it has pit parents against parents. We've had solutions that we could have discussed, and have brought to their attention; for years we have talked about this issue. So much so that last September, we had to have the elected officials sit in a room with the CEC D2 members at that time, to get the attention of Chancellor Klein. And in that meeting, although we carried on with all our statistics, he sat there and said, "I see absolutely no problem with seats for 2009," didn't matter how many times this was brought forward. And now I think the issue is that it is negligence, it's complete negligence on the part of the DOE. I've sat in meetings in CEC and as you said yourself, Robert, in tears. You listen to these parents talk about these stories, and it's just absolutely disgusting. These are the children, these are the people we're working for, this is what it's all

about, it's the classroom. And it's what's totally neglected. I think as they're sitting in their ivory tower, they should be in a classroom, and understand what this is all about. I don't want to get into, you know, I don't want to get too caustic, so I won't do that. I'll try and be stately. [laughs] But the issue really has been, and it continues to be, that there is no communication. The figures are obviously there, the CEC has gotten these figures. We have the report now where the principals are talking to us, because they have no voice. The principals are saying the very obvious, which isn't just this district, I'm sure, but every district. What happens when you take a school that has to add more kindergartners than it can possibly handle, take out the cluster rooms, take out science, which is a core subject that they are tested on in New York State. You take these out of there, and then what happens next year? We all know the population's continuing. He doesn't have a, there's no problem here, saying "Come live in the City and have a great time," but when this issue happens, we don't, we do not need to hear, "Well,

what's the matter, should we dummy down the schools? Is that what the problem is? Is this why these parents rant and rave?" It's not about one school or another school or money or no money. We listen to Josh, who's listened to every single district, I'm sure by now. This is about children, the issue is about children, and the neglect of these children, and the disdain and the lack of regard to be sitting here three months before school starts, and have no plan. It doesn't take a real estate broker, and I happen to be on, to tell you that you can't move in and close in three months. You can't renovate in three months. But I'll cite an example, and I know it isn't just PS 41, it's also 116. People don't realize 40 is full now, now how long does it take? This is not in a vacuum. Obviously they're all going to swell. Obviously they are swelling. The Upper East Side the same thing, where are these kids going? You can't take them out of their neighborhood and decide we'll find another school. I sat there when they talked about 41 and 3 months ago looking for an answer. "Well, we'll just move it up to eleven," well hello, eleven's

full. I mean, they should know that. "Well, we'll just keep going up the road." You can't take a child and say "Put 'em in a bus" and just keep going up the road. Parents don't think like that. We don't have to get into the whole gifted issue. Even if he says there's the super-gifted, and they're going to go to Anderson or Nest, been down that route myself. A lot of parents do not want to do that. It's not about getting your child in a gifted school when they're five years old. There's developmental issues, there's social issues, there's play dates, there's your neighborhood park, there's a sense of community. So, we all know historically what those figures are, and we know it's not going to be a solution. And for the not so gifted, it's the same thing, they cut out 116's gifted program, which for years, I've been around a long time, but for years, that's where the neighborhood for downtown went. Now we have eleven, that doesn't have any room, so they can't possibly expand. We're looking at Chinatown, well they don't realize schools in Chinatown are also overcrowded. PS 2 is in major trouble. No one's giving that any

regard. So I think that these issues we have to realize reflect the entire City. And I think we, as parents, and as CECs, have the responsibility, or they have the responsibility, to speak to us and to solve this problem. It is not isolated. And what's not getting the press is, every little neighborhood is getting the attention, but if you put the whole together, and you look at Queens, and you look at The Bronx, and you look at district ten, and you look at district eleven, and you look at district 15 in Brooklyn, and you look at what's going on, this is a crisis, this is a huge problem. So, when we bring in this budget, it's obvious, it has to be no. And everybody should sit here because this is the crisis. Education is as important to the City as anything else is. If we're not looking at our kids as electeds, or as the DOE, what are we looking at? What could possibly be any more important than to let these dollars go, and not to give attention to this education? When the cluster rooms disappear, and they have these quick answers to everything, these, these were fundamental. This is part of enrichment, it doesn't take talking to Levine or,

you know, some of these special ed professors and gurus to realize kids need space, some kids need their exercise at certain ages. They need music, they need art, children express themselves in many different disciplines. To sit there in a classroom that is overcrowded, where all children learn differently, what are we talking about?

These special ed classes are in the hall? I heard PS 3 is in the stairway? That's not even, that's atrocious. And is anyone taking a tour or looking at this, when we're looking at these plans? I just think it is so completely out of control, unfortunately district two has had to sue, and it looks like the other CECs, many are going to join us, because you know what? It isn't one isolated instance. And resolutions go to - - , god bless her, but what are paying for? Ofia [phonetic], who's Ofia, where've they been? Are they in the nursery schools telling these parents that there is no gifted program at 116 next year? Are they telling the kids at the preschool that they're on a list? Or that, you know, you have to be there all night, like they used to think? No, you don't, you can't get on this list. These parents

don't know the list. The first grades, which is a nice little secret, the first grads have wait lists. So, these are issues that I think we absolutely have to be aware of, and we have to have this further and further pushed ahead, and be a force, and talk to each other, and overcome the fact that when the DOE does not do its job and does not talk to the elected people that are supposed to be doing the job representing the parents, they're cutting corners and they're trying to make little friends, and they're fooling very naïve parents because they don't know, and they think they're getting the skinny. This is all so manipulative. It's just, let's get a straight answer and a straight solution, and get it fast. Thank you. [applause]

CHAIRPERSON JACKSON: Well, El Presidente, you represent your district very well. [laughter] And maybe you're right, maybe a lawsuit will force their hand. And maybe other CECs may have to join in.

REBECCA DANIELS: Looks like we have some enthusiasm.

CHAIRPERSON JACKSON: Maybe elected

officials have to file amicus briefs, because quite frankly, you know, I'm going to look at whether or not I can join you guys, because you know, I've already taken my position and, and let me tell you, people are already talking to me, "Oh, what's going to happen? Oh, everything's going to come to a halt." Whatever happens, happens, the bottom line is how can you agree on a plan that's structurally flawed, when you have to adopt it. So you're, you're going to adopt a plan that is structurally flawed, based on false information, that doesn't even comply with the State law? I'm not.

REBECCA DANIELS: Arrogance and disingenuous.

CHAIRPERSON JACKSON: I'm not.

REBECCA DANIELS: And what values do we teach our kids, it's amazing, it's amazing.

CHAIRPERSON JACKSON: Thank you.

REBECCA DANIELS: Anyway.

CHAIRPERSON JACKSON: The next panel is Sarah Jean Avery and Sandra Hall, Baltic Street Residents; and Reiko Tahara, the Baltic Street Community Gardens. Are you there, come

forward. Is that Brooklyn?

SARAH JEAN AVERY: That is Brooklyn, yes.

CHAIRPERSON JACKSON: That is Brooklyn, the largest borough in our City.

SARAH JEAN AVERY: That is. Thank you.

CHAIRPERSON JACKSON: You may begin.

SARAH JEAN AVERY: Alright.

CHAIRPERSON JACKSON: Just identify yourself, your position, and you may begin.

Certainly. And first of all, thank you so much for staying. We really do appreciate it.

CHAIRPERSON JACKSON: My job.

SARAH JEAN AVERY: Well, you're doing your job well. My name is S.J. Avery, and I'm here with my neighbor Sada Hall. We live on Butler and Baltic Streets in Brooklyn, and we're speaking on behalf of ourselves and our neighbors. The SCA is planning a project to tear down PS 133 on our block, a wonderful building that's eligible for placement on the State National Register of

Historic Places, and replace it with an new school. Unfortunately, we can't find the project in the current 2005-2009 capital plan, or in the proposed 2010-2014 capital plan. We've been in touch with the terrific Council staff who review the Education budgets, and they can't find it either. They suggest that it's technically in the budget somewhere, but it's not written down because it's "post-February amendment." We are hoping that the City Council can help us. Timing is essential because this, the SCA has announced that they absolutely have to start spending the money budgeted for the PS 133 project in June, in order not to lose it. A statement we find worrisome because the first thing the Authority wants to spend money on is tearing down a historically significant building that acts as an architectural anchor in our neighborhood. We absolutely support adding classroom space, but we don't think it has to be done at the expense of losing this architectural gem and the cohesiveness it gives to our neighborhood. Before you approve capital spending for this project, we ask that you send this SCA back to the community to work with

us, and PS 133 parents to correct similar flaws in their plan. For example, our reading of their environmental impact statement associated with this project raised the following flags. We saw that the new building would be so big that they'd have to ask for a zoning override to accommodate their proposed building's height setback, sky exposure plane and street wall. We saw that their plan called for the demolition of a beautiful, structurally sound, 100 year old building, one of the Schneider Schools, that is one of the few distinguishes buildings along Fourth Avenue. They were oblivious to the fact that the middle income houses built 25 years ago in the two blocks adjacent to the school, those are the pictures you're looking at, had been deliberately designed to reflect the school architecture. The SCA thought the old school and our homes are a bad match; we think differently. We read that the considerable amount of soil to be excavated to build the new school will be considered hazardous material. But the SCA has no safety plan for its removal, or monitoring of the site, it's all up to the contractor. They don't have a safety plan for

the demolition of the old building, either. When we looked at their plan, we couldn't find safe spaces for the children who would be on the 20 drop off spaces, for the children who will be on the 25 plus buses that will be needed to bring students to this school from an adjacent district. The SCA admitted that there'll be traffic problems, and we think they're a lot more serious than the SCA does, associated with their plan, but instead of trying to solve them by design, they toss the issue into the lap of the DOT, suggesting adding additional seconds to traffic light changes. We read with amazement that the SCA considered the street wall created by their proposed building, which is one of the things that will require a zoning override, will be more in keeping with the neighborhood than the 25 year old community garden and open space that is there now. Because the SCA is in such a hurry to spend the budget we can't find, they apparently don't have time to talk with the community about designs that match classroom needs with community environmental needs. However, the SCA has told us that they do have to talk to the City Council, they have to

talk to you. And they have to put that project for review in front of you. And we would like you to send them back to us before you approve their plan. The SCA has secured swing space in an empty parochial school for children who are in the school now. We have the time to plan smart instead of tear down fast. In fact, one of the SCA posed alternatives includes renovation of the old school, and we'd like to explore that plan rather than just dismissing it. We are not saying don't build in our neighborhood; what we are saying is that a lack of transparency in the budget process is another example of the lack of transparency in site planning process. A flawed process leads to flawed outcomes. Attached to this testimony we have included our response to the draft environmental impact statement associated with this project, an example of how we use schematics to explore design solutions, and some photos of our homes and our school. We think they make a pretty clear case for the harmony between our school and our neighborhood. We hope the Council will help you, and if you have any questions, we'd be glad to answer them.

CHAIRPERSON JACKSON: Thank you.

Anybody else, or did you speak--Who's your Council Member for that area?

SARAH JEAN AVERY: David Yassky.

CHAIRPERSON JACKSON: Okay. David Yassky, okay, next please. Just identify yourself and you may begin.

REIKO TAHARA: Thank you.

CHAIRPERSON JACKSON: Press the button again, please.

REIKO TAHARA: Oh. Here?

CHAIRPERSON JACKSON: Press it one more time. There you go.

REIKO TAHARA: Thanks. Thank you very much. My name is Reiko Tahara. I live on Baltic Street in Brooklyn, across the street from PS 133, and I'm also a member of the Baltic Street Community Garden, at the PS 133. My feeling as a resident has been represented by my neighbors, so I'd like to talk now on behalf of the Baltic Street Community Garden. Most of us are also area residents. The existing garden is the only green spot on the Fourth Avenue between Flatbush Avenue and Verrazano Bridge. Under the current SCA plan,

the proposed new community garden will be less than half of, half of the current size. Our garden is planned to be demolished this late summer, then be moved behind the new structure, away from the Fourth Avenue in four years. It will have to awkwardly fight for space against proposed 960 children, almost 700 of whom will come from another district. The school now has about 260 children. With the current plan, open space will be, it will be unrealistically limited for 960 children. I am also a mother of eleven year old and support from my heart that children need more schools to learn. But we must make sure that they are safe. As much as children need to learn, neighborhood needs a landmark, people need green, and children need open space and a safe learning environment. We need take, we need to take more time. I ask you not to approve any budget for the current SCA plan for the PS 133, until a safe, a safer, more thoughtful and community friendly plan can be delivered together. I think it has to be a new plan with milder increase of students in proportion to the neighborhood. That way, a new building can be

smaller, and the contaminated soil deep down does not have to be disturbed, and the existing beautiful historic building, and the community garden with long history can be saved. The Baltic Street Community Garden was formed in 1976, and has been in the current site for the past 26 years, as a permanent community garden. The gardeners back then built it from scratch on the contaminated land by bringing ton of new soil and constructing raised beds. Now we, now we make best efforts to maintain a wonderful organic soil. Mature trees produce flowers and fruits, including peaches, crabapples and orange trumpet vines. Some came from Brooklyn Botanical Garden. It's a year round process to take care of these trees, shrubs, perennials and coming back annuals. We enjoy every kind of flowers and vegetables and hear many comments from the visitors and passersby how refreshing the garden is. Our members come from ethnically and economically diverse background. We have families of African-Americans, whites, Latinos, Asians and Arabs. We have members from nearby project buildings, recent immigrant families like my, my family, or new

younger residents, some with secured income, some less fortunate, and some retired. We grow, eat and share the vegetables, and we have made efforts to work with the school so the children can learn where their food comes from, although it has been not easy because of the - - . With four years of hiatus and having no place to store them, our trees and many of the plants has to be killed, and they will not come back. Garden itself is a living organism, and each tree and plant is designed and planted to live together in harmony. It is not simply possible to uproot them and move them in a new, to a new spot. And we have to do a new one on the contaminated soil from scratch again. A new massive school and a garden on the disturbed, contaminated soil, very small open space for so many children, at the sacrifice of the beloved school house and the community garden, this plan clearly needs to be reevaluated, reevaluated, and readjusted into a healthier, happier plan for children and the community. Please do not approve any budget for the current SCA plan for the PS 133, until then. Thank you.

CHAIRPERSON JACKSON: Well, let me

thank you all for coming in and expressing yourself. Is there one more? I'm sorry.

SAYIDA HALL: No, I'm, I'm going to be very brief. My name is Sayida Hall [phonetic], I am also a resident of Baltic Street. Myself along with my mom, we have dedicated our lives to education. We have a community youth center that my mother has started and ran for 30 years, is very, you know, dedicated to the education of its, of the children of our neighborhoods. In fact, my mother was an original resident of the neighborhood from the '50s and '40s, and came back to the community to educate in the neighborhood, and bring a community center for the children of the neighborhood, as well. And also was a member of the garden, and we, as we live on Baltic Street. My godson is a student of 133, and it's, it's a very important school to us, it's a lot of space if you were able to see, it is a school that can easily be renovated. My boyfriend right now is, he's a contractor, and he's looking at the building and he's like, "This building can be reconstructed, this building can be renovated, and you can fit almost half of all the additional kids

that you want to bring into the school and add an annex," and he was like, "There's no reason to tear that building down, to build another structure," which in his estimations, he said, would not even be safe in that area, for a building of that size. And as of someone who also lives in the community, I love to, I love to come home to my neighborhood and see these kids in the playground, and watching the gardeners and they're watching them with the orange trees, and they're very involved, this is a very community based where even the kids that are not from the neighborhood, do come there and they're very active in whatever activities are happening there at the school. And I'm like I said, S.J., you know, I'm not going to reiterate what she said, but I do staunchly support all the efforts to, to keep the building that we have, renovate it. That would also help to not spend as much money in the budget, that would help save money, and it could go to building a school that would be of a size that would be necessary, I think someplace else that would be even more, you know, more in need that where we are, in fact. So, I just want to, I

just wanted to say that, that's all. Thank you.

CHAIRPERSON JACKSON: Well, let me thank you coming in, for advocating for your school, which in looking at the pictures is clearly, it looks historic to me. I mean, the way they built these schools back during--when was your school built, do you know? About 100 years go.

SARAH JEAN AVERY: It's one of the, the schools--

CHAIRPERSON JACKSON: Yeah, well, I know that some of those--

SARAH JEAN AVERY: Yeah, it's one of the Schneider Schools.

CHAIRPERSON JACKSON: Okay.

SARAH JEAN AVERY: And--

CHAIRPERSON JACKSON: Schneider is one of the designers, you mean?

SARAH JEAN AVERY: That's right, yeah, he was the--

CHAIRPERSON JACKSON: Architect, yeah.

SARAH JEAN AVERY: He was the designer. He's, he was the one who did Erasmus,

he did some of the really most famous schools in the City. It's been, I mean, it could be on the, the register.

CHAIRPERSON JACKSON: Yeah.

SARAH JEAN AVERY: Because of it's historic significance.

CHAIRPERSON JACKSON: Historic. I mean, I look at, my kids went to PSI 187, it's on 187th Street and Cabrini Boulevard in Washington Heights.

SARAH JEAN AVERY: Uh-huh.

CHAIRPERSON JACKSON: And PS 1-- huh? No, this school's also, it was built in 1928. One, PS 152 on Nagel Avenue was, looks exactly the same. These are solid as a rock.

SARAH JEAN AVERY: That's right.

CHAIRPERSON JACKSON: They're, you know, they will last forever, as long as you take care of them.

SARAH JEAN AVERY: That's exactly right.

CHAIRPERSON JACKSON: And, and I think during 1928, was that part of the Great Depression?

SARAH JEAN AVERY: It was before, I mean, it was--

CHAIRPERSON JACKSON: No, that '29? Okay. Well, anyway, I think that, you know, when you look at these schools, how could you want to tear them down? To build up the, these schools that are, are, that you have to basically spend millions and millions and millions of dollars--

SARAH JEAN AVERY: Exactly.

CHAIRPERSON JACKSON: --in ten-fifteen years.

SARAH JEAN AVERY: Exactly.

CHAIRPERSON JACKSON: Anyway.

SARAH JEAN AVERY: And they give kids, they give kids a sense of history.

CHAIRPERSON JACKSON: What's your, what's your council member's position on this particular school?

SARAH JEAN AVERY: He, he wants, he's supportive of--

CHAIRPERSON JACKSON: Oh, boy.

SARAH JEAN AVERY: --new, additional space. He's under, because of the way this school would be serving two distinct

districts, he believes that the best way to serve the, the other school district, would be to build a much, much larger school. We've been trying to get some conversations with him down in our neck of the woods. And we're still hopeful that, that that's going to happen.

CHAIRPERSON JACKSON: Okay. To be continued.

SARAH JEAN AVERY: To be continued.

CHAIRPERSON JACKSON: Sure, thank you very much.

SARAH JEAN AVERY: Thank you.

CHAIRPERSON JACKSON: The, the next panel, I believe, is the last panel. Whoever is here to testify, come on down, come on down, please. You have Annette Evans, from Parents and Taxpayers, and Chelberg, the PS, Chelberg, Chelberg, PS PAC, and Lauren Rosenthal, PS 9 in the Upper West Side, she's representing herself and her children. Anyone else? Okay, this is the last panel. So, Anne, you may begin first.

ANNE CHELBERG: Thank you. Thank you, Council Member, my name is Anne Chelberg [phonetic], I'm from district two. I feel that I

probably ought to be reading some of the eloquent testimony I brought from other parents, many from schools with waitlists who had to leave today, so I hope that you and the other council members on the Committee will have an opportunity to look at that testimony. But I just find myself tempted to list a number of points, as we're all in agreement about the basic systemic problems with the capital plan, things that I felt were just overlooked or not raised in the testimony today. First of all, I just noticed in response to I believe a question from Council Member Fidler, Sharon Greenberger mentioned that they had identified a need for a middle school in his district. And I found that a remarkable phrase, I wondered if they'd identified needs all over the City, and if they have, that would be such an interesting document to be able to look at. So, I would really like to ask the DOE to tell us about the needs they have identified that they've been keeping from us, because clearly they're there. Another point that I wanted to bring up was about the shortage of middle school and high school seats in the capital plan. I only know my own district, I'd be

interested to see how overcrowding in middle school and high school maps over allocations for middle school and high school construction in the City. There's no independent, freestanding middle school for district two, a district that we see to be, have dramatically increasing enrollment growth, and no new high school at all in Manhattan, where we're seeing a lot of lost leases for high schools and that seem very, very overcrowded conditions. And very intense competition for the most desired programs. You know, you would think that if these programs are so sought after, these academic programs, that they would be replicated throughout the City so that they weren't only available to the top, top, top students. Why not make them available to more students in the City, and give them those opportunities? In, in our, in our district, Greenwich Village Middle School, one of the first things that we were trying to do to relieve overcrowding was get Greenwich Village Middle School moved out of its tiny quarters in PS 3 to create more room for elementary school students, and create more middle school capacity in our

neighborhood. Now, now that there's suddenly a rush to create capacity in our neighborhood, Greenwich Village Middle School is in the press of the moment being moved temporarily, we're told, out of the neighborhood altogether. So now, under the current short term plan, we see no middle school, no new middle school capacity. We see a loss of middle school capacity, between 17th Street and Batter Park. And I didn't see in the plan anywhere the new space they are proposing for Greenwich Village Middle School is supposed to be temporary, and I don't see any allocations for Greenwich Village Middle School to expand in the 2010-2014 capital plan. The only middle school places they're offering are in K through--what they're identifying is K through 8 programs in the plan, but none of those schools, oh, have the capacity for K through 8. The Foundling School is simply not big enough to be K through 8, it has to be a K through 6, even though they identify it as a potential PSIS. And the Green School and what used to be called the Beakman School, the Spruce School, are potentially K through 8 schools, and yet we here that the need is going to be so great

for elementary school students in the far downtown, that it, it's pretty much impossible that both those schools will be K through 8. So, there's really no expansion of middle school capacity in the current capital plan. And then just to speak to the fact that they are promising that there's a great subtlety of analysis of need and, you know, enrollment growth, birth rates, building permits and so on and so forth, and yet to be, to still not be able to tell parents on waitlists for kindergarten where their children are going to be going to school in a matter of months, is a tremendous failure of management. And for an administration that claimed that it needed to centralize all this power, and take all this power unto itself, in order to improve management, it seems a striking irony. And for them also to sit here and tell us today that they cannot identify what children are waitlisted outside of Manhattan, for kindergarten, when they received all kindergarten registration information on March 15th, either they're lying or they're incompetent. It's simply a matter of totaling up the number of kindergarteners they have, and the

number of seats, and communicating with those principals and making a list. They, another shocking thing was that they blamed the economic downturn for the increase in demand in our neighborhoods, but we, last fall, when banks were closing, and we were pushing to have Greenwich Village Middle School moved out of PS 3, we began to tell them that, that the economic downturn was going to cause an increase in enrollment in public school, and Marty Bar and other DOE officials denied it. The one last thing I'd like to mention is that I didn't hear anything today about any response whatsoever to the CEC responses to the capital plan, which were prepared at enormous effort in our 32 public school districts. This is our, one of our few opportunities to weight in on the capital plan, and the DOE showed no indication of recognizing our democratic participation in that process. And obviously the PEP meeting where the capital plan was approved was as undemocratic as a, as an experience can come. So, this vote that you're about to take on the capital plan represents the only opportunity to say no to it, given the fact that the CEC opportunity and the

PEP opportunity would be, were lost. So, I would just like to say to you, please do say no. The people of the City of New York have said no, and we ask our representatives to reflect that, that demand in your own vote. Thank you.

CHAIRPERSON JACKSON: Thank you.

[applause] Next.

ANNETTE EVANS: Is this it? Okay. Hi, I'm Annette Evans, I'm a parent of a child in Lab Middle School, and he will be going to Stuyvesant next year, and I just want to be here to say that no school is immune to overcrowding. We already have established that we have even more children coming in, but right now in middle school, my son was in a class in sixth grade of 35 kids, 35 kids and 33 kids and eighth grade. He was in a, this year he was in a P.E. class that had two middle school classes, that's 66 to 70 kids, plus a high school class from the Museum School--over 100 kids in one gym class. And not only that, we are not in compliance with the State recommendations of 120 minutes of physical education. They only have 80. So, that, I'm just trying to give a human face and also a quick

overview.

CHAIRPERSON JACKSON: What school?

ANNETTE EVANS: Lab Middle School.

CHAIRPERSON JACKSON: Okay. That's on 18th Street, is that right?

ANNETTE EVANS: Yes, 17th.

CHAIRPERSON JACKSON: 17th Street, yeah.

ANNETTE EVANS: Rebecca's also, daughter goes there, as well. Now we're moving into Stuyvesant and you would think that it would be immune to this overcrowding, but it is not. It sounds like you already know what's going on with that. They lowered the admissions score and because of the recession, the principal said, "Well, if we have this many people, they're not going to turn down those seats." And so, right now, when I did the research on, on Stuyvesant online, it, it was built for the new building down here for 600, 2,650 students. And it's at capacity at 3,200, that's the fire violation, they have 3,241 children, 41 kids over the fire violation. And now this incoming class that my son is going into, they sent out 989 acceptances

and 888 of 'em accepted, and they're expecting 12 more kids to accept seats there. When they give the test at the beginning of the year, they are expecting 900 children, the largest class they've ever had at Stuyvesant. It is out of--And this is not just Stuyvesant, that's why I'm here. It's all the schools.

CHAIRPERSON JACKSON: And where are they going to go?

ANNETTE EVANS: They, they have carved out an extra room out of the library, but right now they are, right now they are starting lunch at 10:00 o'clock. And--

CHAIRPERSON JACKSON: Break, you mean breakfast.

ANNETTE EVANS: No, I'm talking about lunch. They're having lunch at 10:00 o'clock. And they, they are scrambling to try-- They, what they're doing is they are cutting one minute off of each class so they have five minutes to get from one class to the other instead of four. That means that they are losing eighteen hours of educational instruction for a year.

CHAIRPERSON JACKSON: And they're

adding that minute because it's so crowded that it takes so much longer.

ANNETTE EVANS: That's, that's right. So, and I'm sure this is like going on everywhere, but I just wanted to bring it that even like the specialized elite schools are overcrowded. And, and this is not even with the bulge of children that are coming up and not even getting seats in their elementary schools. This is a crisis and I felt strongly that I needed to come and say something to somebody, especially since you have several of the City Council members who are graduates of Stuyvesant.

CHAIRPERSON JACKSON: I think it's important that you, that you came in to testify, as you have a son or daughter entering Stuyvesant, but clearly, you know, under the proposed five year capital plan, not one high school is being built in Manhattan. In fact, in the proposed five year capital plan, there's only two high schools that expect to be built. I think one in Queens and one in Brooklyn. That's it. So--

ANNETTE EVANS: Well--

CHAIRPERSON JACKSON: So, this plan

is a projected five year plan, and I ask, does it meet the needs of our students? The obvious answer based on everything I'm hearing from you and the, El Presidente, and Josh and them, where the enrollment has gone down 6,000 to 7,000 students, you know, and, and they're fighting for space in the school, schools supposed to go to high school, and they're in the basement with no windows, the obvious answer is no, it doesn't meet the needs, yes it is flawed, and the question that you have to ask your council people, "How can you vote on a structurally flawed five year capital plan that doesn't meet the needs of our children?" That's the question you're going to have to ask them.

ANNETTE EVANS: And I will.

CHAIRPERSON JACKSON: Who's your Council Member?

ANNETTE EVANS: It's Alan Gerson.

CHAIRPERSON JACKSON: Well, Alan said earlier that he said he, he doesn't plan to vote for it. So the question is, is he going to hold to what he said here today?

ANNETTE EVANS: Well, I'm certainly

going to, I have emailed him on other issues, I will definitely be emailing him on this. And he lives across the street from me, too.

CHAIRPERSON JACKSON: Well, go knock on his door. [laughter] You're laughing, I'm serious.

ANNETTE EVANS: No--

CHAIRPERSON JACKSON: Because email is one thing, in person--

ANNETTE EVANS: No, I feel like waylaying him when I see him coming down, you know, I'm like--

CHAIRPERSON JACKSON: And he sees you and he's like--

ANNETTE EVANS: Yeah, exactly.

CHAIRPERSON JACKSON: I'm invisible, don't see me. No, I'm joking. [off mic]

ANNETTE EVANS: Same issue.

CHAIRPERSON JACKSON: Well, thank you for coming in.

ANNETTE EVANS: Thank you for hearing me.

CHAIRPERSON JACKSON: And who's

last but not least? Lauren Rosenthal, last, you win the million dollar prize in which I'm going to build a school right across the street from your house, if there's any space.

LAUREN ROSENTHAL: Oh, my dream, my dream. [laughter] Thank you, by the way.

CHAIRPERSON JACKSON: Thank you, Lauren, for--

LAUREN ROSENTHAL: I am a parent at PS 9, I have been PTA Co-President for two years and I'm a CEC candidate in district three.

CHAIRPERSON JACKSON: Where's PS 9 located at specifically?

LAUREN ROSENTHAL: PS 9 is on 84th Street, between Columbus and Amsterdam, across from Brandeis. And we do have some, I believe we have district five and district six kids occasionally.

CHAIRPERSON JACKSON: And Gale Brewer's your council member?

LAUREN ROSENTHAL: Gale Brewer, yes.

CHAIRPERSON JACKSON: And my nephew lives on that block.

LAUREN ROSENTHAL: What's, what's
Gale Brewer saying about the capital plan?

CHAIRPERSON JACKSON: I don't, I
don't really know.

LAUREN ROSENTHAL: I need to talk
to her. But I just wanted to say that I know a
lot of people are talking about the DOE lying, and
I'm not, I can't speak to that, obviously, but I
do feel that there's a actual structural problem
with the DOE, which is that there is no mechanism
in place for evaluating overcrowding or incoming
student population. When we started to have, I've
been working on overcrowding for about a year-and-
a-half. When we started talking to the DOE about
the overcrowding, I think it's been most profound
at PS 199, they said, "Oh, no, we have the Greer
Report, which we commissioned."

CHAIRPERSON JACKSON: Ha!
[laughter]

LAUREN ROSENTHAL: And it says, it
says there will be declining enrollment. Well, I
spoke to the Greers, and they said, "Well, we
don't really look at apartments that are being
built, and maybe Catholic schools have declining

enrollment, and oh, we don't know." And anyway, we went back to the DOE and they said, "Yeah, I guess PS 199 is so crowded we better move the Center School right out. And PS 9 is getting so crowded, we'll just move Anderson right on out." And they're rezoning the entire Upper West Side. So, clearly the Greer Report, not working. And then we went back to Marty Bar, and he said, "Well, we don't really look at that anyway. We don't really look at the number of children coming in, until they're in the system." That's not a plan. There is no mechanism at the DOE to plan for future students coming in. There could be 3,000 extra kids coming in next year, they haven't done anything to figure that out. I would submit that they have to create some kind of group that goes around to every single pre-school and pre-K in the City, public and private, and gathers the numbers to really figure out as closely as they can, what kind of numbers they're looking at over the next umpteen years. And I also want to point out that 2007 was a baby boom year, a banner baby boom year, a record baby boom year, not just across the nation but in New York City. And yet

there's no plan, obvi--as, you know, has been belabored endlessly today, no plan for new schools. We've got overcrowding in the elementary schools, we've got overcrowding in the middle schools, and we've got overcrowding in the high schools, and DOE has no system set up to say, "Yep, now's the time for a new school." It has to come from the communities because there's nothing in the DOE to assess this. And of course I'm saying to vote against the capital plan, but I would say, you know, hold up all development, do everything you can, until the mechanism is set up to assess what the heck is coming down the line, so they could actually plan ahead, 'cause they have no way to do that, I'm not sure it's the Mayor's fault, I'm not sure it's Joel Klein's fault, although it sure kind of looks that way. But there's no mechanism. Until the mechanism is in place, this is never going to work right. And I could go on and on, obviously. But I just kind of wanted to put that out there, because we keep coming at them, and they keep saying, "Oh, no, there's no problem," but really there's nobody kind of trying to assess the problem. And thank

you again.

CHAIRPERSON JACKSON: Well, the Department of Education and SCA would disagree with you. They say they do have a mechanism to assess, and they do take into consideration--

LAUREN ROSENTHAL: What, what's their mechanism.

CHAIRPERSON JACKSON: They've explained it, but I disagree with them because going back when the first five year capital plan was adopted, what is it, five years ago? When I testified, Miguel Martinez was the City Council Member, and parents from district six went down and said to them that at that time, the current five year capital plan, they had I think one school, they had a rollover school from the previous capital plan, and we told 'em that was not acceptable. And we testified, and let me tell you what I testified to. I said, "You're telling me that district six will not be overcrowded at the end of the five year capital plan." I said to them that, "Under your plan, K to 3 is going to be, you're telling me it's not going to be, there's going to be 20 students per, in class, K

1
2 to 3, they all the transportables will be gone,
3 all of the cluster rooms will be put back the way
4 they were," and I said, "If that happens, all of
5 these parents that are sending their kids out to
6 other districts or to parochial school, they're
7 going to come back to the district." And I didn't
8 even consider the economic situation, as far as,
9 you know, now people have lost their jobs, they
10 can't afford this, that and the other, I said, "If
11 our district is not overcrowded then my jacket, I
12 will shred it and eat it over the course of the
13 year." [laughter] You're laughing, but I was
14 serious. And I said, "Your consultants say that
15 we will not be overcrowded based on what you're
16 telling me, you should fire them."

17 LAUREN ROSENTHAL: Yeah.

18 CHAIRPERSON JACKSON: And that's
19 the Greer people.

20 LAUREN ROSENTHAL: The Greer
21 Report.

22 CHAIRPERSON JACKSON: You should
23 fire them. Okay? Now, the capital plan ends June
24 30th of 2009. You've heard testimony from district
25 six, K to 3 is not down to 20; transportables are

still in yards, okay; and as far as the cluster rooms, okay, we don't even meet the bare minimum that's required by the Department of Education. So, and you know how many schools, seats, not schools, you know how many seats are expect to be built in your district? Zero.

LAUREN ROSENTHAL: Zero.

CHAIRPERSON JACKSON: Zero. Zero in district six, zero in district five.

LAUREN ROSENTHAL: John White keeps saying we don't need--

CHAIRPERSON JACKSON: Zero in district four, zero in district three, zero in district one. The only district in Manhattan that seats are expect to be built is in district two. And high schools, you know how many seats are expect to be built in Manhattan? Zero.

LAUREN ROSENTHAL: Zero.

CHAIRPERSON JACKSON: How can any council member vote on a plan that's structurally flawed like this? I ask you that, if you were a council member, would you vote yes?

LAUREN ROSENTHAL: No.

CHAIRPERSON JACKSON: Would you

vote yes?

FEMALE VOICE: No.

CHAIRPERSON JACKSON: Would you
vote yes?

FEMALE VOICE: No.

LAUREN ROSENTHAL: Maybe we should
run for office.

CHAIRPERSON JACKSON: Let me thank
you for coming in.

FEMALE VOICE: Maybe we will.

[laughter]

CHAIRPERSON JACKSON: I'm not
standing alone. Do I have parents standing with
me.

FEMALE VOICES: Absolutely.

CHAIRPERSON JACKSON: Okay, so if I
stand up by myself, I'm not concerned. But let me
thank you for coming in.

FEMALE VOICE: Thank you.

CHAIRPERSON JACKSON: Before I
close this hearing, now let me make an
announcement. The budget hearings, the executive
budget hearings on the proposed executive budget,
I think it's \$59.4 billion, will resume on

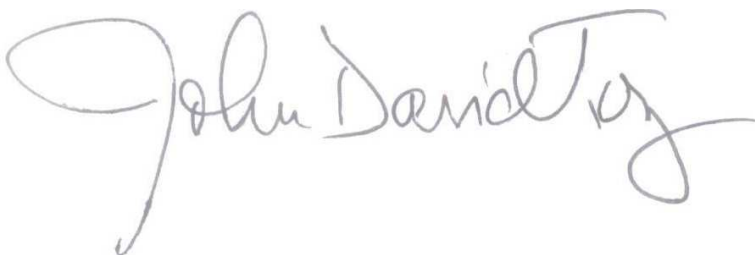
Tuesday, May 26th, that's this coming Tuesday, at 10:00 a.m., with the HRA, which acronym is the Human Resource Administration, and General Welfare, and the Finance Committee. [off mic]

And on Wednesday, May 27th, Finance and Education will be dealing with the expense budget. So please pass that on. And on behalf of my colleague, David Weprin, the chair of the Finance Committee, are you hear, David? And myself, this hearing of the Finance Committee and Education Committee on the five year capital plan is hereby adjourned. [gavel]

[background noise]

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.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned above the signature line.

Signature__

Date June 11, 2009