



Joel I. Klein  
Chancellor

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Testimony of Deputy Chancellor Kathleen Grimm

New York City Council  
Committees on Education and Finance

Executive Budget Hearing  
Education & School Construction Authority (Capital)

May 21, 2009



Good afternoon Chair Jackson and members of the Education Committee. My name is Kathleen Grimm, Deputy Chancellor for Finance and Administration in the New York City Department of Education. I am joined by Sharon Greenberger, President of the School Construction Authority and Jamie Smarr, President of the Education Construction Fund. We are pleased to be here today to discuss the FY2010 – 2014 Five Year Capital Plan for our schools.

Nothing has changed in the Plan since March, when we last appeared before you on the capital plan. So before we get into the details of the new Five Year Plan, I'd like to take this opportunity to review our recent capital accomplishments.

As you recall, in November 2003, we released our current Capital Plan (FY2005–2009) - a \$13.1 billion Plan - the largest plan 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 aren't enough dollars to meet all of our school construction goals, we have made great strides in addressing capacity constraints of 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 playground enhancements.

The original plan called for the construction of 63,000 new seats and 3,000 replacement seats to address overcrowding. 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 over into the next plan. We will see an additional 34,000 seats come on-line in the next three years that have been funded with dollars from our current, FY2005-2009 capital plan.

To avoid the pitfalls of previous plans, 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:

- 1) We survey our buildings every year to assess the direst needs. This is known as our Building Condition Assessment Surveys (BCAS), where we send architects and engineers to each of our 1200+ school buildings to walk through with school principals so we have the most current information about the state of our buildings.
- 2) We update our enrollment projections every year. We pull together information from our demographers, who make enrollment projections five and ten years out. These projections incorporate data on birth rates, immigration rates and migration rates from the various agencies including the Department of Health and the U.S. Census. We then overlay information we obtain from the Department of City Planning, Department of Buildings and Department of Housing Preservation and Development 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 a sustained increase in student population in one part of the city or a decline in another part.

- 3) We undertake a public review process with the Community Education Councils (CECs), the City Council and other elected officials, and community groups. Every year, we send out a form to every CEC asking them if they want to conduct a public meeting or hearing on the Plan, and we make a presentation to each one that requests us. We brief the City Council by borough delegation every year, and attend other meetings as requested by elected officials. We also meet with community groups by request.

Each of these steps has made the Plan far better to manage, and has made the Plan more transparent than it has ever been. We will continue this annual process and seek ways to improve it.

I am proud of all that we have accomplished so far, and there is still much to do.

The 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 in the Fall. For example, we have confirmed kindergarten wait lists in 3 areas in Manhattan - PS 166 on the Upper West Side in District 3, PS 3 and PS 41 in the Village in District 2, and PS 290, PS 6, PS 183 and PS 59 also in District 2 on the Upper East Side. The numbers are smaller than some have reported - a total of 273 students in Districts 2 and 3 are currently on wait lists at their zoned schools. Of those students, 152 students 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 CEC's to address the wait lists and will provide every student a seat in September. We expect the PS 166 wait list will be exhausted when Gifted & Talented placements are accepted. Also, we recently participated in a task force with staff from Speaker Quinn's office and other elected officials to find a pre-Kindergarten site in the Village for this September to address the wait list issues at PS 3 and PS 41. To facilitate the search we posted guidelines for potential site suggestions that allowed some sites to be ruled out before time consuming walk-thoughts going forward, we plan to keep running tallies of suggested sites and our determinations as well as guidelines for responding to suggestions from elected official and CEC's. Through this task force, we have found private space to relocate 3 pre-Kindergarten classes and that combined with G&T acceptances will exhaust wait lists in the Village. We are opening a replacement school for PS 151 (closed by the old Board of Education in 2001) so students in the zone will have their own school in the Fall. This new school, combined with G&T will greatly reduce the wait lists as we continue to explore other spaces on the Upper East Side.

In early November, we released the proposed FY2010-2014 capital plan. This proposed plan is \$11.3 billion, with two major components:



- 1) \$5.2 billion for capacity. This includes the construction of 25,000 new seats, funding for replacement facilities whose leases are expiring, and charter partnership projects.
- 2) \$6.1 billion for capital investment. This includes our Capital Improvement Program (CIPs), funding for our Children First Initiatives such as campus restructurings, physical fitness projects and science labs and mandated programs like remediation and building code compliance. In fact, the current capital plan includes more than \$350 million for new science labs. These dollars will help fund the construction and upgrade of 218 science labs, most of them in existing buildings. During the 2008-09 school year alone, 47 science lab projects are expected to be completed.

Since we testified in 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 into the plan 20 projects recommended by the CECs and the City Council.

Sharon will walk you through the details of the plan; 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 reduced from previous years. We incorporate past inflation rates as well as anticipated increased costs in the construction sector in developing the plan. Furthermore, in May the Mayor announced that the City was stretching four years of its capital program commitments over five years due to the uncertain economic outlook for the City. Even with reduced resources, this plan proposes the creation of 25,000 new seats. These seats, coupled with more efficient use of existing space, are projected to address the overcrowding identified at a neighborhood level within districts. The current economic situation forces us to be more strategic with our resources and more efficient with our existing space, and will require us to work together to make tough decisions in the best interests of our children.

This plan also assumes the same financing strategy, with half funded by the City and the other half funded by New York State. Additional resources are provided through partnerships, federal grants, private contributions and of course with generous support from the City Council and other elected officials.

We took what we learned from the current plan and incorporated it into the next one. For instance, through our public engagement process, we heard from various communities that planning at the school district level was not sufficient, and that we needed to examine specific neighborhoods for unique needs and pockets of overcrowding. Many of you have been engaged in these conversations with us and your insight continues to help us. In the new FY2010 – 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 found this extremely helpful and as a result have been able to include most of their prioritized projects in the plan via our annual amendment process. Because this has been so useful, we

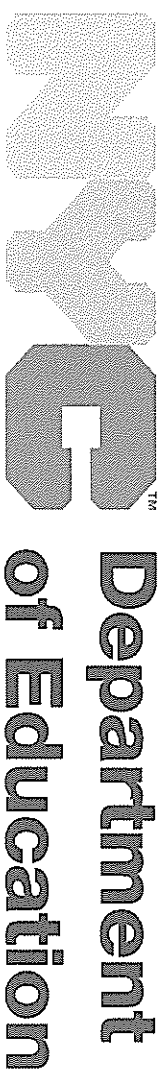


developed a similar form for elected officials, so that we are better able to process your priorities and input. We hope that you found the form to be helpful, and we are happy to hear your feedback on it.

We worked successfully with OMB and City Hall to ensure this plan at the \$11.3B level and was included as such in the Executive Budget released this month. Because of the funding issues, the Panel for Educational Policy vote was delayed until – and passed – the April 27th meeting.

Thank you and I will now turn to Sharon who will walk you through the specifics of the FY2010 – 2014 plan, after which we will be happy to answer your questions.





# Building on Success FY 2010 – 2014 Five Year Capital Plan



New York City Council Hearing  
May 21, 2009



# FY2010 – 2014 CAPITAL PLAN PRIORITIES

Address capacity need on a neighborhood basis

Ensure the stability of our existing facilities

Continue Instructional Enhancement Program

Allocate limited resources effectively



# FY2010-14 PLAN COMPONENTS

Capacity: \$5.2 billion

Capital Investment: \$6.1 billion

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Total: \$11.3 billion

Note: Assumes equal City and State funding



# CAPACITY - \$5.2 Billion

New Capacity:

\$3.8 billion

(25,194 seats, including roll over (approximately 8,000))

Charter/Partnership

\$210 million

Replacements:

\$1.2 billion

(Schools w/expiring leases--assuming 1/3 sites being replaced)



# NEW CAPACITY

Total 5<sup>th</sup> Plan new seat creation through new buildings: 25,194

(includes 4<sup>th</sup> Plan rollover)

- > PS/IS seats: 22,523
  - Manhattan
  - Bronx
  - Brooklyn
  - Queens
  - Staten Island
- > IS/HS seats: 2,671
- > Rollover from 4<sup>th</sup> Plan: ~ 8,000 seats

## Determining need

- > Analysis based:
  - District wide (capacity, enrollment & housing)
  - “Neighborhoods” within district for PS/IS schools

## Additional Planning Factors to Meet Projected Need:

- > Facility Realignment Strategies
  - (Created through new school or charter placement, enrollment adjustments, reconfiguring existing facilities)
- > In process from 4<sup>th</sup> Plan: ~ 34,000 seats

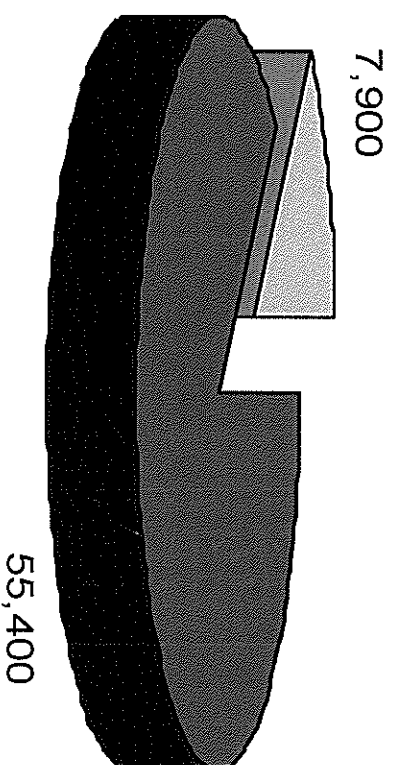


Joel I. Klein, Chancellor



# CURRENT FY 2005 – 2009 CAPITAL PLAN CAPACITY STATUS

Capacity Status February 2009



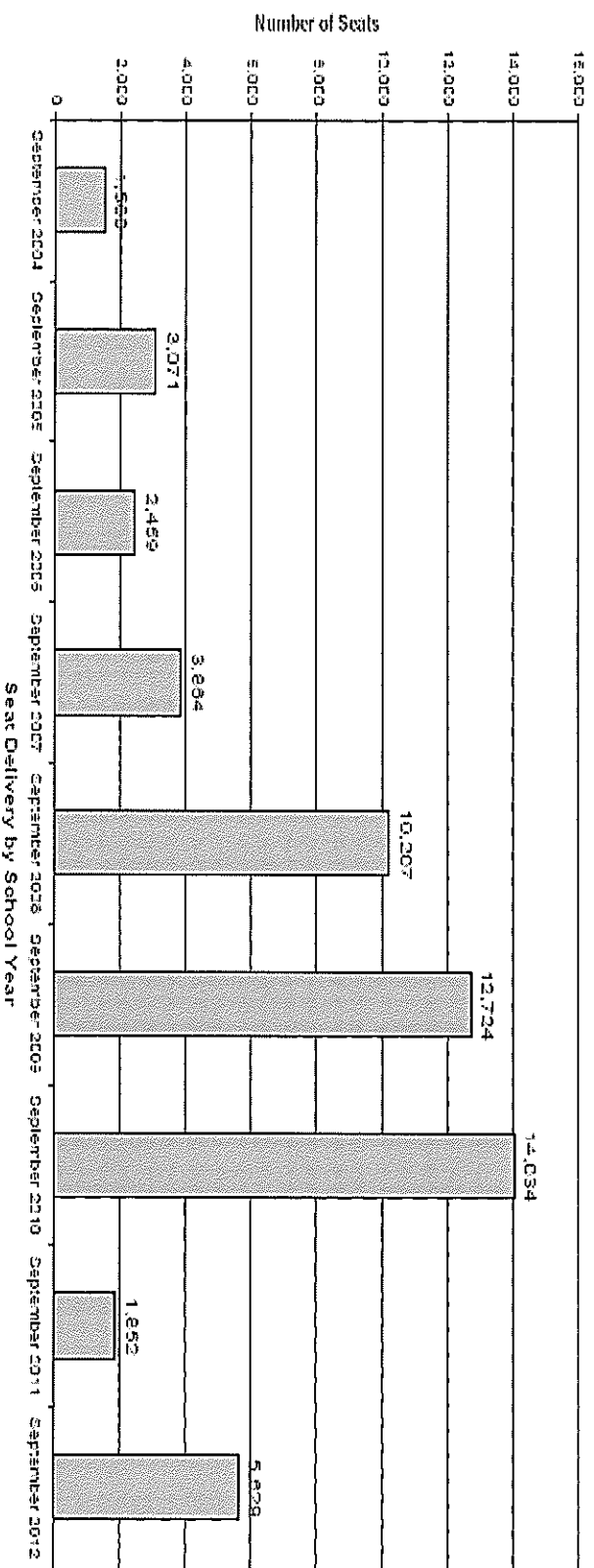
- Seats in Process/Completed
- Seats Remaining



# FY2005 – 2009 CAPITAL PLAN CAPACITY SCHEDULE

NYC Department of Education

Anticipated Capacity  
Created Through FY 2005 - FY 2009 Capital Plan  
(Does Not Include 7,965 seats Rolled Over to FY 2010 - FY 2014 Capital Plan)  
Data as of 1/23/2005





# CAPITAL INVESTMENT - \$6.1 Billion

## Capital Improvement Program:

\$ 2.2 billion

- > Addresses only the most urgent conditions (primarily projects rated 5 under BCAS)

## Children First Initiative:

\$ 1.7 billion

- > Technology & Facility Enhancement Programs

## Mandated Programs

\$ 2.2 billion

- > Remediation/Code and Fixed Programs



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# INFORMATION USED TO DEVELOP PLAN

The following data were used in developing elements of the Capital Plan and are available on the SCA or DOE Websites:

- > Enrollment Projections
- > Projected Housing Starts and Rezoning Projects
- > Projected Public School Ratio (Housing Multiplier)
- > Enrollment, Capacity and Utilization Report (Blue Book)
- > Facilities Realignment Strategies Prospectus
- > Building Condition Assessment Survey



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Education

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# PROCESS ENHANCEMENTS INITIATED UNDER FY2005 – 2009 CAPITAL PLAN

## Plan Approval Process:

- > CEC Review
- > Council Briefings
- > Public input process

## Communication

- > Reso A Brochure
- > Environmental Fact Sheet

## Plan Implementation:

- > Vendor Access System
- > Change Order System
- > Value Engineering Program

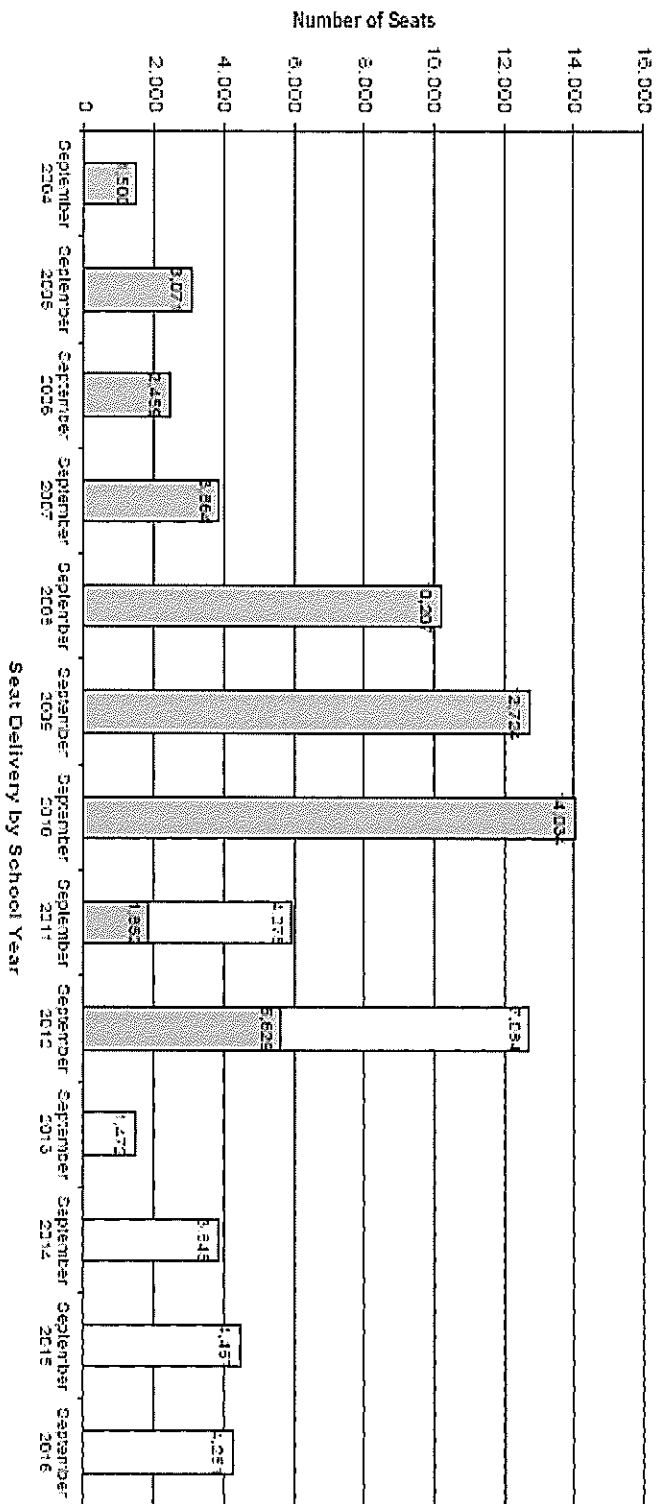




# TWO CAPITAL PLANS – 80,500 SEATS

NYC Department of Education  
FY 2006– FY 2009 Capital Plan and FY 2010 – FY 2014 Capital Plan

Anticipated Capacity  
Data as of 1/25/2005





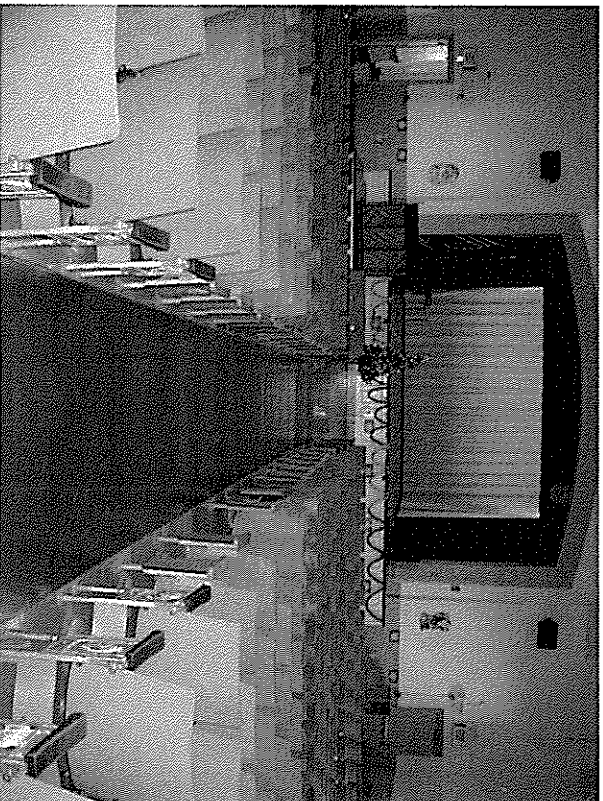
# DISTRICT 5 – RESO A GARDEN



PS 36 READING GARDEN



# DISTRICT 8 – RESO A AUDITORIUM



PS 93 AUDITORIUM



# DISTRICT 10 – RESO A PLAYGROUND



PS 330 PLAYGROUND



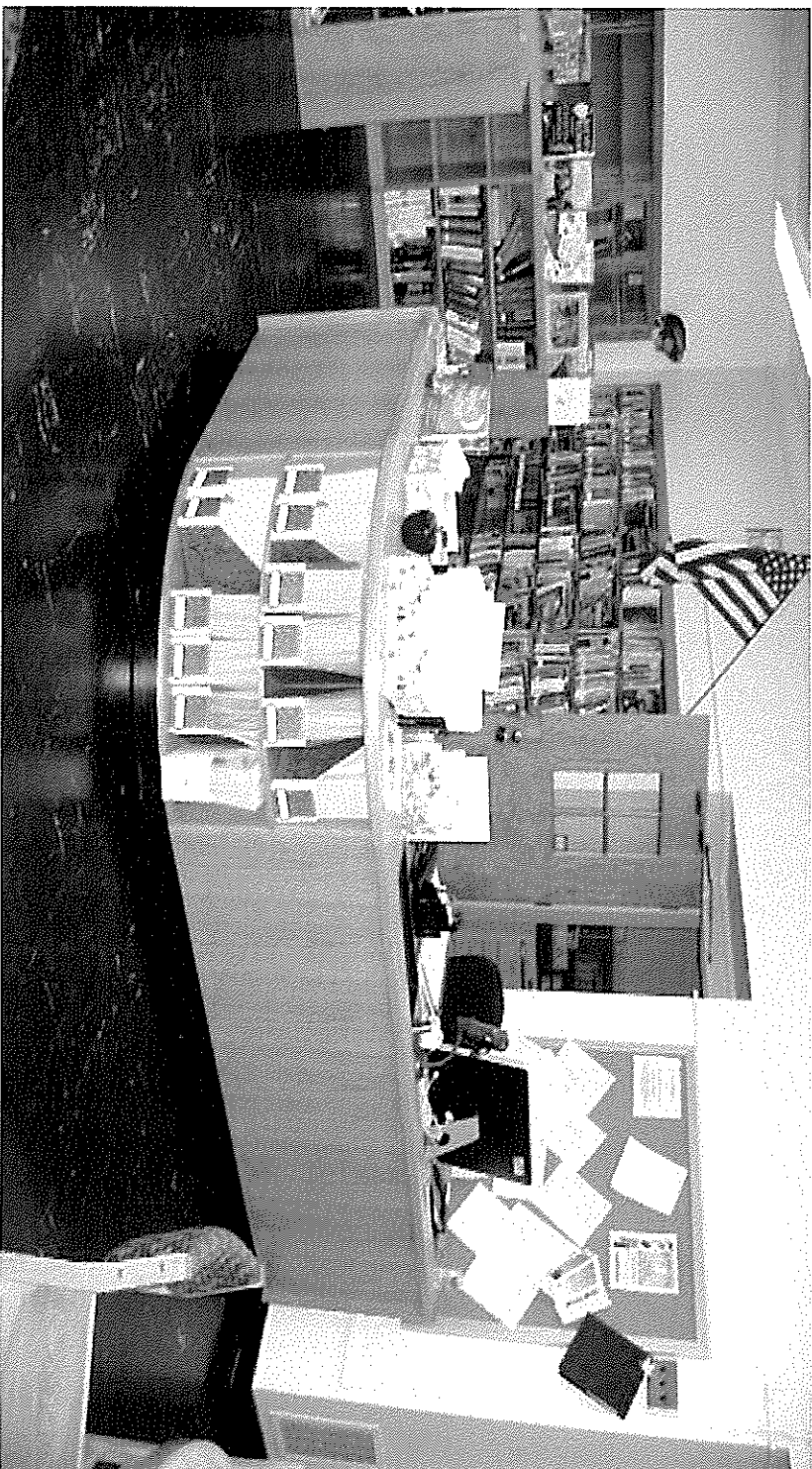
# DISTRICT 14 – RESO A PLAYGROUND



PS 19 PLAYGROUND



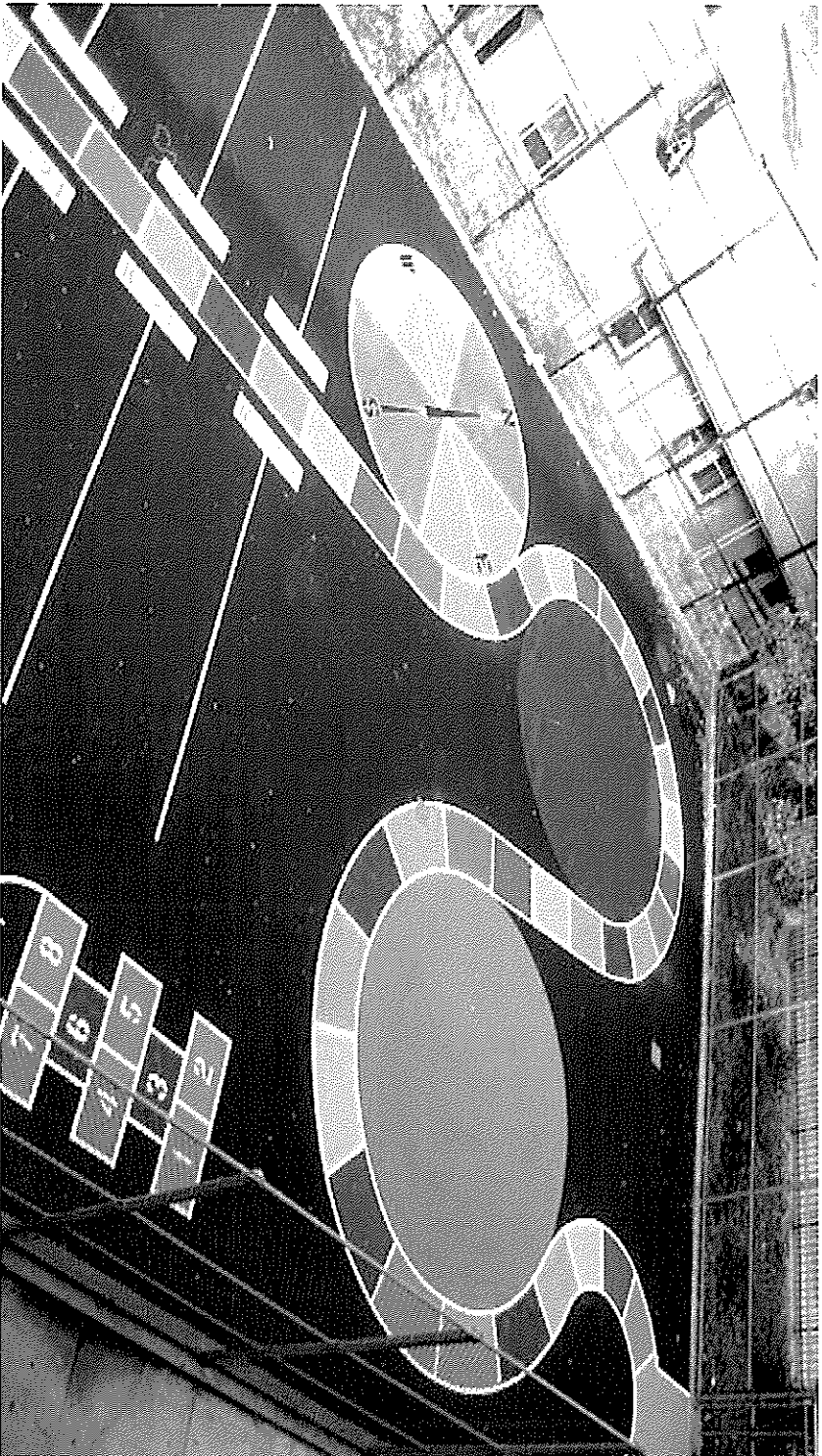
# DISTRICT 25 – RESO A LIBRARY



PS184 LIBRARY UPGRADE



# DISTRICT 27 – RESO A PLAYGROUND



PS 64 PLAYGROUND PROJECT



# DISTRICT 32 – RESO A AUDITORIUM



PS 106 AUDITORIUM UPGRADE



# PS/IS 237 – BROOKLYN





# PS/IS 366 - BROOKLYN



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# PS/IS 113 ADDITION - QUEENS



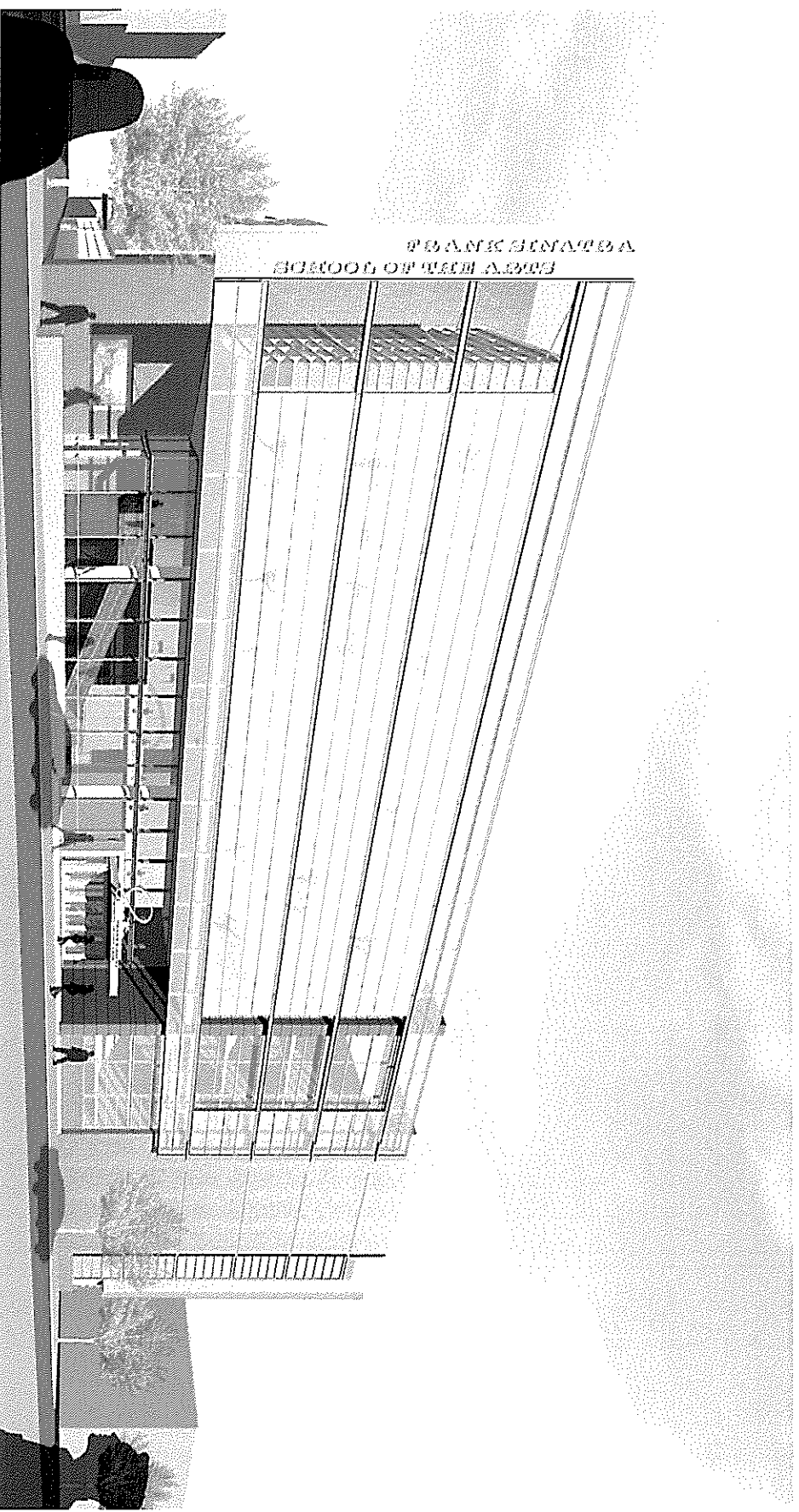


# PS 102 ADDITION - QUEENS



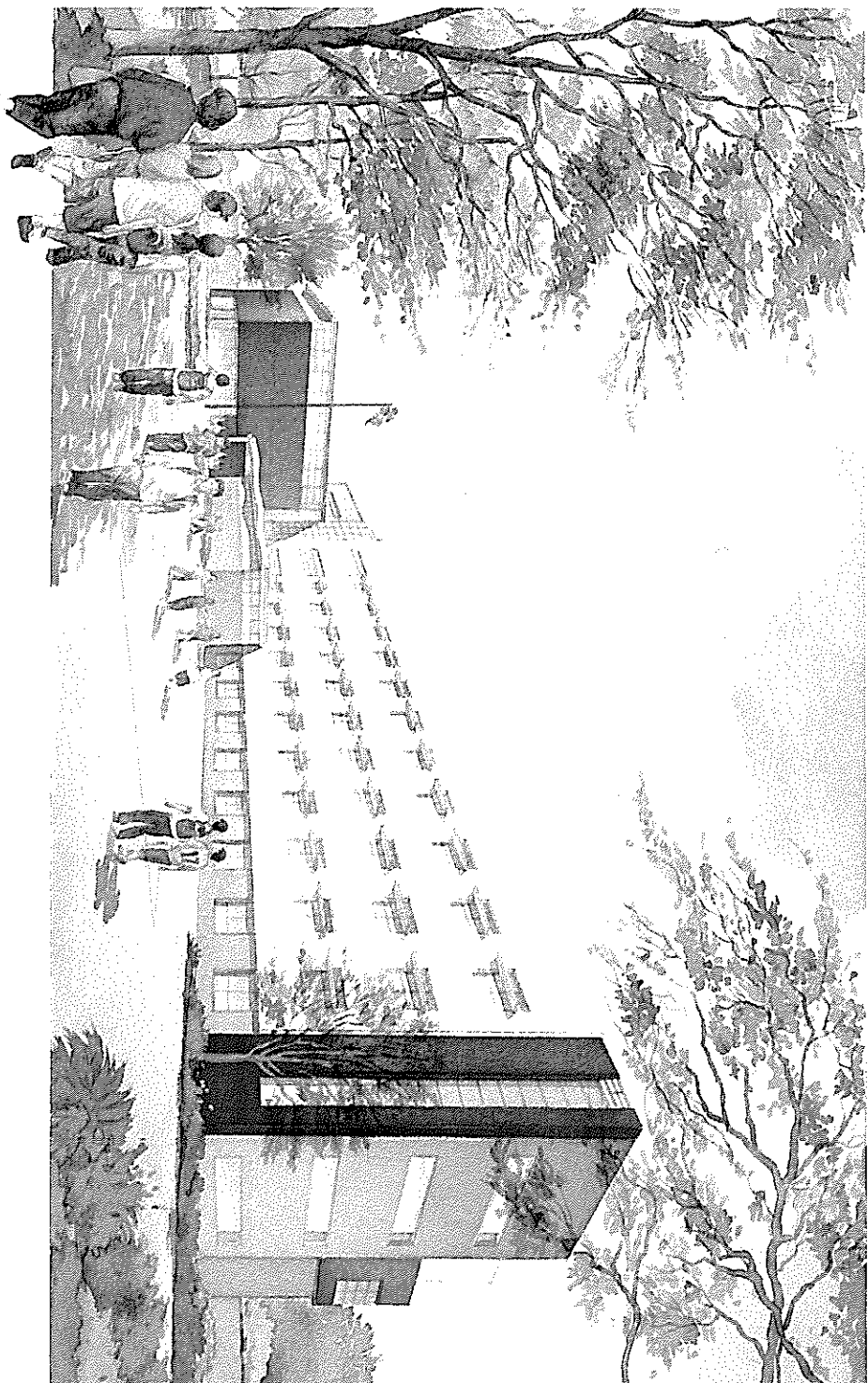


# FRANK SINATRA H.S. - QUEENS



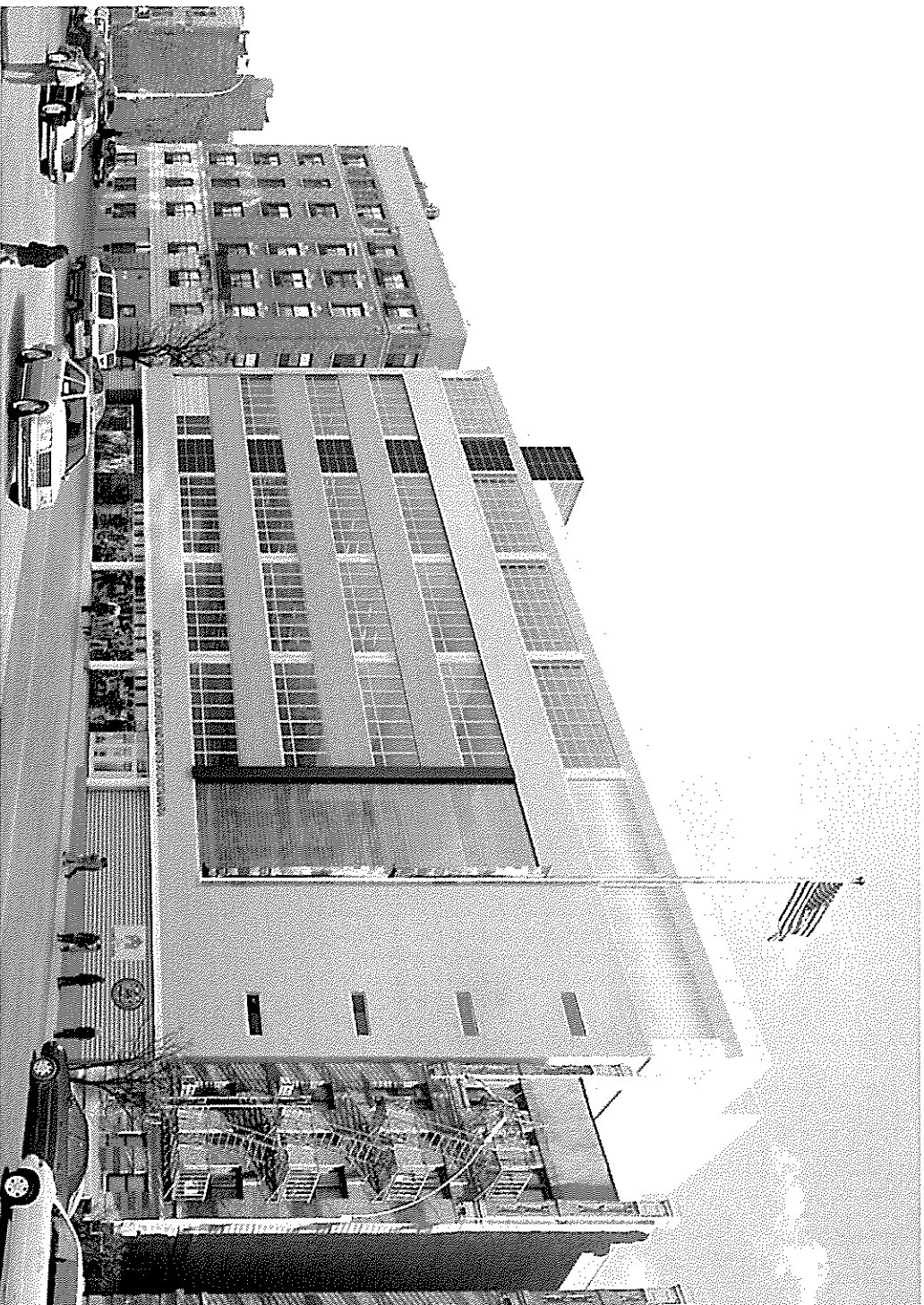


# PS/IS 861 – STATEN ISLAND





# BRONX STUDIO SCHOOL FOR WRITERS AND ARTISTS - BRONX



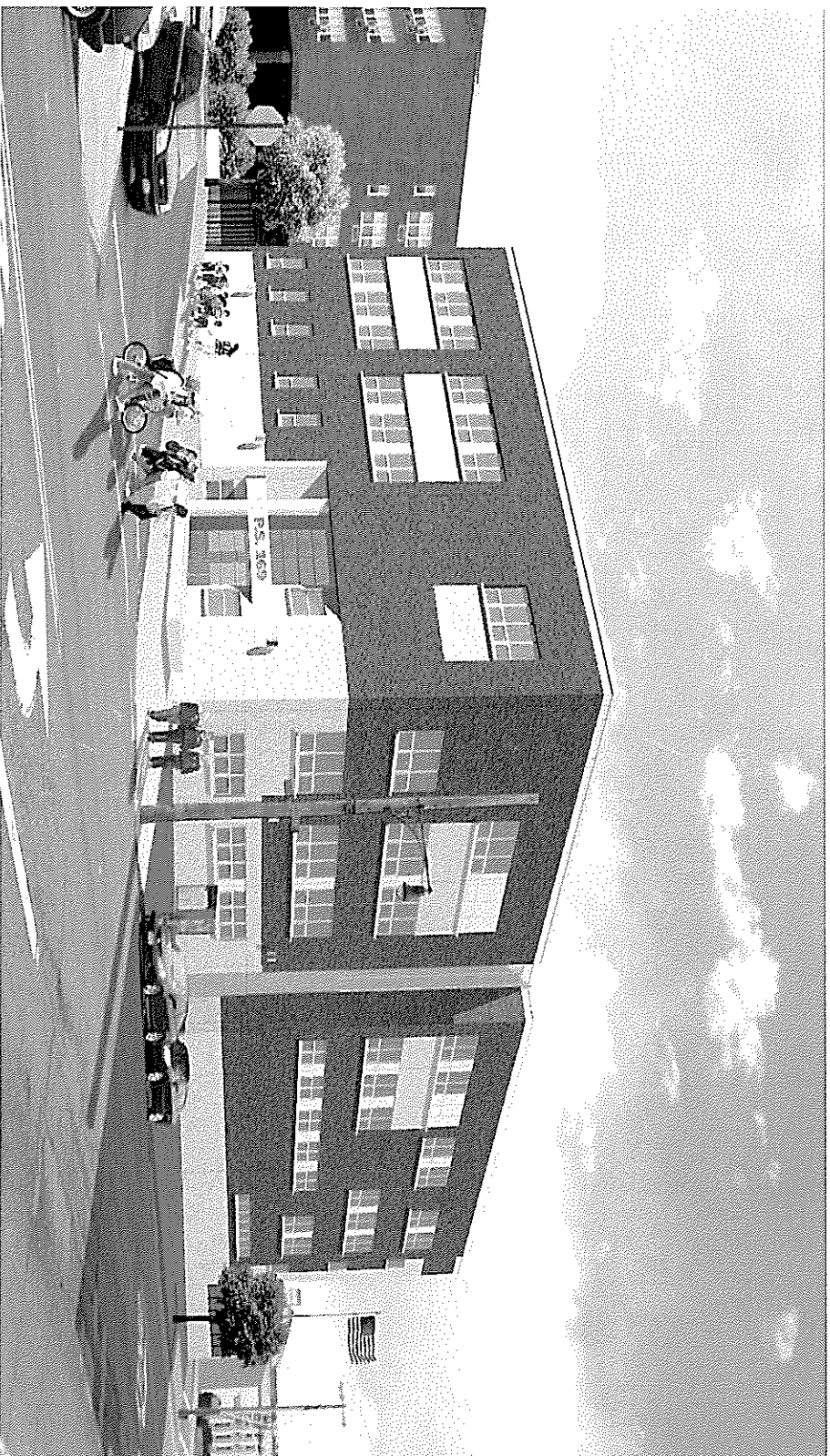
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# WILLIE ELLA PASCHAL BOWMAN CAMPUS (PS 169) - BRONX



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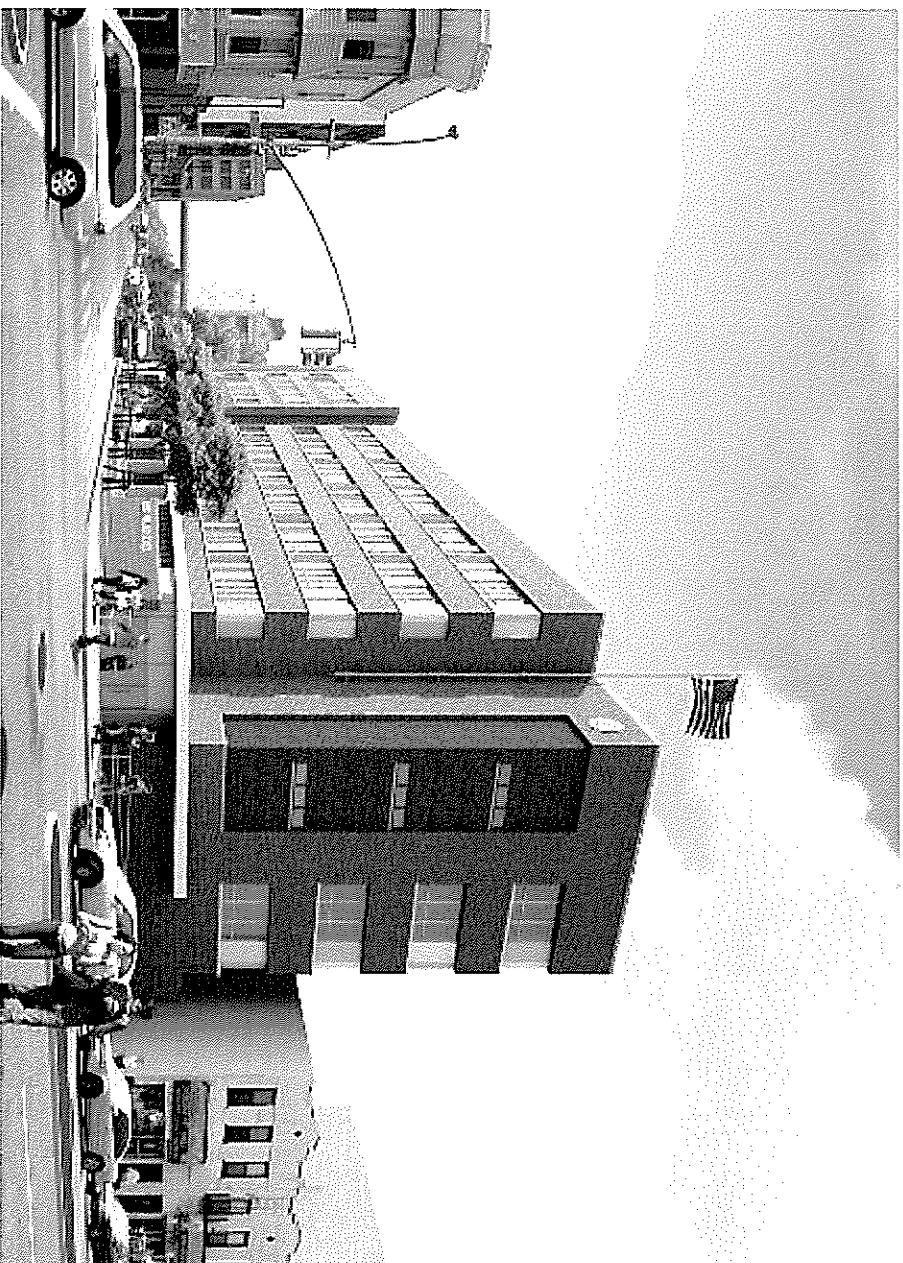
# NEW UTRECHT H.S. - BROOKLYN



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# SUNSET PARK H.S. - BROOKLYN





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JOINT ECONOMIC COMMITTEE



# Congress of the United States

## House of Representatives

Washington, DC 20515-3214

TESTIMONY OF CONGRESSWOMAN CAROLYN MALONEY

The New York City Council Education and Finance Committees

Hearing on the Executive Budget

May 21, 2009

## FOR THE RECORD

Thank you for giving me the opportunity to offer testimony expressing my serious concern about the proposed school construction budget. Schools throughout community school district 2 are experiencing a serious overcrowding crisis, precipitated by the current economy, the development of many new apartment buildings in District 2, an increased number of families with children in the area and the decision of parents to send their children to Manhattan public schools. Over the past decade the East Side of Manhattan has become increasingly residential. Unfortunately the Department of Education (DOE) has failed to properly plan for the for the growth.

On the Upper East Side, there are presently more than 140 students on waitlists for kindergarten and first grade. At PS 290 alone there are 47 children on the waitlist. The number would be even higher but schools have been persuaded to eliminate cluster rooms and increase class sizes, and DOE has finally committed to opening a school for the PS 151 zone. I am pleased that PS 151 will likely be getting a temporary home in Our Lady of Good Counsel.

The surge in enrollment appears to be taking DOE by surprise. It shouldn't be. They should be looking at demographic trends and recognizing the potential problem before it becomes a crisis. DOE will put a fig leaf over a deeper problem by increasing class sizes, eliminating and moving pre-kindergarten, and converting more cluster rooms to classrooms to accommodate the waitlisted students. All these fixes erode the quality of education for our children and discourage parents from raising their families here. Families are the lifeblood of our community. They are our number one consumers of products and services. If families leave the Upper East Side because our schools cannot accommodate them, every neighborhood will feel their loss.

Though PS 116 does not anticipate a waitlist this fall, the school has eliminated its pre-kindergarten and two gifted and talented sections to address overcrowding. I was happy to learn that the School Construction Authority (SCA) has been in discussions regarding the 35<sup>th</sup> St. Solow Site. However, I am concerned that the discussions are still preliminary and it will be years before the schools goes online.

Studies show that early childhood education leads to a life of success and that children learn better in smaller class sizes. The solution to our overcrowding problem is not cutting pre-kindergarten programs and increasing class sizes, its building new schools. I urge the council to insist upon a capital budget that provides real solutions to District 2's crisis.

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**FOR THE RECORD**



**Office *of the***  
**New York City Comptroller**  
**William C. Thompson, Jr.**

**Testimony By**

**William C. Thompson, Jr.**  
**Comptroller, City of New York**

**Before the**  
**New York City Council Committees on**  
**Finance and Education**

**New York City Council**  
**City Hall, Council Chambers**  
**New York, New York**

**May 21, 2009**



I appreciate the opportunity to submit testimony on the important matter of the Department of Education's proposed five year capital plan. My office has received phone calls and emails from hundreds of parents expressing concern about overcrowded schools and the failure of DOE and the School Construction Authority to adequately address their concerns.

In May 2008, our office issued a report entitled *Growing Pains: Reforming Department of Education Capital Planning to Keep Pace with New York City's Residential Construction*. That report focused on several issues regarding the DOE Five-Year Capital Plan: adequacy of planning for new capacity; ability to provide that new capacity in a timely manner; and transparency and responsiveness of the capital planning process. It is those issues that I would like to address here as they relate to the proposed Capital Plan for 2010-2014. My comments do not relate to those portions of the proposed plan that deal with capital investment in existing facilities or major equipment.

A viable DOE capital plan for new capacity requires three elements. The first, of course, is money. The second is an accurate assessment of current capacity. And the third is accurate projections of future enrollment. Unfortunately, the document before us today has none of those elements.

Let me first speak of money. We are well aware of the constraints facing the City. Given those constraints, the amount of spending proposed in the capital plan before us today may be all we can afford. Unfortunately, however, it is nowhere near enough to provide what we need. Because of that, it is all the more important that the other two necessary elements – capacity computations and enrollment projections – be beyond reproach.

Capacity is defined by a DOE/SCA publication that we all know as the "Blue Book," which is, in fact, multiple volumes that assess, school by school, how much classroom space exists and what percent of that space is being used by students. There are several problems with it. First, the Blue Book is never current, and it is getting later. The Blue Book issued in October 2007 (the last time before the current one) was based on October 2006 data. The Blue Book most recently issued, in March 2009, was based on October 2007 data. So we have gone from a Blue Book that is a year out of date to one that is almost a year and a half out of date. This is definitely the wrong direction. This means that the capital plan is being developed using capacity figures that are 18 months old.

There are also some problems with the definitions of available space in the Blue Book. For example, if a music room had to be turned into a classroom five years ago to handle an emergency surge in enrollment, that music room is counted as a classroom forever more. That is just wrong. For the purposes of defining whether a school is over or under utilized, that music room should be counted as a music room.



Finally let us turn to the enrollment projections. DOE and SCA retain consultants to make these important estimates. In our May 2008 report, we showed that the enrollment projections produced by the consultants did not take into account residential building permits and were thus not adequately reflecting increases in enrollment resulting from what was then a major building boom. In addition, we found that the consultants made their projections on a district-wide basis, and that DOE/SCA did not provide for any new capacity in districts where enrollment overall was projected to decline. This unfortunately meant that high growth neighborhoods in declining districts got no relief.

Consider for example District 3 on the West Side of Manhattan. Overall, enrollment was projected to decline in the district by 6.6 percent from 2005 to 2020, so no new schools were planned. However, the Lincoln Square and the Upper West Side were experiencing a population boom, and its schools were seriously overcrowded. PS 199 in Lincoln Square was at 117 percent of capacity, and PS 75 on the Upper West Side was at a staggering 133 percent of capacity, both according to the Blue Book published in October 2007 (using October 2006 data). Some District 3 schools are those that will not have sufficient space for kindergartners in the fall. Sad to say, no new capacity is provided for District 3 in the Proposed Capital Plan.

We recently looked at the rate of enrollment growth or decline for the period 2003-04 to 2008-09, district by district, projected by these consultants, and we compared it to the rate reported by DOE. Enrollment was substantially underprojected in eight districts, and substantially overprojected in another nine districts. This means that in just over half of the 32 community school districts, the projections were not useful, even on a districtwide basis. (By substantial, we mean at least a four percentage point disparity between the enrollment change projected by the consultants and the change as reported by DOE. In eight districts, there was at least an eight percentage point disparity.) In its 2010-2014 submission, DOE presents information on projected versus actual enrollment from 2005 through 2008, which shows that the projections were very close to the actuals, and were generally a little higher than the actuals. However, that data is presented systemwide and thus masks wide variations between projections and actuals by district.

This year, DOE retained a second consultant to project enrollment, possibly as a transitional step to replace the original consultants. The projections they released in March 2009 for the upcoming school year (2009-2010) by community school district were different from the original consultants' in every case. The newer consultants projected 295 more students than the original consultants in District 4, 256 more students in District 13, and 270 more students in District 23. These are significant numbers of students, especially if there are no seats for them in district schools. By the same token, the newer consultants projected *lower* enrollment in some districts: 190 students in District 16, 387 students in District 18, and a whopping 1,431 students in District 24. We would like to be able to discuss with you the reasons for these differences; unfortunately, however, the consultant reports available from DOE/SCA present only numbers. There is no discussion of the methodology underlying these numbers.



I am pleased to report that, as we recommended, the DOE/SCA proposed capital plan for 2010-2014 now presents information by neighborhood, rather than solely by community school district. However, as we have shown, much more still needs to be done.

Our 2008 report also found other flaws in the capital planning process. Schools take much too long to site, design and build, and the timetables are constantly being pushed back. For example, there is a project in District 20 that was to have been completed by November 2010 according to the 2005-2009 Capital Plan. The current Proposed Plan projects a completion date of December 2015. Indeed, because the 2005-2009 Capital Plan also failed to list projects carried over from the 2000-2004 Capital Plan, it is possible that some of the projects being carried forward into the 2010-2014 Capital Plan actually originated in the 2000-2004 capital plan.

Reports of "new seats provided" are vastly overstated, because it often takes ten and sometimes 15 years to produce schools "provided" in a five year capital plan. For example, the 2004-2009 Capital Plan was touted by DOE as providing 63,000 new seats. A reasonable observer might have thought that those 63,000 seats would be available to the end of the five-year period. However, DOE recently announced that only 20,801 seats (or 33 percent) are complete. Another 12,734 (20.2 percent) are expected this coming September. There are 21,515 seats (34.2 percent) that are expected to be completed by September 2012. If you think that doesn't come to 63,000 seats, you are correct. Some 8,000 seats are identified in the new capital plan as "carryover" seats. This amounts to 12.7 percent of the seats promised in the 2004-2009 capital plan. Thus the 25,000 seats promised in the 2010-2014 plan consist of 17,000 brand new seats and 8,000 that people might have expected sometime before this year.

Following the recommendations in our May 2008 report, we are pleased to say that the capital plan does clearly identify carryover seats. However, it is still not possible to track these carryovers project by project without an inordinate amount of detailed work. It would be more useful if each carryover project were presented with its original completion date and its currently projected completion date, so we could all understand where, and possibly why, delays are occurring.

The lack of transparency-- the difficulty in tracking carry over projects cited above and the complete failure to provide the assumptions used by the consultants in making their enrollment projections in the Capital Plan -- is a major flaw.

As you consider the DOE/SCA Proposed Capital Plan for 2010-2014, I urge you to insist that these agencies further improve their process and their level of communication with the public. It is imperative that parents and others be provided with all available information in a clear and comprehensible format, so that they can make informed decisions for their children's education.





May 18, 2009

Honorable David Yassky  
Council Member  
33<sup>rd</sup> District Office  
114 Court Street, 2<sup>nd</sup> Floor  
Brooklyn, NY 11201

Re: Dock Street Project – DUMBO

Dear Council Member Yassky:

Your letter dated April 15, 2009, concerning the school to be constructed as part of the proposed Dock Street project in the DUMBO section of Brooklyn has been referred to me for a response. You claim that the New York School Construction Authority ("SCA") failed to conduct adequate due diligence assessing other potential sites for the school building. For the reasons described more specifically below, I am satisfied that the SCA fulfilled its statutory obligations to analyze alternate sites and that any assertion that it did not proceed in an appropriate manner is unwarranted and unfair.

The SCA considered alternative sites to Dock Street and prepared an analysis of them despite doubts voiced to the contrary. This analysis was included in the materials submitted to the Community Board on December 1, 2008. Among the potential sites that the SCA evaluated was the privately owned property located at 72 Poplar Street. The building on this parcel was constructed at the turn of the last century as a police precinct house. After conducting an engineering review, the SCA concluded that the existing building could not be converted for public school occupancy without substantial structural repairs and modifications to satisfy code requirements. There are also potential costs that could be incurred as a result of this structure's landmark status. Last, and in addition to the construction costs, because the property was only available for lease, ongoing lease rental payments would have been required, which made this financially infeasible.





Honorable David Yassky  
Council Member – 33<sup>rd</sup> District Office  
May 18, 2009  
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The SCA had conducted its own analysis and then also subsequently reviewed the study prepared by the Brooklyn Heights Association regarding the feasibility of constructing an addition at PS 8K that would house both elementary and middle school students. It concluded that this was not a viable option for several reasons, including:

1. Construction would involve partial demolition of the existing structure and complete demolition and reconstruction of the interior.
2. The plan calls for construction of a horizontal addition that would include a sub-cellar and new floor atop the existing building, all requiring major structural modifications and reinforcement to support the increased loads.
3. The work would require the closing of the existing school building for a period of two to three years during construction operations.
4. The cost for the proposed addition is estimated to exceed \$80 million, not including the cost of swing space to which the school would need to relocate temporarily.

Although not included in the SCA's alternate site analysis because it was raised after the site selection process had concluded, the SCA also considered a site in Brooklyn Bridge Park. The GPP, however, does not currently allow for the presence of a school. Further, the owner of the property has since withdrawn its expression of interest.

In addition, the SCA evaluated the property located at 205 Water Street despite having been brought to its attention well after its site analysis had been completed. There are several environmental concerns that adversely impact the viability of this site for a school. First, neighboring properties are utilized for the manufacturing, processing, and storage of, among other things, paints, pigments, and varnishes. Section 27-4094(a) of the New York City Building Code prohibits such materials from being used or stored in premises situated within fifty (50) feet of the nearest wall of a school. The proposed school's proximity to these buildings, together with the fact that another adjacent property is a designated Toxic Release Inventory Site, render 205 Water Street inappropriate for the construction of an educational facility.





Honorable David Yassky  
Council Member – 33<sup>rd</sup> District Office  
May 18, 2009  
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The most compelling attribute of the Dock Street Project is that it will provide a core and shell structure for a school at minimal financial cost to the public. None of the other sites that the SCA explored present such an economically advantageous situation that will allow the SCA to leverage the limited resources in the Five-Year Capital Plan and create new seats at the lowest possible cost. This is the predominant reason that led the SCA, after conducting the alternative site analyses enumerated above, to conclude that the Dock Street project affords the best opportunity to build a new school for this district at the least cost to the City.

I trust that this letter satisfactorily demonstrates that the SCA undertook a comprehensive evaluation of possible sites for school construction in good faith and met all legal requirements in that regard. If you have any other questions or would like additional information, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ross Holden', is written over the typed name and title.

Ross Holden  
Vice President & General Counsel

cf: Deputy Mayor M.Dennis Walcott  
Chancellor Joel I. Klein  
Sharon L. Greenberger  
File





**Testimony**  
*for the*  
**New York City Council**  
**Joint Finance and Education**  
**Hearing**  
*on the*  
**Fiscal 2010 Education Capital Budget**

**May 21, 2009**  
**New York, New York**

**Campaign for Fiscal Equity, Inc.**  
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## EXECUTIVE SUMMARY

Overcrowding is a chronic problem in New York City's public schools. Since the consolidated school system was created at the turn of the twentieth century, New York City schools have faced waves and cycles of overcrowding. The most recent cycle of overcrowding began in 1988 when enrollment began to increase and then accelerated in the 1990's. "From 1990 to 1996, enrollment grew by over 16,000 students annually. The peak increase occurred in 1995, when more than 24,000 additional students entered New York's public schools."<sup>1</sup> Total enrollment peaked in 2000 with 1,105,030 students attending public schools in New York City. In 2006, even after a decrease of 62,952 students over 6 years, enrollment remained above one million at 1,042,078 students<sup>2</sup>. Enrollment for the current 2008/09 school year is 1,029,459, a further decline of 12,619 over the last two years.

Overcrowded school buildings shortchange students in multiple ways:

- Class sizes remain unacceptably large in many schools;
- Specialized spaces, such as art and science rooms and libraries are taken over for general education classrooms, robbing many thousands of students of essential educational opportunities;
- Space planning for special education students is not systematic and is often treated as an afterthought;
- Lunch periods can begin as early as 10 AM;
- Some students, particularly at the high school level, attend school in double sessions; and
- Ability to expand state funded programs, such as pre-kindergarten or early grade class size reduction is non-existent or limited.

Overcrowding is a particular problem for schools with struggling students and was cited as one of the facilities' deficiencies in the Court of Appeals' decisions in *CFE v. State of New York*. The Court of Appeals specifically cited overcrowding and excessive class size as inseparable and further stated as fact that: "One symptom of an overcrowded school system is the encroachment of ordinary classroom activities into what would otherwise be specialized spaces: libraries, laboratories, auditoriums and the like. There was considerable evidence of a shortage of such spaces."<sup>3</sup> After the Appellate Division, First Department ordered the state to provide New York City

<sup>1</sup> "Five-Year Capital Plan Fiscal Years 2000-2004," New York City Board of Education, May 1999, p. II-45.

<sup>2</sup> Eunice and George Grier, "Enrollment Projections 2007 to 2016 New York City Public Schools", January 2008, p. 2.

<sup>3</sup> CFE II, 100 N.Y. 2d, p. 18, footnote 4. <http://www.cfequity.org/CFEII/decision.pdf>



schools with the CFE proposal of \$9.2 billion in capital funding by April 1, 2006, the legislature and the Governor provided \$11.2 billion in funding for facilities' conditions in 2006 in its settlement of the CFE lawsuit.

## **Major Findings**

### **1. Overcrowding is an enormous problem Citywide at all school levels.**

There are 391 school buildings with a total enrollment of 381,582 students that are overcrowded with utilization rates greater than 100% in the 2006/07 Utilization Report. In 2006, the total enrollment in the public schools was 1,042,078. Approximately 37% of all students enrolled in the public schools in 2006/07 attended school in an overcrowded school building.

- The 391 overcrowded school buildings include:
  - 299 elementary school buildings with 209,948 students,
  - 20 middle school buildings with 25,030 students, and
  - 72 high school buildings with 146,604 students.
- Queens has the worst overcrowding at all 3 school levels: the highest number of buildings – 131 - and the greatest number of students over-all – 139,912.

There are 215 buildings with 252 temporary structures with a total enrollment of 207,236 students: 174,519 students in the 215 school buildings and 32,717 students in the 252 temporary spaces. 91 of these buildings are overcrowded and also appear on the list of 391 overcrowded buildings.

- The 215 school buildings and temporary structures include:
  - 191 elementary school buildings with 154,380 students,
  - 13 middle school buildings with 17,170 students, and
  - 11 high school buildings with 35,686 students.
- Queens has the greatest number of school buildings with temporary structures; there are 76 buildings with 94 temporary spaces and a total enrollment of 81,314.



- Thirty-one of the 215 school buildings have more than 1 temporary structure: 27 buildings each have 2 temporary structures and 4 buildings each have 3 temporary structures.

There are a total of 515 buildings (391 overcrowded buildings plus 124 buildings with temporary spaces or structures) that are either overcrowded or have temporary structures associated with a total enrollment of 501,632 students in the 2006/07 school year. This represents approximately 48% of the total number of the 1,042,078 students enrolled in the public schools that year.

There are 9 community school districts – District 2 in Manhattan, Districts 10 and 11 in the Bronx, Districts 20 and 22 in Brooklyn, Districts 24, 27 and 30 in Queens and District 31 in Staten Island – where more than 10,000 elementary students in each district attend overcrowded school buildings.

Queens has 57,545 students and Brooklyn has 41,813 students enrolled in overcrowded high school buildings, the highest numbers Citywide.

There are 129 school buildings that have been overcrowded for each year between 1997 and 2006. The 129 buildings include 74 elementary, 11 middle school and 44 high school buildings.

- There are 33 overcrowded school buildings that have become more overcrowded over this ten-year period.
- There are 42 overcrowded school buildings that have become less overcrowded over this ten-year period.

There are 85 school buildings with utilization rates between 125% and 150%. Sixty-two elementary school buildings have this level of overcrowding. There are also 3 middle school buildings in this category and 20 high school buildings. There are 94,511 students enrolled in these buildings which have a targeted capacity, as defined by the Department of Education, of only 70,878. Included in this list of 85 school buildings are 19 buildings – 15 elementary and 4 high school buildings - with temporary structures.

There are 28 school buildings with utilization rates over 150%: 18 elementary school buildings, 1 middle school and 9 high school buildings. There are 32,794 students enrolled in these building, which have a targeted capacity of only 20,131. Four of these 28 school buildings – 2 elementary and 2 high school buildings - have temporary structures.

There are 179 temporary structures out of a total of 252, or 71% of the total that are at least 10 years old.



**2. Serious overcrowding affects hundreds of thousands of high need students in low performing schools.**

105 low performing schools attended by 162,274 students that are on the 2007/08 list of Schools In Need of Improvement (SINI) SINI/SRAP and Schools Requiring Academic Progress (SRAP) are located in overcrowded school buildings based on the 2006/07 utilization report. There are 92 low performing schools with 155,013 students on the 2006/07 SINI/SRAP list located in overcrowded school buildings.

75 low performing schools with a total enrollment of 95,089 students that are on the 2007/08 SINI/SRAP list are located in 75 school buildings with a total of 86 temporary structures based on the 2006/07 utilization report. There are 52 low performing schools on the 2006/07 SINI/SRAP list located in 52 school buildings with 57 temporary structures with a total enrollment of 72,927 students.

**3. Current strategies are not sufficient to combat overcrowding.**

The Department of Education employs three primary strategies to combat school overcrowding: new school construction, reallocation of underutilized space, and projected declines in enrollment (that may or may not occur).

**NEW SCHOOL CONSTRUCTION**

The New York City Department of Education has relied on new schools as its most important strategy in relieving overcrowding. Construction of new schools is funded through their New Capacity Program included in the 5-year capital plan that identifies projects to expand capacity over a 5-year period. The 5-year capital plan does not provide a specific blueprint to eliminate overcrowding; rather the plan contains a broad overview of the DOE's capital construction goals and identifies the number of proposed new school buildings and new seats, the school level, their general locations and estimated costs.

DOE's current 5 year plan began July 1, 2004 and ends this June. When it was adopted the plan called for the construction of approximately 63,000 new seats. Of those approximately 21,000 have come on line, 34,239 seats are underway but not yet complete and 8,000 of the original 63,000 seats have been rolled into the next proposed capital plan. The proposed new 5-year plan, which will be funded beginning July 1, 2009, proposes to build approximately 25,194 new seats - including the approximately 8,000 seats rolled over from the current plan.

Together the two plans have the potential to add 80,000 new seats to New York City's public school system. It is important to note though that not all or even a majority of these new seats will go to relieve overcrowding. The capital plan seeks to advance a number of DOE goals including accommodating projected enrollment increases, reducing class size, and other educational initiatives such as creating classroom space to implement universal pre-kindergarten.



An increased emphasis on combating overcrowding in the capital plan has the potential to reduce school overcrowding. For example, if the new seats over these two plans were dedicated solely to eliminating overcrowding and enrollment remains at the 2006 and 2007 levels 14 school districts would no longer have overcrowded school buildings: District 2 in Manhattan, Districts 9, 10 and 11 in the Bronx, Districts 13, 14, 15, 18 and 20 in Brooklyn, Districts 24, 25, 28 and 30 in Queens and District 31 in Staten Island.

If enrollment declines in certain districts according to DOE enrollment projections and the new seats in both plans were dedicated solely to eliminating overcrowding, 19 districts would no longer have overcrowded school buildings: Districts 2 and 6 in Manhattan, Districts 9, 10 and 11 in the Bronx, Districts 13, 14, 15, 18, 19, 22 and 32 in Brooklyn, Districts 24, 25, 27, 28, 29 and 30 in Queens, District 31 in Staten Island and high school buildings in the Bronx, Brooklyn, Queens and Staten Island.

In addition, if both the enrollment projections are accurate and the capital plan was dedicated solely to combating overcrowding there would, in addition to the gains noted above, be additional capacity available to also remove temporary structures in 4 districts – District 6 in Manhattan, District 32 in Brooklyn, and Districts 24 and 25 in Queens.

#### **REALLOCATION OF UNDERUTILIZED SPACE**

Underutilized school buildings have available capacity to reduce overcrowding. There are 308 school buildings identified in the DOE Utilization Report with utilization rates below 75%. These buildings have a cumulative excess capacity of 128,618 seats. Not all of this excess capacity will be available to mitigate the overcrowding problem. Some school buildings may now house multiple schools that could be phasing enrollments in or out. The location of some of these schools and their proximity to overcrowded schools will be another key factor in the ability to utilize this available capacity.

#### **“NATURAL” DECLINES IN ENROLLMENT**

Declining enrollments will not be significant enough to reduce overcrowding in most areas of New York City

If DOE enrollment projections prove correct in the future, Districts 17, 18 and 19 in Brooklyn and District 6 in Manhattan may see significant reductions in school overcrowding. Declines in enrollment will not have a significant impact on mitigating school overcrowding in other parts of both of these boroughs and in Bronx, Queens and Staten Island.



## Summary of Recommendations

### 1. The DOE Capital Plan must prioritize eliminating school overcrowding in the 51 highest priority schools identified in this report.

DOE must re-position the new capital plan to focus on eliminating the most egregious overcrowding—particularly for high need students. The proposed capital plan for FY2010 to 2014 contains broad goals with no specific plan to eliminate the worst conditions through either the building of new schools or other strategies.

In line with the Court's finding in the CFE case, a re-focused capital plan must set as its highest priority combating overcrowding in:

- School buildings with utilization rates greater than 150%;
- SINI/SRAP schools - low performing schools identified annually by the State – that are overcrowded with utilization rates greater than 125%;
- SINI/SRAP schools that are both overcrowded and have temporary structures<sup>4</sup>.
- These conditions are found in 51 school buildings (Table 92):
  - 20 schools with utilization rates greater than 150%. These 20 schools include:
    - 16 schools that were on the original list of 28 schools with utilization rates greater than 150% based on the 2006/07 utilization data;
      - ♦ 6 of these 16 schools are also SINI-SRAP schools;
    - 4 SINI/SRAP schools that have utilization rates greater than 150% using the 2007/08 utilization data; 2 of these 4 SINI/SRAP schools also have a temporary structure.
  - 13 SINI/SRAP schools with utilization rates between 125% and 150%.
  - 18 SINI/SRAP schools that have utilization rates between 100% and 150% and also have temporary structures.

In addition to these high priority schools, DOE must next prioritize the schools with the following overcrowded conditions:

<sup>4</sup> The various reports produced by CFE that were used to identify these priority schools are based on information for the 2006/07 school years. The schools on these 2 priority lists were identified using the 2006/07 data. As the analysis for this report was being completed, the utilization report for the 2007/08 school year was made public. There was not sufficient time to re-do the analysis in this report using the 2007/08 data, however, an examination of the two categories of priority schools was completed using the 2007/08 data. As a result, conditions changed at some schools. What is reported in this section are the conditions in the priority schools using the 2007/08 report. Because no other analysis of the 2007/08 data was done, there could also be other buildings that were not on the 2006/07 priority lists that would be included using the 2007/08 data.



- All other overcrowded SINI/SRAP schools;
- All other SINI/SRAP schools with temporary structures;
- School buildings that have been overcrowded for 11 years;
- Overcrowded school buildings with utilization rates greater than 125%;
- Overcrowded school buildings with temporary structures; and
- School buildings with multiple temporary structures.

These conditions exist in 226 school buildings that meet at least one of these conditions; the following summary demonstrates that many of these schools suffer from multiple overcrowding conditions (Table 93). There are:

- 152 school buildings that include:
  - 28 overcrowded SINI/SRAP schools;
  - 43 SINI/SRAP schools with temporary structures;
  - 27 school buildings that have been overcrowded for 11 years;
  - 19 overcrowded school buildings with utilization rates between 125% and 150%;
  - 23 overcrowded school buildings with temporary structures; and
  - 12 school buildings with multiple temporary structures,
- 62 school buildings that include:
  - 53 overcrowded school buildings that have been overcrowded for 11 years that meet multiple criteria for inclusion on this priority list:
    - 18 are also overcrowded SINI/SRAP schools;
    - 25 are also overcrowded school buildings with utilization rates between 125% and 150%;
    - 6 are also overcrowded school buildings with temporary structures;
    - 3 overcrowded school buildings now have utilization rates greater than 150%; and
    - 1 school building has multiple temporary structures;
  - 2 SINI/SRAP schools with multiple temporary structures;



- 2 overcrowded SINI/SRAP schools that also have temporary structures;
- 5 overcrowded school buildings with temporary structures:
  - 4 have utilization rates between 125% and 150%; and
  - 1 has a utilization rate greater than 150%.
- Twelve remaining priority school buildings that have 3 serious overcrowding conditions:
  - 11 schools that have been overcrowded for 11 years , of which:
    - 5 are also overcrowded SINI/SRAP schools, 4 of which have utilization rates between 125% and 150% and 1 has a temporary structure; and
    - 6 are overcrowded school buildings with utilization rates between 125% and 150% and temporary structures and 1 of these schools has multiple temporary structures;
  - 1 overcrowded SINI/SRAP school has multiple temporary structures.

## **2. Plans for new schools must target urgent overcrowding problems.**

DOE should prioritize building new seats to eliminate overcrowding in the highest priority schools identified in Recommendation 1.

As DOE/SCA develops and executes its new capacity program, it should prioritize new schools to eliminate overcrowding as follows:

- Target the highest priority schools identified in this report;
- Re-evaluate the overcrowding conditions City-wide annually and adjust the priorities and goals, if needed.

## **3. Capital plan timelines should be re-examined to prevent backloading of urgently needed projects.**

Of the 63,000 new seats funded in the current capital plan, 34,239 seats – over 50% of the funded total – will not begin to come on line until September 2009. Another 8,000 of the 63,000 seats will be “rolled over” and funded in the new capital plan. This backloading has an adverse impact on seriously overcrowded districts such as District 20 in Brooklyn where none of the new schools funded under the current capital plan have yet to be completed.

DOE plans 44 new school buildings in its proposed new capital. DOE/SCA must take



steps to complete these projects in a timely manner to prevent “roll-over” projects. SCA should seek to expedite the site identification and design phases of its new construction program to:

- Advance the development of new schools aggressively so that the capacity program is not back loaded and there are no “roll-over” projects;
- Identify issues that may affect siting decisions and have the potential to delay construction;
- Provide updates for the capacity program in more detail than the Annual Amendment that detail: why individual projects have changed in terms of location, number of seats, cost and schedule.

**4. Projected declines in enrollment should not be relied upon to solve overcrowding.**

DOE enrollment projections predict significant declines in many neighborhoods. These enrollment shifts will only have a significant effect on overcrowded schools in some parts of the City. It should also be noted that if declines fail to materialize as projected or do not occur uniformly in every school building their impact will be even more limited than the data currently suggests.

Many districts will have continuing overcrowding even if enrollment changes exactly as projected. These include Districts 2 and 3 in Manhattan, all 6 districts in the Bronx, Districts 15, 20, 21, 22 and 75 in Brooklyn, all of the districts in Queens, Staten Island and high schools in Queens and Staten Island.

**5. The DOE must do a better job targeting under-utilized space to combat overcrowding.**

There is existing capacity in school buildings throughout the City to ameliorate overcrowding. In the proposed new capital plan DOE states that it has identified approximately 100,000 available seats. DOE further states that it is developing facilities realignment strategies to plan for the use of this capacity. The school system has long struggled to use its excess capacity and the plans to use this space have perennially come up short. DOE has stated that it has begun to locate new programs and/or schools in under-utilized buildings; this is important work that should continue.

DOE should develop a systematic plan that:

- Identifies all of the school buildings with significant available space or space that will become available because of school phase-outs;
- Identifies all of the overcrowded school buildings that are proximate to the seriously underutilized buildings;
- Establishes re-zoning strategies to eliminate overcrowding;



- Establishes new schools or programs in underutilized school buildings and prioritizes students from nearby overcrowded school buildings;
- Contains specific goals and timelines;
- Provides annual updates until overcrowding is eliminated.

**6. Plans to combat overcrowding must address temporary structures.**

A building that requires a temporary structure is overcrowded and suffers from the same problems as an overcrowded school building. Temporary structures create logistical problems for schools; students are isolated from the main building; and open space is often reduced or eliminated. Common shared spaces, such as cafeterias and gymnasiums, generally don't have the capacity to handle additional students; the result is students not having adequate access to the gym and lunch periods beginning in mid-morning.

DOE should immediately provide the following and incorporate it into its plan to eliminate overcrowding:

- A list of all school buildings with temporary structures and how they are currently being utilized;
- Under the current capital plan, DOE committed to remove all transportables and mini-schools older than 20 years old by 2012. Before approving a new capital plan, DOE should provide an update on the progress it has made in meeting this goal and its targets with a timeline between now and 2012.

**7. The DOE must develop a long-term strategy to eliminate overcrowding.**

The DOE must develop and clearly articulate an ongoing, long-term strategy to eliminate chronic school overcrowding.

CFE recommends DOE produce an annual written plan for public review that:

- Develops specific targets with clear priorities;
- Identifies the needed resources;
- Establishes a timeline for meeting these targets; and
- Provides regular reporting to parents, elected officials and the public on how DOE is meeting its targets.

This plan should include the specifics for reducing enrollment in every overcrowded school building by identifying the strategy that would be used, the resources needed and the timeframe for executing the solution.



The plan should also contain an inventory of the temporary educational spaces now existing in these overcrowded and other school buildings. The plan should provide a strategy and schedule for restoring school buildings so that all classrooms are appropriately sized and designed. There should be a sufficient number of specialized rooms to support the school's program, resource rooms, common spaces and offices and other spaces necessary to support a school.

## **Methodology**

This report examines the extent of overcrowding in public school buildings in the 2006/07 school year. This report identifies where the overcrowding is, whether these buildings are elementary, middle or high schools and the number of students enrolled in these overcrowded buildings. It also investigates the degree of overcrowding in these buildings. Many school buildings house a single school organization, the traditional school model. The small school movement has resulted in multiple school organizations occupying a single building; this new model is growing. The decision to focus on school buildings in this report reflects a goal to provide a clear discussion on the overcrowding issue. It was decided that this could best be analyzed at the school building level. The one exception to this is the examination of the schools on New York State's list of Schools In Need of Improvement (SINI) and Schools Requiring Academic Progress (SRAP).

The report also examines the school buildings with temporary structures, which include trailers, mini-schools and temporary classroom buildings, generally located in schoolyards, as well as annexes that may have remote locations. A school building that required a temporary structure is an overcrowding problem. Because of increased enrollment, there was insufficient space in the main building to accommodate all of a school's students; a temporary structure was determined to be the best solution to providing additional classrooms. Many of these temporary structures are well over ten years old and appear more permanent than they should be. This report provides extensive analysis of the school buildings with temporary structures.

The list of overcrowded Schools In Need of Improvement (SINI) and Schools Requiring Academic Progress (SRAP) identified by the state in 2006/07 and 2007/08 are examined in this report because of the high need students attending these schools.

CFE has a library of ten years of Enrollment –Capacity – Utilization Reports that are published by the Department of Education. Using this information, CFE created profiles of each of the overcrowded school buildings and buildings with temporary spaces spanning the last ten years. This data affords a look at how overcrowding has changed over the decade – how it has improved or worsened.

Each year the school system updates its enrollment projections for the following ten



years. Enrollment projections are used for the analysis of the potential future extent of overcrowding. If enrollment is projected to decline, the decrease may provide capacity to meet some of the space needs of overcrowded schools. In some neighborhoods enrollment may be increasing and this may worsen the existing overcrowding.

The analysis in this report utilized a district-based projection in 2011 and 2016 at the elementary and middle school grade levels to provide a snapshot of what could be the future profile of the overcrowded school buildings. For high school buildings enrollment projections were examined on a borough-wide analysis in 2011 and 2016. This analysis makes the assumption that enrollment changes will be uniform in all of the buildings examined; in reality, enrollment will not change so neatly. However, potential enrollment shifts can signal patterns of change that are important for planning purposes.

This report looks at the conditions in the new school buildings built since 1990 and examines the current and proposed plans to build new school buildings that are contained in the DOE's current and proposed 5 year capital plans. The information on new schools underway or planned is used to analyze the possible effect of new seats on existing overcrowding. The analysis does not investigate any other space needs that may require a new school, such as class size reduction or other educational enhancements.

The data in the enrollment-capacity-utilization reports, however, do not provide a complete picture of the extent of the overcrowding problem. Because of continued enrollment growth, many specialized and support spaces have been converted into classrooms. There is no publicly available database that lists whether there are still gymnasiums converted to classrooms or how many art rooms, other specialized spaces and offices are now classrooms. Overcrowding remains a problem until every school has appropriate and sufficient educational rooms with all of the specialized and support spaces necessary for its educational program.





THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

SCOTT M. STRINGER  
BOROUGH PRESIDENT

**Testimony by Manhattan Borough President Scott M. Stringer**

**Joint Hearing by the New York City Council Committees on  
Finance and Education**

**Executive Budget Hearing on Education & the School Construction Authority**

**Thursday, May 21, 2009**

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Good afternoon Chairperson Jackson, Chairperson Weprin, members of the Committee on Finance and the Committee on Education. Thank you for the opportunity to testify today at the oversight hearing on the School Construction Authority (SCA).

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 the Panel for Educational Policy (PEP) voted on the 2010-2014 School Capital Plan, which spells out the Department of Education's (DOE) plans for new school construction and repair over the next five years. As some of you may already be aware, my appointee to the Panel for Educational Policy, Patrick Sullivan, voted to disapprove the proposed Five-Year Capital Plan. I would like to share with you the reasons that Patrick and I felt this was not the 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 costs. 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 2008, I 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, I joined many of you, as well as New York State elected officials, parents, educators, and advocates across the city, to launch the Campaign for A Better Capital Plan (the “ABC Campaign”), 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 to the planning process, the plan ultimately proposed to the PEP failed to fully encompass the ABC Campaign’s three main reforms:

#### **A. 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% 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 DOE should propose an amount of school construction necessary to eliminate existing overcrowding, reduce class sizes to the numbers agreed to in Contracts for Excellence, and plan for ongoing growth.

When released in 2004, the current Five-Year Capital Plan promised to: 1) end the reliance on Transportable Classroom Units (TCUs) and mini-schools over twenty years old; 2) implement class-size reduction in 100% of Kindergarten – Grade 3 classes (to a target of twenty seats); and 3) alleviate high school overcrowding and split sessions.

None of these goals have been achieved in Manhattan. In addition, the new plan does not align with class size reduction targets submitted to the State Education Department under the Contracts for Excellence regulations.

The need for new capacity is acute and obvious in many parts of Manhattan. No new seats are proposed for District 6 in Northern Manhattan, and the 600 in the pipeline from the previous plan are well short of the 940 needed to replace TCUs, the 866 needed to bring K-3 class size to 20, and the 540 needed to reduce class sizes to DOE targets. A district that needs thousands of seats will get none.

There are waitlists for Kindergarten seats at many Manhattan elementary schools in District 2 and 3 leaving hundreds of children still without a school. Upper East Side elementary schools are 1,070 students over capacity with no new schools scheduled for construction. This disturbing reality is compounded by DOE’s own demographic projections which show an 18.5% increase in the number of children for District 2 from 2005 to 2015.

These are just a few specific examples – similar problems exist in Greenwich Village and Chelsea, the Upper West Side, Lower Manhattan, East Midtown, Flatiron and parts of Harlem.

The proposed capital plan also does not include any new high schools in Manhattan, and in many growing neighborhoods no new schools are proposed at all. Only one of the borough’s six school districts will see new school construction, and even that will occur at a level that is inadequate to meet existing overcrowding conditions, to say nothing of planning for future growth.

#### **B. Be Ready for Growth and Plan at the Neighborhood Level**

One of the central elements of my 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 (DCP) and the Department of Housing Preservation and Development (HPD), 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.

On this, there is some good news. For the first time, DOE acknowledged our request to project demand at the neighborhood level rather than simply at the district level, as had been their practice in the past. This is an important reform that should yield far better planning.

However, despite repeated requests from Patrick Sullivan and other members of the PEP, the DOE has not provided a detailed needs-analysis at any geographic level. While the new plan proposes amounts of seats for some specific District 2 neighborhoods, there is no demonstration of how the various drivers of demand – new housing, alleviation of overcrowding, class size reduction, recovery of cluster spaces or removal of TCUs – combine into a number of seats we need to provide. And the DOE could not quantify the growth of charter schools in DOE facilities.

The DOE should openly and transparently estimate demand, then spell out the amount of new construction required to meet its basic educational goals. Capital funding can then be allocated rationally and the City can prioritize appropriately.

### **C. Correct the Faulty Capacity Estimates**

The Capital Plan's assumptions 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.

Art and music rooms, science laboratories, special education services, and libraries are all central to the well-rounded education our children deserve. The DOE Office of Portfolio Development instructs administrators to use an outdated method of allocating cluster spaces which allows fewer art and science rooms for each school than what is correct under the current formula. As a result, schools rated at 100% of capacity are forced to close art and music rooms while those rooms closed years ago remain pressed into service as classroom space.

And, again, the Capital Plan is based on capacity numbers which assume higher class sizes than the City's official target numbers at higher grades. To provide an appropriate frame of reference, the City should also measure school capacity based on the City's official class size reduction targets. These were the promises that were made pursuant to the Campaign for Fiscal Equity lawsuit and we must, at the very least, show what progress is being made towards meeting the targets.

### **Conclusion**

In the long run, as Mayor Bloomberg has pointed out, failing to invest in infrastructure like schools only makes tough times tougher. 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 have done with my Overcrowding Task Force and as part of the Campaign for A Better Capital Plan, I have made the case for reforms 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 underestimating our needs from the start.

I feel our public school children deserve better than the current capital plan. We hope you will continue working with us to keep fighting for the new school seats Manhattan children need to learn and grow.

Thank you.



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**THE COUNCIL OF THE CITY OF NEW YORK****ROBERT JACKSON**

COUNCILMEMBER, 7<sup>TH</sup> DISTRICT  
MANHATTAN

EDUCATION  
CHAIR

BLACK, LATINO & ASIAN CAUCUS  
CO-CHAIR

COMMITTEES:

CONTRACTS

FINANCE

HOUSING & BUILDINGS

LAND USE – ZONING &

FRANCHISES

RULES, PRIVILEGES & ELECTIONS

SANITATION & SOLID WASTE

MANAGEMENT

STANDARDS & ETHICS

May 20, 2009

Dear Colleague:

This spring we will vote to approve or disapprove the Department of Education's Five Year Capital Plan for 2010-2014. I am voting "NO" until the structural flaws in the plan are fixed for my district. The accompanying attachments attempt to give you the tools to assess whether a "NO" vote is appropriate for you and the school district(s) you represent. Here is the reasoning behind my vote:

- Back in 1991 when Michael Rebell and I started the Campaign for Fiscal Equity (CFE), overcrowded schools and large classes were characteristic of New York City schools, and particularly of Community School District 6 where I was the School Board President and now represent a portion of in the Council. Fifteen years later, the lawsuit at last produced something tangible: the Contract for Excellence (C4E). In this historic agreement **the State requires that the City's Five Year Capital Plans be aligned with the standards specified the Contract for Excellence.**<sup>1</sup>
- The Five Year Capital Plan ***is not aligned*** with the Contract for Excellence Standards. For example, the C4E agreement calls for classes of 23 in middle schools and high schools; the Capital Plan provides classes of 28 as its benchmark, falling far short of the C4E standard and way below the recommendations put forth in CFE. Diagram A shows what a difference this makes in how many students any one school can hold. The Capital Plan does not propose enough new capacity to meet C4E standards.
- When we vote to approve a plan that violates State law<sup>2</sup>, we are aiding and abetting the Chancellor and the Mayor in avoiding accountability for our schools – **a "YES" vote on this version of the Plan means that we are agreeing to help them break the law.**
- The economy is no excuse for shortchanging schools. During the Great Depression of 1929-1935, 94 NYC public schools were constructed (plus an additional 23 schools between 1936 - 1940). These schools continue to be among the best in the system with large windows admitting lots of natural light and amply sized classrooms.
- Further, there is an underlying flaw in the way that the Department of Education has counted its current inventory of regular classrooms and gauged the need for new schools, what it calls new capacity. There are two ways to understand this flaw:
  - When an overcrowded school is forced to cope with too many students by creating regular classrooms out of gyms, science labs, art rooms or other specialty spaces, those emergency classrooms get added onto the building's capacity number. Some of our most overcrowded schools report at under 100% utilization – I've even toured schools where reading support and guidance services were delivered from bathrooms



but the Blue Book said the building was 93% utilized. So the way the Department of Education calculates building capacity is wrong. It was even a finding of fact in the CFE trial.

**1/10/2001 State Supreme Court Decisions 719NYS 2d 475 Index 111070/93/CFE et al versus The State of New York:** "Overcrowding is even worse than indicated above because the ECU\* formulas actually overstate schools' capacity. This inflation occurs because the formulas adjust for overcrowding by adding to schools capacity non-classroom spaces if such space is in fact used for classrooms. For example if a crowded school is forced to convert its gymnasiums or auditoriums into classroom space, the capacity formula indicates *increased* capacity."

\* ECU = Enrollment, Capacity and Utilization

- A second way to look at this is to look at the number of cluster rooms a school has. Cluster rooms are the specialty spaces for science, art, music, dance, technology, shop etc. A school that is not overcrowded should have its full complement of specialty rooms according to the formula prescribed by DOE – which is in DOE's own wording – a "minimal standard."<sup>3</sup> According to DOE's own numbers the City's public schools have only 57.6% of the specialty rooms they should (1,791 actually in use of 3,104 minimal benchmark). Yet DOE's own numbers also describe the system at 87% of utilization. If the schools are not crowded, where are the art rooms? Where are the science labs? Not surprisingly, CFE had something to say about the missing art rooms too:

**The Court of Appeals, 2003:**

*"Some facts that the trial court classified as purely "physical" facilities inputs are inseparable from overcrowding and excessive class size – conditions whose measurable effect on students plaintiffs have shown. One symptom of an overcrowded school system is the encroachment of ordinary classroom activities into what would otherwise be specialized spaces: libraries, laboratories, auditoriums and the like. There was considerable evidence of a shortage of such spaces."*

**Conclusion – our schools are far more overcrowded than the official numbers imply.**

Therefore, DOE's plans make flawed assumptions, consequently miscalculate areas of greatest need and superimpose dubious projections on a foundation of bad data. Imagine the owner of a shoe store deciding what to order. Not only does the owner need to project fashion trends but the owner needs to know accurately what the current inventory is. Just because a labeled box is on the shelf doesn't mean it really has size 8½ B Red Sandals in it. It could be empty or hold a pair of brown loafers. DOE's inventory system is broken.

After dialogue, multiple school tours with SCA staff and endless conversations failed to produce anything other than an acknowledgment by Kathleen Grimm that the Blue Book had problems and a promise to fix them in the next capital plan (the one before us now), I decided to reach out to gather my own data to prove or disprove what I had personally observed.

In 2007 I commissioned a survey conducted by St. Francis College professor Emily Horowitz and Class Size Matters Executive Director Leonie Haimson. Distributed to all school principals, an amazing 38% of our city's principals representing 41% of all students answered the survey; I think you will agree that this is a solid sample by any methodology. The survey was released in May 2008 and the results are posted on the web at [http://www.classsizematters.org/principal\\_survey\\_report\\_10.08\\_final.pdf](http://www.classsizematters.org/principal_survey_report_10.08_final.pdf). We promised the principals anonymity. This may explain the high response rate but 2/3rds of the respondents provided their personal numbers and said "Please contact me for more information" (that follow-up is ongoing). Therefore the survey results do not identify individual schools.

It is one thing to read citywide statistics and another to relate it to the schools and constituencies that you represent. The attachment includes the results of this survey from the **responding schools in your district** as well as the Five Year Capital Plan for your District. Contrast what your



principals say the conditions in their schools are with what the Capital Plan proposes to deliver in your district. Does this plan do the job? I doubt it.

An additional point is that the Five Year Capital Plan does not articulate the full scope of need; it only tells us what DOE plans to spend \$11.28 billion doing. We know that the Plan includes only Level 5 (most urgent) repairs. Nowhere is there a statement of need that talks about what is not getting repaired. There is no way for us, as stewards of the public dollar, to assess whether the proposed plan is the best choice. Anytime, but especially in these tough times, I want to know that we are making the best, the wisest and most farsighted choices for our public expenditures. After all, \$11.28 billion doesn't come easy. I want a full statement of need to compare with the choices DOE has made.

I have spent 29 years fighting for our kids to get what CFE so succinctly called a "sound, basic education". That's an education that includes small classes, buildings that are not crowded, art, music, dance, science, technology, gym, and school libraries. Classrooms with windows. Lunch at lunchtime. Gyms where you can actually move around and exercise, unlike the converted 482 square foot class room that serves as a gym at MS 223 in my Council District.

I am not one to give up easily. The DOE publicly promised Community School District 6 in 2004 that the 2004-2009 Capital Plan would "eliminate overcrowding, restore cluster rooms to their intended purpose and get rid of the transportables [trailers] in our school yards."<sup>4</sup> At the onset of that \$13.8 billion plan – money which resulted from the CFE lawsuit – Community School District 6 had 27,006 students, 37 of 76 cluster/specialty rooms, and 10 schools with annexes or trailers plus only 198 Pre-K seats (and this in the District with the city's highest percentage of English Language Learner pupils, where early childhood education can make such an impact!).

As of the most recent DOE enrollment report, Community School District 6 had 21,441 pupils, 60 of the 111 cluster/specialty rooms it should have, six schools with annexes/trailers, and 502 Pre-K seats. I don't call that restoring cluster rooms to their intended purposes (not with 51 cluster rooms being used for general instruction). I don't call that getting rid of transportables. And I ask you – if District 6 isn't overcrowded, why are its class sizes among the highest in the city? Why does it have only 54.1% of the **minimum** standard of specialty/cluster rooms?

This just isn't good enough. Providing anything less than 100% of the minimal standard of specialized classrooms does not earn a passing grade; it's failing by any standard. I can't plaster the subway system with ads saying how good things are with Mayoral Control or place full page statements in papers all over the city. If I can't convince you that things are not as rosy as the p.r. machines pumping out this stuff would have you believe, I hope that the words of the principals who serve your constituents will persuade you that this plan is not adequate.

I can only keep insisting that we do the right thing for our school kids. I continue to believe that the power of the legislative pen is greater than the power of the pocketbook that purchases ads. When we know that education is the single best social investment that we can make and we know that construction can act as an economic stimulus, it defies common sense not to provide the repairs and new seats that we really need. It is not a question of capital resources, but a question of political will. I urge you to join me in voting down this plan until DOE fixes it.

In Unity,

A handwritten signature in black ink, reading "Robert Jackson". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Robert Jackson



Footnotes:

- 1 The Contract for Excellence Citywide Class Size Reduction Five-Year Plan  
Five-Year Plan Executive Summary <[http://eservices.nysed.gov/c4e-public/reports/2007/otherreports/NYCDOE%20CSRP%205YR 11%208%2007\\_FINAL.doc](http://eservices.nysed.gov/c4e-public/reports/2007/otherreports/NYCDOE%20CSRP%205YR%2011%208%2007_FINAL.doc)>

[http://eservices.nysed.gov/c4e-public/reports/2007/otherreports/NYCDOE%20CSRP%205YR 11%208%2007\\_FINAL.doc](http://eservices.nysed.gov/c4e-public/reports/2007/otherreports/NYCDOE%20CSRP%205YR%2011%208%2007_FINAL.doc)

- 2 State Law regarding the Contract for Excellence is articulated in section 211-d  
EDUCATION LAW  
TITLE 1. GENERAL PROVISIONS  
ARTICLE 5. UNIVERSITY OF THE STATE OF NEW YORK  
PART 1. GENERAL ORGANIZATION

**Go to the New York Code Archive Directory**

*NY CLS Educ § 211-d (2009)*

- 3 The Instructional Footprint definition that explains the allocation of space within a school can be found at: [http://schools.nyc.gov/NR/rdonlyres/8DBFB040-D915-40CD-A2DE-1680EBFFAD07/43745/NYCDOE\\_Instructional\\_Footprint.pdf](http://schools.nyc.gov/NR/rdonlyres/8DBFB040-D915-40CD-A2DE-1680EBFFAD07/43745/NYCDOE_Instructional_Footprint.pdf)

- 4 Video recording of testimony by Kathleen Grimm at Community School District 6 Public Hearing on the 2004-2009 Capital Plan, conducted January 7, 2004



# Structurally Flawed

## Explanation of Attachments:

Schools selected were chosen because of an ongoing study of capacity and the effects of overcrowding in Community School District 6 by parents & community volunteers. These schools were not selected because they are the worst examples; they were chosen because they are typical and represent several problems. In fact neither school detailed is in the Councilmember's District but both serve his constituents' families.

**Diagram A** shows the spread between the actual numbers of students sitting in PS 4 winter 2009 and the number that would be permitted under the Contract for Excellence (C4E) standard; the building would need 159 more seats to hold the same enrollment. The diagram also shows us additional information in a subtle way. Schools with a significant population of students who are learning English (ELL students) must, by law, offer a variety of instructional programs, such as mono-lingual English based instruction, English as a Second Language (ESL) instruction, bi-lingual or dual language. Such programming may mean that some kinds of ELL classes are undersubscribed, pushing class size in mono-lingual instruction well over standards by any yardstick (or vice versa). Classes with small enrollments reflect this problem. Schools with ELL students need more classrooms in order to deliver services.

The **Case Study of IS 218** is accompanied by charts that illustrate how rapidly overcrowding intrudes on specialty instruction space, inflates building capacity numbers and permanently obscures the designed intent of the structure. Quite simply this school is a poster child for what is wrong with our system.

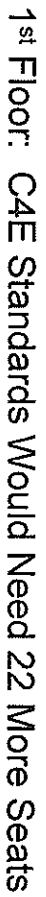
**Principal's Survey Results for your District** are provided for you to compare to the **20010-20014 Five Year Capital Plan for your District**. While it is hard to generalize, it is clear that the realities administrators and teachers face every day are very different from the numbers in official reports. Almost every school reported at least one missing cluster room. An **Executive Summary of the citywide responses** to this survey is the final attachment.

As we ponder the new Capital Plan, it is worth pondering whether the mission of the School Construction Authority to maximize the efficient use of space and thus guard our public dollars is compatible with the mission of the Department of Education which needs to maximize educational opportunity and experience. As the new Five Year Plan demonstrates, these can be diametrically opposed purposes.

**Acknowledgements:** These attachments reflect the hard work, formidable knowledge and dedication of several volunteers over a period of years. Many thanks to Judith Amaro, Bryan Davis, Josh Karan and Beth Schueler for their persistence and skills.



## Blue C4E Standards



23



[illegible]

Room 402  
20 Students  
23 CAE  
5th Grade

Room 403  
26 Students  
23 CAE  
5th Grade

Room 405  
22 Students  
23 CAE  
5th Grade

Room 406  
18 students  
23 CAE  
5th Grade

Room 401 B  
20 Students  
23 CAE  
5th Grade ESL

Room 401 A  
Science Lab

Office

Storage

Library Media Center

Lounge

Science Work Room

Central Office

Staff Lounge

Storage

412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500

Room 406 to Science &amp; Room 401 to Art

TOTAL ADDITIONAL SEATS NEEDED TO MEET C4E STANDARDS FOR PS 4 ENROLLMENT: 159



## IS 218 – A CASE STUDY

IS 218 is located on a verdant stretch of Broadway, opposite Ft Tryon Park, in upper Manhattan, part of Community School District 6. The school opened in 1993 and was one of the first community partnership schools, specifically planned to include space for an onsite clinic and offices for the Children's Aid Society. Because of the tight footprint of the lot, the School Construction Authority abandoned its usual modular design and permitted the architect to design for the site, earning several awards. The bold facade – incorporating colored bricks and large panels of architectural glass blocks – picks up on elements of the adjacent art deco buildings. Despite the small size of the lot, the school had a number of specialty spaces – 12 science labs plus a prep/storage area, a dance studio, cooking & sewing rooms, music rooms with acoustical panels and instrument storage, art rooms, computer labs and a wonderful shop where students rehabbed abandoned and donated bicycles in a Recycle a Bicycle program.

Unfortunately for District 6 and IS 218 students, the good news ended before the building even opened. Designed to incorporate air conditioning so that year round programming would be possible, the compressor for the air conditioning mysteriously disappeared and was never installed. Built for air conditioners and energy efficiency, the windows do not really open and are not intended to permit cross ventilation so all five floors suffer from heat build up. Students do not need science labs to learn about global warming; they live with it every warm day of the year. The lovely glass blocks on the south facing exterior simulate a green house effect.

Perhaps it is a good thing that students have this real life "scientific" experience because all 12 of the science labs have been converted into regular classrooms to cope with a student population from within its zone that pushed enrollment up throughout the first ten years. Middle schools contiguous to the zone for IS 218 were also highly overcrowded; for example the closest middle school, IS 52, had trailers in its yard. When IS 218 opened in 1993, its capacity was listed as 1,210. The official zoning documents list its capacity at that number until 1998-99 when the capacity rose to 1,455. But by 2003-2004, the capacity had grown to 1,635 and in the current DOE tally lists IS 218 with a capacity of 1,726.

**The interesting thing is that not one room was unfinished or unused at the time of the opening and not one new room has been added. The "expansion" of IS 218 has been accomplished solely through the conversion of cluster rooms** [those specialized spaces for art, music, dance, science and technology].



Think for a minute what this has meant for educational programming. You can see in that attached color diagram what has happened on just two of the school's 5 floors: General instruction (math, English, social studies) is in green; specialty instruction is in blue. All the specialty rooms are now regular rooms and each room converted added approximately 28 seats to the building's capacity.

In 2005-06, based on this inflated capacity and its desire to restructure, DOE decided to **site two additional schools** in the building and space issues have only accelerated. In 2006, with 1,526 students – 316 more than the school was intended to educate plus the additional administrative spaces that three schools require – the official Department of Education statistics recorded the school as underutilized - 94% of capacity - this in a building that took five lunch periods to serve its students.

Besides being a poster child for the problems that arise from flawed capacity calculations and the consequences of using that erroneous data to make siting decisions for multiple schools sharing a building, IS 218 is emblematic of problems arising from poor construction. When persistent leaks dictated some estimated \$4.4 million in emergency exterior repairs in 2005, there was no other facility that could absorb the students. So scaffolding went up around the entire building and each exterior brick was removed, repairs made to the underlying insulation or membrane that leaked and then each brick replaced. Schools that are 12 years old should not need millions of dollars in repairs.

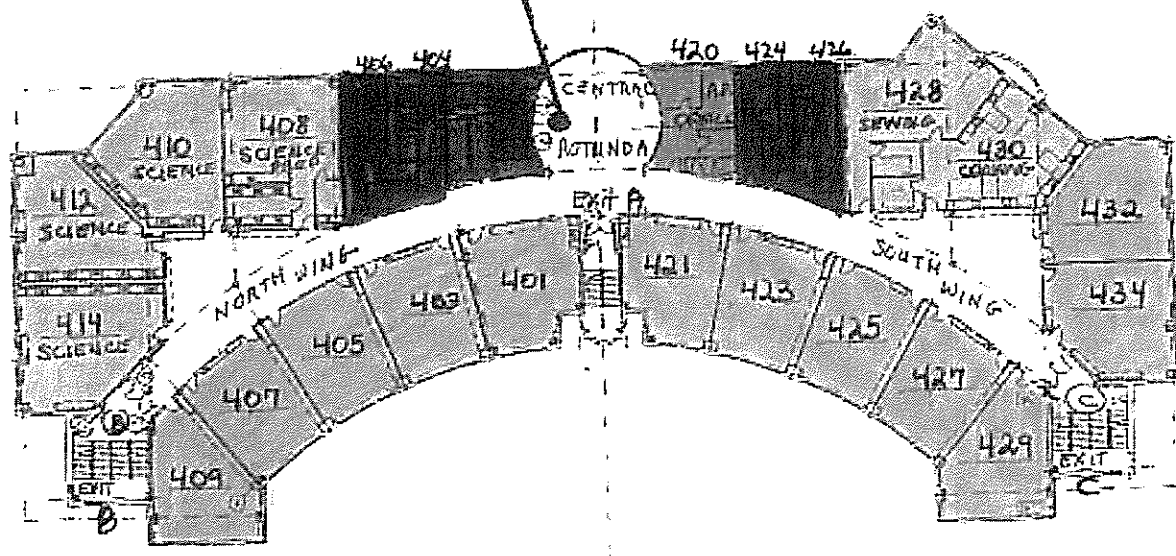
Today IS 218 still has three schools sharing its facilities: IS 218, MS 293 & MS 322. Enrollment is down to 1,282 but the building capacity continues to be listed as 1,726, yielding an alleged utilization of 74%.

Unfortunately, the story of IS 218 is repeated through out New York City. The legacy of severe overcrowding in a school or District is inevitably a capacity number that makes the school or District on paper look like there is room to educate more students or house more programs. Basing data driven decisions on numbers derived this way, the Chancellor and Department of Education have concluded that Community School District 6 and many other Districts do not need any more new schools.

Today, the official citywide utilization numbers are 79% or 87% depending on which methodology is used but there are only 1,791 of 3,104 cluster rooms that the Department says are its minimal number. If these utilization numbers are accurate, New York City schools are not overcrowded. If the schools are not overcrowded, where are the art rooms? Where are the science labs?



YOU ARE HERE

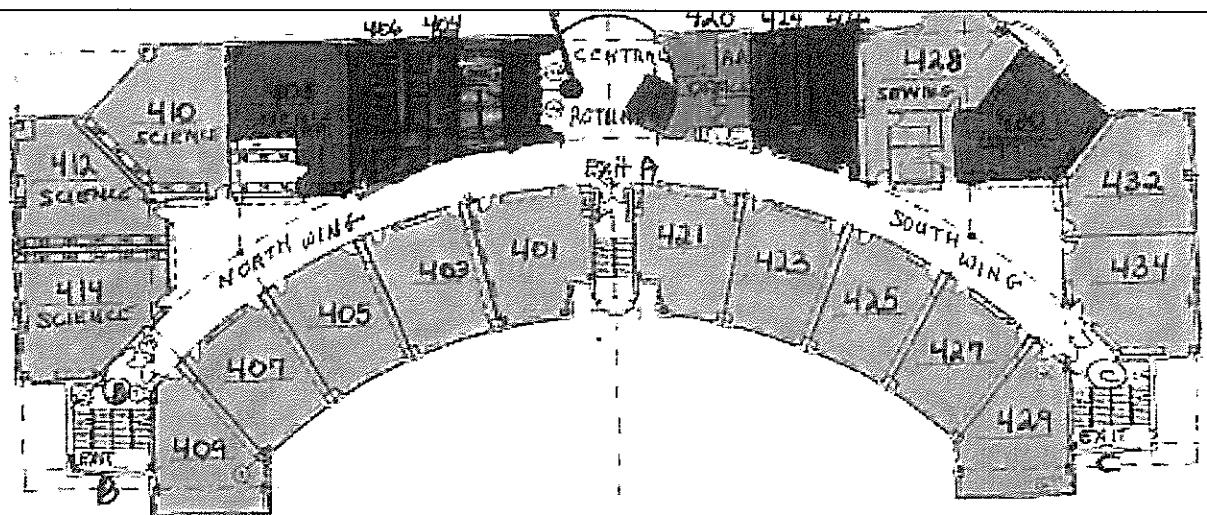


## FOURTH FLOOR

Broadway

I.S. 218 1993↑ & 2006↓

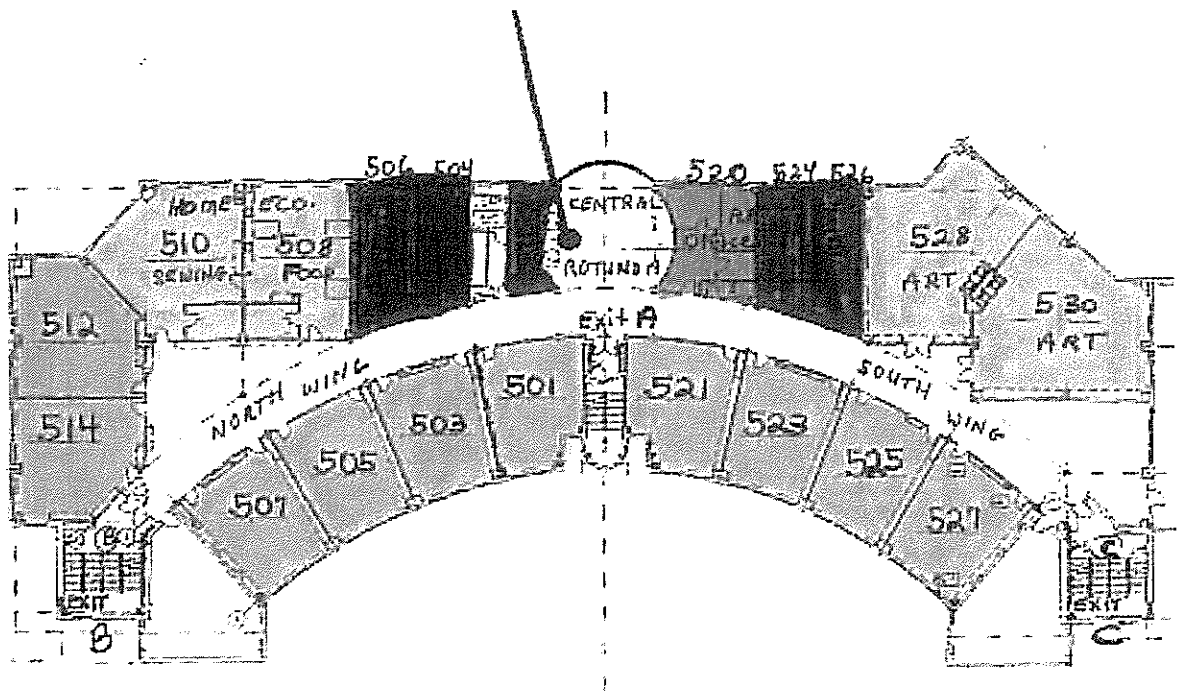
- = General Instruction Room ■ = Specialty Room
- = Mandated Services (eg Resource, Holding, SBST)
- = Admin ■ = Mechanicals or Restrooms



## FOURTH FLOOR

Broadway

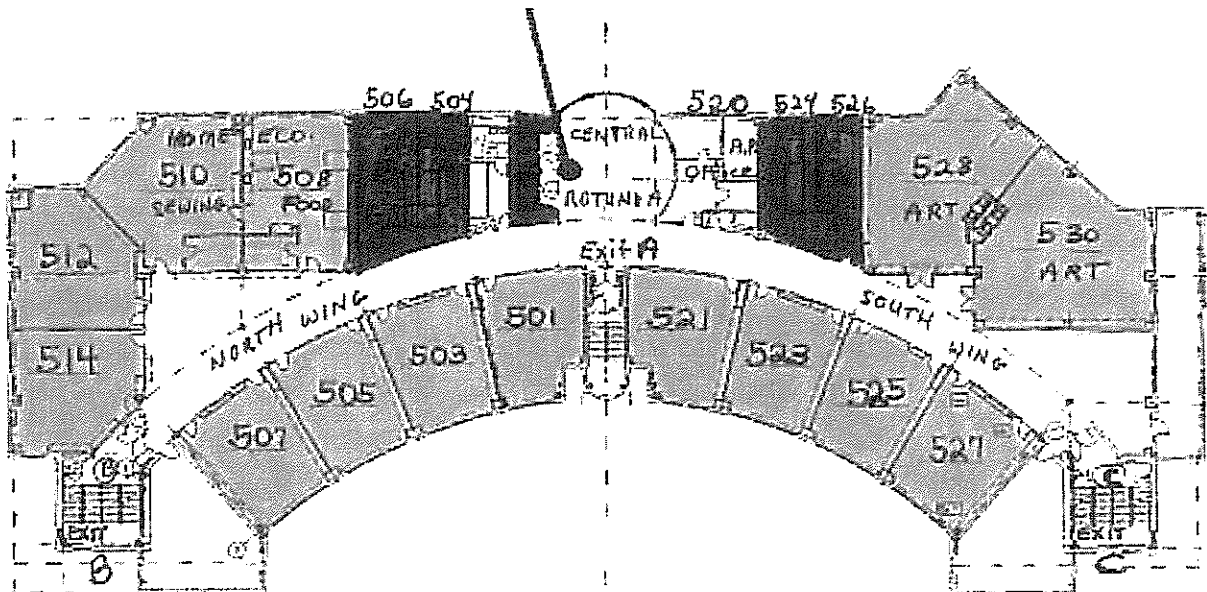




## FIFTH FLOOR

I.S. 218 1993↑ & 2006↓

- = General Instruction Room ■ = Specialty Room
- = Admin ■ = Mechanicals or Restrooms



## FIFTH FLOOR



## Principals Survey: Highlights from City Council District 7\*

	Elementary	Middle	High	Total
# of responding schools from your district	9	5	1	15
Average DOE utilization rate for responding schools**	117.67%	78.00%	85.00%	
Schools at 100% or more capacity**	6	2	0	8
# of schools with insufficient electrical power	9	5	1	15
# of schools w/ less than 50% of the building air conditioned	4	3	no data	7
# of schools with no air conditioning	2	0	0	2
# of schools with no auditorium or an auditorium that does not fit all students	3	1	no data	4
# schools with more than 3 lunch periods	3	1	no data	4
# schools where lunch starts before 11am or after 1pm	6	no data	no data	6
# of schools reporting crowding creates either unsafe conditions, problems for students to get to class on time, credits to graduate or adequate enrichment programs	6	4	no data	10
# classrooms w/o windows	2	0	9	11
# of art rooms	6.25	1	0	7.25
# of drama rooms	1	1	0	2
# of music rooms	3	1	1	5
# of dance rooms	2	0	0	2
# of elementary schools w/o outdoor play space	2	n/a	n/a	2
# of schools w/ less than 60 minutes of gym per week	5	1	no data	6
# of schools using 1 or more temporary spaces for general instruction	2	no data	no data	2
total # of "cluster" rooms converted to general instruction rooms (breakdown of room type below)	12	20	1	33
computers	1	1	0	2
reading	0	2	0	2
art or music	1	3	0	4
science	0	3	0	3
faculty	0	1	0	1
discipline	0	2	0	2
counseling	0	1	0	1
occupational speech or therapy	0	1	0	1
storage	1	0	0	1
cafeteria	0	1	0	1
other	9	5	1	15

### Principal Quotes:

"I have no storage space to store textbooks and other important instructional materials and technology equipment. This causes not to be able to properly inventory materials because there is no place to keep them under lock and key and over the summer materials and equipment disappear. My music program and K-3 science program is in a gym closet. My bookroom for leveled books is in a gym closet. The other school has all the closet space. I only have one storage closet in the basement for supplies only. When I get big shipment of materials, I don't have a safe place to store them and must store them in the school's depot which is accessible to everyone in the building including visitors from other schools. I strongly suggest that you visit the depot at PS 192 so that you can see what a safety hazard it is. Thank you."
"Presently we have enough space but if the DOE uses the new space usage report that was done last month, they may try to put in another program. The report only listed my school and did not take into account the other two schools or CBO that is house here full time."

\*Horowitz, E. & Haimson, L. (2008). *How crowded are our schools? New results from a survey of NYC public school principals.*

[http://www.classsizematters.org/principal\\_survey\\_report\\_10.08\\_final.pdf](http://www.classsizematters.org/principal_survey_report_10.08_final.pdf)

\*\*According to the 2006-2007 DOE "Blue Book"

Specialty room count may reflect totals only for main school buildings



How Crowded Are Our Schools?  
*New Results from a Survey of NYC Public School Principals*

Prof. Emily Horowitz<sup>1</sup> (St. Francis College) & Leonie Haimson<sup>2</sup> (Class Size Matters)  
*October 3, 2008*

**Executive Summary**

An updated survey of 38% of all New York City public school principals, at schools representing 41% of all NYC students, finds that the Department of Education data on school capacity is faulty.

Nearly half (49%) of our respondents said that the official utilization rate for *their own school* as reported in the Blue Book was inaccurate. 86% of principals said that their class sizes were too large to provide a quality education. Principals reported many other problems resulting from overcrowding, including unsafe conditions for students or staff, difficulty in providing the credits that students need to graduate on time, and intervention and special services being given in hallways and closets. One fifth of principals reported that their schools have classrooms with no windows.

**Background**

In October of 2007, we launched a survey of public school principals, focusing on school capacity, utilization and overcrowding. The purpose was to learn more about the relationship between the official estimates of school and classroom space employed by the New York City Department of Education and the School Construction Authority, in comparison to the daily realities faced by New York City educators and students. We released the preliminary results last spring, and now can report the responses from more principals --550 in all -- more than one third of all principals of NYC public schools.

The official figures on capacity and utilization are used by the Department of Education to assess how much additional school space should be created through the capital plan, to reduce overcrowding and allow for smaller classes. This survey represents the first effort to quantify the true extent of overcrowding in our schools, by asking principals throughout the city about their schools' actual capacity and needs.

The "Blue Book," the document produced annually by the School Construction Authority, assigns each school a figure in percentage form to represent school utilization. This figure is based on the official capacity of each school, according to the DOE, derived from their estimate of how many students the school should be able to hold and adequately educate. If the utilization figure is above 100%, this means that the school has more students than capacity -- and if it is under 100%, this means that there is extra space in the school.

According to the most recent "Blue Book" (2006-2007), 38% of New York City public school students attend schools in buildings that are above 100% utilization. 47% of elementary grade students are in schools that are overutilized, 19% of middle school students, and 51% of high school students.<sup>3</sup> Over the years, there has been much anecdotal evidence about the inaccuracies of the official utilization data, and parents, teachers, and education advocates often report that their schools lack sufficient academic, enrichment, and administrative space despite being listed as underutilized.

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<sup>1</sup> Prof. Emily Horowitz (Dept. of Sociology & Criminal Justice, St. Francis College) can be reached at [ehorowitz@stfranciscollege.edu](mailto:ehorowitz@stfranciscollege.edu) or 718-489-5446.

<sup>2</sup> Leonie Haimson (Class Size Matters) can be reached at [leonie@att.net](mailto:leonie@att.net) or 212-674-7320.

<sup>3</sup> We are using target utilization rates, as reported in an Excel version (2006-7) of the Blue Book provided to us by the DOE.



While the DOE's official figures for the number of schools that are overcrowded are discouraging enough, the results of our principal survey reveal that *these figures significantly understate the actual level of overcrowding in the NYC school system*, for reasons explained below.

### **Respondents**

550 principals completed our survey in full -- representing more than 38% of all NYC public school principals. Their schools contain about 397,000 students -- or 41% of our total public school population. About 47% are elementary school principals, 29% from middle schools, and 23% from high schools, roughly in line with the distribution of all NYC public schools, with a smaller proportion of elementary school principals and larger proportion of middle school principals. (See Appendix.)

The distribution by borough of the schools represented in the survey is very close to that of the city as a whole. The average length of time our respondents have been principals is five and half years. Sixty-one percent of them prepare their school's "turn-around" document on which the official DOE utilization rates are supposedly based.

Their schools have significantly lower official utilization rates than schools in NYC as a whole. More specifically, 28% of respondents are at schools that the "Blue Book" reports as 100% or above, compared to 38% of NYC schools overall.

### **Results: DOE utilization rates are inaccurate**

Nearly half (49%) of our respondents -- believe that the official utilization rate for *their own school* as reported in the Blue Book is inaccurate.

For principals of schools whose official utilization rates are reported as under 100%, slightly more than half (51%) said that the DOE utilization rate was incorrect, and understated the actual level of overcrowding at their own school.

Fifty-one percent of all principals said that the enrollment at their own school was not capped at a level to prevent overcrowding.

### **Overcrowding leading to unsafe and inadequate conditions**

The most frequently cited comments as regards the effects of this overcrowding were the following:

- Slightly more than half of all principals (51%) said that overcrowding sometimes leads to unsafe conditions for students or staff; 43% said that overcrowding makes it difficult for students and/or staff to get to class on time.
- 43% of all principals said that their schools were too crowded to be able to provide important after-school programs or services, such as tutoring, sports, clubs and the like.
- More than one fourth (26%) of all middle and high school principals said that overcrowding sometimes makes it difficult for their students to receive the credits and/or courses needed to graduate on time.



### Class sizes too large

*86% of principals said that their class sizes were too large to provide a quality education.*

While the “Blue Book” assumes target class sizes of 20 students per class in K-3, 28 students in 4-8<sup>th</sup> grades, and 34 students in high schools, most principals believe that classes in K-3 should be no larger than 20, 4-5<sup>th</sup> grade classes should be 23, and there should be 24 students per class in all other grades.<sup>4</sup>

- The most important factors that principals say prevent them from reducing class size to appropriate levels are lack of control over enrollment (45%), lack of space (44%) and lack of funding (35%).<sup>5</sup>

### Loss of cluster rooms

The DOE capacity formula does not reflect the fact that *many schools over time have lost cluster rooms (dedicated to art, music, science etc.) to regular academic classrooms*, and that in fact, this process is ongoing.

One quarter of all principals (25%) reported losing their art, music or dance rooms to academic classroom space; 20% said they had lost their computer rooms; 18% had lost their science rooms; 14% had lost their reading enrichment rooms, and 10% had lost their library space.

As one principal noted, *“Over the years we have eliminated our art room & science room, and at-risk/intervention rooms. We are now going to request that our computer lab be converted to classrooms because we need another room for a class.”*

### Lack of access to necessary facilities

The official capacity estimates do not consider whether the level of overcrowding prevents students from having regular access to the cafeteria, the auditorium, the library, and/or the gymnasium.

*In fact at 17% of schools, students have no regular access to the school’s library; and at 29% of schools, lunch starts at 10:30 AM or earlier.*

- Almost half of all schools (47%) have less than one hour of gym per week. In eleven percent of schools, students have no access to an auditorium at all.
- Many schools have no science labs. One principal observed: *“We have over 1000 students in this building, the overwhelming majority of whom are in high school, with only a partial science lab that seats 12.”*

### Inadequate space for special education and intervention services

Many principals reported using inadequate space for remediation or special education services. For example: *“We are using closet space for speech, SETTS, and SPINS.”*<sup>6</sup>

Another: *“The classroom that we presently have our 12:1 is too small. It was the Dean’s office space that was for our SAVE Room detainees (total 8.) The students are sitting on top of each other. Our SAVE Room is desperately needed. Disruptive students are placed in another classroom or sit with the A.P. or Principal.”*<sup>7</sup>

<sup>4</sup> This is the mean response of principals. The median and mode responses are reported in the appendix.

<sup>5</sup> We asked principals to rank these factors in order, but several included more than one as the top reason.

<sup>6</sup> SETTS is an acronym for Special Education Teacher Support Service – meaning special education services. We are not sure about the meaning of SPINS.

<sup>7</sup> SAVE is the room reserved for students being disciplined—after the Schools against Violence in Education Act.



And yet another: *“We lost our Science Lab and Art Studio. Most if not all of our AIS [Academic Intervention Services] Instruction is in our hallways and inappropriate offices in the Gym.”*

#### Substandard rooms and use of temporary spaces

Many schools have been forced to use non-standard space for classrooms, preventing their true capacity from being properly assessed by the standard DOE formula. For example, some principals said their schools had especially small rooms that cannot hold more than 25 students; others described classrooms with columns that obstruct the student’s view of the teacher or blackboard.

- In addition, 20% of principals reported that their schools have *classrooms with no windows*.

One example: *“Our art lab and music room is in the basement. It was never suitable for classrooms.”*

- In our survey, 17 % of principals said that their schools had one or more temporary spaces (trailers, Temporary Classroom Units, or annexes).
- Several principals said that the DOE inaccurately describes their schools as underutilized – despite the fact that they rely on annexes and/or transportables to accommodate their students.

As one principal observed: *“My school occupies two buildings due to overcrowding in the main building. We have an annex which is one mile away from the main building and students are bussed there by yellow shuttle buses. There are 4 portable classrooms in the schoolyard, however due to the way that the DOE calculates space utilization, it does not deem my building as overcrowded.”*

#### Conflicts with DOE over capacity ratings

17% of respondents said that their school’s official capacity had been increased by DOE in recent years – that is, the number of students that the DOE claims the school can safely hold and educate. In many cases, this increase in the school’s capacity occurred without any significant renovations or classrooms additions, leading many principals to distrust the results. As one principal observed, *“The blue book estimates change annually based on the needs of our school system. Really has no bearing on reality.”*

Several principals reported ongoing battles with the Department of School Facilities over their capacity ratings. Asked whether they had had their ratings raised in recent years, one principal replied, *“I have fought this off. We successfully had the capacity lowered from 1000 to 900 but only with 5 meetings that were very contentious. I believe NYC is the only city who expects students to do more with less--in this case less space and area for movement.”*

#### Battles with OSEPO

Many principals also expressed resentment at OSEPO (the Office of Student Enrollment, Planning, and Operations) for having assigned more students to their schools than they could reasonably hold; apparently this occurs more frequently when the principal attempts to reduce class size.

A typical comment: *“Once OSEPO sees on ATS that a class has fallen below 30 they send another student.”*<sup>8</sup>

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<sup>8</sup> ATS stands for Automate the Schools, the school-based system which automates the collection and reporting of data for all NYC public schools.



Another: *"There is a problem when a school chooses to use their own money to lower class size (instead of an extra pullout or support position). Then DOE determines that you have space in the classroom and sends you extra students. You get punished for trying to lower class size."*

#### **Overcrowding made worse because of DOE policies and priorities**

- 27% of principals responded that overcrowding in their schools had resulted from new schools or programs having been moved into their buildings in recent years.
- In addition, several principals reported that the situation had worsened because of DOE's decision to add new grade levels to their schools, with the goal of creating more K-5, K-8, and 6-12 schools.

#### **Other facility problems**

Other pervasive problems with facilities were also commonly reported – in particular, 59% of principals said their schools lacked sufficient electrical power.

#### **Conclusions**

The thrust of the Department of Education's current management system assumes that the educators at each school are primarily responsible for the success or failure of their students. Accordingly, the administration has devolved more responsibility and autonomy to principals to improve academic results, with the presumption that they have at their disposal most of the tools they need to succeed. *Yet principals say that they have no control over some of the most important factors determining the quality of their schools:* the allocation of space and the number of students assigned to their schools. These remain entirely within the control of the DOE. In the view of an overwhelming majority of principals, the resulting overcrowding prevents them from reducing class size to appropriate levels and being able to provide critical programs.

According to the results of this survey, current capacity and utilization figures are highly flawed and underestimate the actual level of overcrowding at many NYC public schools. We recommend that the formula used by the Department of Education to determine the actual level of school overcrowding should be significantly revised to take into account the need to ensure student and staff safety, reduce class size, provide necessary special education and intervention services, and improve access of students to gymnasiums, libraries, cafeterias, and auditoriums. The formula should also be adjusted to reflect the ongoing loss of cluster space, including art, music, and science rooms, and the existence of substandard and temporary spaces such as annexes, trailers and TCUs at many schools.

#### **Acknowledgements**

We received invaluable support from the chair of the New York City Council Education committee, Council member Robert Jackson, and the Council of School Supervisors and Administrators (CSA), both of whom reached out to principals to ask them to complete our survey, which was posted online on October 24, 2007. This summary reports on the results of the survey as of September 30, 2008. The survey is ongoing; principals and others can reach the authors at [nycprincipalsurvey@gmail.com](mailto:nycprincipalsurvey@gmail.com) or 212-674-7320.

We also received help and advice on the survey's overall design and methodology from the Northwest Bronx Community and Clergy Coalition, the Office of the Public Advocate, St. Francis College, the United Federation of Teachers, members of Community Education Councils and several individual teachers and principals. Our thanks go out to all of them, as well as the hundreds of NYC principals who took the time to complete the survey.



## APPENDIX

### Survey Background

<b>Borough</b>	<b>Our Respondents</b>	<b>All NYC Public Schools</b>
Manhattan	20%	17%
Bronx	22%	23%
Brooklyn	31%	30%
Queens	21%	22%
Staten Island	5%	4%

<b>School Level</b>	<b>Our Respondents</b>	<b>All NYC Public Schools</b>
PS	47%	64%
IS	28%	17%
HS	23%	19%

<b>Survey Details</b>	
Principals represented out of all NYC principals	38%
Students represented out of all NYC public school students	41%
Principals in our survey at schools the Blue Book says are OVER 100%*	32%
Schools in all of NYC the Blue Book says are OVER 100%	39%
Respondents with 5 years or more experience	47%
Principals who believe official utilization rate is inaccurate	49%
Principals at schools under 100% who believe official utilization rate is inaccurate	51%
Principals who feel that enrollment is NOT capped at an appropriate level to prevent overcrowding	51%
Principals who say overcrowding always OR sometimes creates:	
unsafe conditions for students/staff	51%
difficulty for students/staff to get to class on time	43%
difficult to provide adequate after-school programs (e.g. tutoring, sports, clubs)	43%
difficulty for students to receive enough credits or courses needed to graduate	26%
Principals who say their class sizes are small enough for a quality education	14%
Reasons why principals have difficulty achieving classes of quality size:	
lack of control over total enrollment	44%
lack of space	44%
lack of funding	35%



Cluster rooms converted to general education / academic classrooms				
computer/tech lab				20%
reading enrichment				14%
art, music, dance, drama, or foreign language				25%
science				18%
library				10%
Schools where students have NO regular weekly library access				17%
Schools that start lunch at 10:30 or earlier				29%
Schools with LESS than 60 minutes of gym per week				47%
Average minutes per week in gym class				
elementary				60
middle school				60
high school				120
Principals who say that their official capacity rating has been raised in recent years				17%
Principals who say that they have had space taken away in recent years				18%
Schools with no auditorium or no access to an auditorium				11%
Schools that can't fit ALL students into the auditorium at one time				76%
Schools with one or more academic classrooms with no windows				20%
Principals who say that overcrowding has increased because of new schools or programs being added to their building				27%
Schools without sufficient electrical power				59%
Schools with one or more temporary spaces (trailers, TCU's, annexes)				17%
What SHOULD class sizes be to provide a quality education?				
	K-3	4-5	6-8	9-12
Mean	20	23	24	24
Median	20	22	25	25
Mode	20	20	25	25



**Comments  
of  
Richard Farkas  
Vice President of Junior High and Intermediate Schools**

**United Federation of Teachers**

**to the  
New York City Council**

**Education & School Construction Authority**

**May 21, 2009**



Good morning Chairmen Jackson and Weprin, and members of the City Council. I am Richard Farkas, vice president of junior high and intermediate schools for the United Federation of Teachers.

As an educator, I could not be more passionate about eliminating overcrowded conditions in our public schools. Parents and teachers know all too well that school overcrowding just makes it more difficult for kids to get the education they deserve. We place New York City's children at a severe disadvantage when their classes are too large and their schools are filled past their capacity.

These large class sizes and overcrowded schools, are not solely caused by a failure to plan during the fiscal crisis of the 1970s, it is also the faults of the last capital plan.

Recently, the Department of Education has gone into communities and created conflicts among schools all fighting space. By pitting schools and communities against each other for space, the DOE is denying students their rights to a quality education. Our children are shortchanged now and will continue to be if the five-year capital plan falls short of addressing these problems.

For example, recently in District 2 we have seen dozens of families of children eligible for kindergarten in September of this year advised by the DOE that their children do not have a place in their respectively zoned schools. The DOE has told parents their children are on waiting lists for their zoned schools without explaining the procedure for devising the lists or for selecting which students are selected.

In District 3, P.S. 185/208 has been pitted against P.S. 242, which houses Harlem Link, the Future Leaders Institute and P.S. 242, for valuable space. P.S. 185 has been forced to give up space for a Harlem Link expansion program.

Public School 185 will now face increased overcrowding and lose valuable space, including art rooms and dance space, to make room for the expansion. P.S. 185 is the only pre-school through second grade school in Harlem, traditionally students would graduate into P.S. 208. The capital plan does not address the needs for these schools to develop.

The current capital plan doesn't meet current or projected future class space needs, given increasing enrollment. As a result, the Department of Education will not be in compliance with the Contract for Excellence if the proposed capital plan is approved. This is especially disturbing in light of state mandated class size targets.



We fought long and hard to win the Contract for Excellence, and in our view this capital plan provides for insufficient additional classroom space and will not enable reduction of class sizes in accordance with the Contract for Excellence agreement.

We are strongly advocating for restoring “lost rooms” for specialized instruction, cultural enrichment and physical education in the DOE’s construction and capacity planning. These so-called “cluster rooms” were not adequately planned, and overcrowding resulted in students losing their facilities for art, music, gym and science laboratories.

According to a report released by the Campaign for Fiscal Equity yesterday, based on 2007-2008 data, overcrowding is still a pervasive problem.

- There are 391 school buildings with a total enrollment of 381,582 students that are overcrowded with utilization rates greater than 100%.
- The total enrollment in public schools was over 1,042,000 and approximately 37% of all students attended school in an overcrowded building.
- There are many severe cases of overcrowding, including 85 school buildings with utilization rates between 125% and 150%, and 28 schools had utilization rates over 150%.

Additionally, there is a persistent problem with overcrowding affecting our most vulnerable high-need students.

- According to the CFE report, 25% of SINI/SRAP schools in 2007-08 were overcrowded.
- If more of these challenged schools had the benefits of smaller class size, we would likely see more of them removed from the SINI/SRAP list.

According to the CFE report, there are 51 schools facing severe overcrowding that the DOE should take immediate steps to combat overcrowding in. However, there is no strategy in the current Capital Plan to alleviate the overcrowding in schools that need the most relief.

In Queens, there are 57,545 students enrolled in overcrowded hi school buildings, the highest number citywide. However, there is only one additional high school planned for Queens in the Capital Plan.

While the entire proposed five year capital plan has only 25,000 new seats, it was recently revealed that the DOE plans to create 100,000 seats for charter schools by 2012.



The plan states that there is potential for new charter schools to help mitigate enrollment growth. However, several of the charters cited in the plan are in neighborhoods with available capacity.

Communities in desperate need of space are not properly being evaluated as part of the capital plan.

To fully develop their potential, every student should be exposed to instruction in vitally important subjects such as art, music, drama, foreign language, health, technology and home and career skills; we cannot deliver that education if they are forced to learn in portable buildings, annexes and mini-schools.

Indicators show that enrollment is projected to drop in a select few districts; enrollment in almost all other districts in the city will rise. Our schools need resources to lower class sizes to give our children the tools they need to succeed.

Advocating for and protecting a child's right to learn, is crucial. We are here asking the City Council to stand up for children and make the capital plan do what it must do: provide the space and opportunity for our children to achieve their highest potential in school facilities that meet all of their instructional needs. Thank you.



**Parents speaking and providing written testimony**

**Hearing:** Executive Budget Hearing – Education - Capital  
**Date:** Thursday, May 21, 2009  
**Time:** 3:00 – 5:00 pm (\*public testimony will begin at 5:00pm)  
**Place:** Council Chambers, City Hall

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PS 183 (31 on waitlist)  
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Madeline Sinor  
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Good evening and thank you for hearing my testimony.

My name is Thea McCallion and I am here representing hundreds of families in my school zone, PS 151, a diverse Upper East Side community that has been significantly neglected by the inaction of both the City and the DOE.

The elementary school that once stood in the 151 zone was closed nearly a decade ago and subsequently demolished **but** never replaced. In its place now stands a hi-rise building, the Azure.

Over the many years since we lost our school, our children have been divided and sent to other neighboring Upper East Side elementary schools through a lottery system.

Inevitably, and **not** suddenly, these schools became dangerously overcrowded and **this year** many children zoned for those schools have been placed on wait lists. As a result, the PS 151 lottery was abruptly eliminated leaving our Kindergarten-age children with no place to go to school.

A temporary solution may band-aid our situation for the Fall 2009. But our question remains: Where will the PS 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 is 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.

We have seen the rise of many large apartment buildings with **no action** taken to build even **one** elementary school for the burgeoning population in our zone nor for the other UES zones.

The diverse, taxpaying **and** voting middle class families of our 151 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 PS 151 zone **but** we **need** a permanent elementary school in our neighborhood to serve **us**.

Our Mayor and Schools 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. 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.

Mr. Mayor, include us in your Capital Plan this time and anticipate a revitalized and growing PS 151 zone in doing so.

Thea B. McCallion  
PS 151 Zone resident, Mother of Paige, 4 1/2



*Andy Lachman*

Parent Leaders of Upper East Side Schools

516-527-2583

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Every child in every neighborhood of NYC, deserves a high performing primary school near their home with limited class size. The proposed capital plan does not meet that goal.

I am Andy Lachman with Parent Leaders of the Upper East Side School and Co treasurer of PS 290

My daughters have been truly fortunate to attend PS 290, Manhattan New School.

MNS is a nurturing neighborhood schools that makes children feel as if it is their second home. It is a wonderful learning environment and the foundation for a strong city.

Unfortunately not every child has been as fortunate as mine. Hundreds of K-5 children across NYC are shut out of their local elementary school, roughly 40 schools are capped.

The city closed 3000 day care centers leaving parents scrambling for a place to send their children and the 151 zoned children have been without a school for 8 years.

The overcrowding problem is not going away. We are in a crisis and we need more schools now. It is unacceptable that hundreds of children are on wait lists in their zoned schools and they do not know where they will be in September.

Currently there the Upper East Side is at 135% over capacity and there are 140 wait-listed children in the Upper Eastside. The only positive news is that a 151 zone school is imminent. Unfortunately, that is just temporary location, there is still no permanent site. Furthermore, the new construction site for the new PS 59 School is at a stand still. The builder has lost his financing

At PS 290, we have a K wait list of 47, a First grade wait list at 15 and Grades 2-5 are at capacity. The posted fire and building code occupancy for PS 290 is at 423 yet we have over 650 children enrolled. There are close to 800 bodies in the school after you add in adults. OT takes place in a room with three copiers and band practice outside. Reading recovery takes place in converted closet sized single stall bathroom. The school has no real gym, auditorium, library and play space is limited.

No capital funds have been allocated to fix the UES woes. We need at least 1000 new seats to fix the problems of the UES. We ask you to reject the current capital plan unless it provides funds for UES schools and guarantees that every child in New York City has a seat in their a neighborhood school.

Thank you



## City Council Testimony

MAY 21, 2009

Hi, my name is Denise Bigo-Early

I am a parent of 5 yr. old twins on the 90 child kindergarten wait list at our local, zoned public school. I'm anxious, sleep deprived, and angry. Not a good combination for a parent speaking before the City Council for the first time.

I have to put up with \$5 trillion of the crushing new National debt to bail out the ineptly run banks on Wall Street. I have to put up with my tax dollars going to bonuses for the reckless that run those banks. I have to put up with \$100 K disability pensions for LIRR workers who are not disabled. I have to put up with pay to play at the state and city levels.

I **cannot** put up with my 5 yr. olds being shut out of our local, zoned, public school; **nor** with the DOE promise of a seat somewhere in the 5 boroughs. There has been a lot of talk about keeping our 5 yr. olds close to home, but the only written communication to parents promises us seats somewhere in the 5 boroughs.

Some 25% of incoming kindergartners are on a wait list in my PS 3 + 41 zone. We are not alone. A dozen District 2 schools have wait lists. Several are larger than ours. In District 1, PS 130 and PS 124 on Confucius Plaza are overcrowded. This is a huge problem that has been building for years. Many people warned you and the DOE.

My husband and I hope our children will be among the lucky ones who get into either PS 3 + 41. And, if we do, what awaits our children? Not a lunch hour, but lunch minutes – 10 minutes, that begin at 10:30, in PS 3 there are 5 toilets for over 200 5 yr. olds, huge chunks of plaster about to fall off walls in the stair wells, and mice. We are in a crisis or at least we, the parents are.

I have to lay some blame of our current disaster at your feet. You had to know about the construction boom. Developers made hundreds of millions of dollars selling 2, 3 and 4 bedroom condos in the West Village and Chelsea. Where are all of those children supposed to go to school? Over the last years, you let the DOE cram more and more children into schools that are cracking at the seams. You should have made the DOE build new schools.

Now, you have before you the School Capital Spending plan. I am amazed that instead of putting more money to construction of badly needed schools, it contains a \$ 2.5 Billion decrease from the previous budget. Vote against this budget. Fight for our children and insist that schools be built in our neighborhoods **NOW**. You may be told that schools are planned in our neighborhood, like the one at the Foundling Hospital scheduled to come on line in several years. It will be overcrowded as soon as it is completed with the children from new construction not yet finished. We need more schools **NOW** –



PLEASE. Don't let anyone tell you we don't have the money. Our city, state and country are awash in money going to the wrong places. You must redirect the money to our children and invest in elementary schools now or still more children will be shut out next year.



Testimony of Eric Zerof  
P. S. 41  
[ericzerof@gmail.com](mailto:ericzerof@gmail.com)

I urge you to reject this capital plan.

As others have testified, it does not call for enough new school construction in The Bronx. It does not call for enough new school construction in Queens. It does not call for enough new school construction in Brooklyn. Maybe it calls for enough new school construction in Staten Island. It does not call for enough new school construction in Manhattan.

25,000 children attend classes in trailers, despite the DOE's promise to end this practice 5 years ago. More and more children are being packed into classrooms at levels making it impossible for teachers to teach and children to learn. The plan does not meet the DOE's own standards of reducing building utilization to 85%, leaving more than two thirds of the city's school children in overcrowded classes.

In short this capital plan shames this great city.

How did such a plan come before this body?

If I may remind you: The Department of Education, as required, submitted a draft in November of last year to the every Democratically Elected Community School Board in this city. And each of those Community School Boards submitted testimony from parents suggesting additions and testifying to the inadequacy of the draft.

Not ONE of the 32 Democratically elected School Boards called for less new school construction.

And then the DOE and the rubber-stamp citywide PEP took those suggestions and filed them. And ignored them. And it resubmitted a plan essentially unchanged.

So the DOE just ignored the democratic input of the 32 elected school boards in this city.

This plan insults the thousands of parents who honestly used their time to participate in what they thought was a democratic process.

But much more importantly this plan condemns another generation of New York school children to a substandard education.

The Department of Education has systemically and almost completely sabotaged the democratic process of school governance in this city.



THE BEST REASON YOU CAN REJECT THIS PLAN IS BECAUSE YOU ARE THE ONLY BODY IN THIS CITY THAT CAN REJECT THIS PLAN. THE PEOPLE WHO ELECTED YOU HAVE QUITE CLEARLY HAVE REJECTED THIS PLAN.

The economy is bad now, but this is a capital plan and will be paid for over 30 years. That is no excuse.

And they say state test scores are improving, but there is no objective verification that their George Bush methods lead to improvement on objective national tests.

And they say graduation rates are improving but no auditor has examined the results.

PLEASE EXAMINE THE RECORD. THE PEOPLE OF THE CITY OF NEW YORK HAVE REJECTED THIS PLAN. NOW ITS YOUR TURN.



Statement of  
Susan Kramer  
Mother of a Clinton (Middle) School for Writers and Artists student  
212 243 7411  
[zazasmom@aol.com](mailto:zazasmom@aol.com)

**Create more seats.  
Don't play musical chairs with our kids.**

I am a parent at The Clinton School for Writers & Artists who is on our Relocation Committee. Clinton shares a building with P.S. 11 on W. 21st St. Our good neighbor, P.S.11, needs the Clinton space within 2 years for their own burgeoning population. Clinton is short on space as well, teaching music, performance arts and other classes in shared spaces. And in our present location, we cannot accept all the students who apply to our school, turning away many of them. Clinton has been scrambling to find a building to meet our needs, not in a temporary, stopgap location, but a real school which would serve the needs of a middle school population in the Chelsea area. Perhaps one day we could have enough space to expand a little.

Let's not forget that the exploding population of Kindergarten applicants will be applying to middle schools in a short 5 years! And the kids of the 2007 baby boom, NYC's largest in history, will be starting Kindergarten in 2012. What have all the great minds of PlaNYC been doing about education? Being shortsighted doesn't make the problem disappear from view.

I'm all for being proactive, but parents are forced to perform jobs that the DOE doesn't do. DOE ignored the facts of increased school-age population and now we are forced to become real estate agents. We are non-professionals trying to evaluate properties without the proper tools. We want to work with DOE, but when there is no one on the other side of the partnership, we are left to fend for ourselves. That's anarchy, not Mayoral control.

Who will be a mensch and admit that a colossal mistake has been made--and that by not counting ON parents and literally, by not counting their kids, DOE made the situation worse? Then we can move on and responsibly solve this problem together.



~~Statement by Andy Lachman~~ Statement by Madeline Sinor  
Mother of a PS 41 Second-grader with an IEP  
[madeleine.sinor@yahoo.com](mailto:madeleine.sinor@yahoo.com)

Mayoral control means no building of schools which means overcrowding which means means that

1) My child will spend many useless hours in the classroom with the instruction bypassing her, the meaningful instruction will be jettisoned for a narrow, rote and scripted order being put above real education. What is critical thinking-there's not a moment for it-there is no "lighting a fire." This impacts all children; special ed students and general ed such that the original mandates for CTT classes, restricted classes, all classes are no longer in play. If you think that's education, it's a joke on a generation.

2) No building of schools means no multisensory learning for pre-K and kindergarten. Hey that takes space and the small number of students, just testing and data collection. Let the few unbid companies (What do they know about young minds, does it matter?) direct the education with daily scripts (it's only paper) and collect billions from nyc kids' education.

3) It's a mean vision. Our kids and our city are entitled to and deserve much more.





**class size matters**

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**Testimony of Leonie Haimson, Class Size Matters**

**Before the NYC Council Finance and Education committees  
on the proposed five year capital plan**

May 21, 2009

Thank you for the opportunity to speak to you today; my name is Leonie Haimson and 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.<sup>1</sup>

This letter followed the release of three different reports, from the City Comptroller's office, the Manhattan Borough President, and the Campaign for a Better Capital, 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, 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. The total cost of plan was only \$11.3 billion (compared to \$13.1 billion of current plan), and spends one billion dollars less on new capacity.

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 overcrowding -- no less accommodate the enrollment growth projected in the near future, according to the needs analysis we did in A Better Capital Plan. I have some charts here that show by district how many seats are necessary, based on the DOE's own data, compared to how many will be supplied by this capital plan.

The problem of underinvestment in schools in the city has been long pointed out. In 1998, the City Comptroller found that NYC public schools were the most underinvested part of our infrastructure.<sup>2</sup> Since then, spending on schools under this administration has steadily shrunk in terms of its share of city's overall capital spending. Indeed, according to the OMB financial

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<sup>1</sup> See "Letter for a Better Capital Plan," October 3, 2008; Appendix A in: A Better Capital Plan, October 2008; posted at <http://www.classsizematters.org/abettercapitalplan.html>

<sup>2</sup> Office of the City Comptroller, "Dilemma in the Millenium", 1998



summaries, the city's share of capital spending that will be invested in schools is at least at a 20 year low.<sup>3</sup> For the next five years, schools will take up only 23% of the city's capital spending-- dwarfed by spending on other infrastructure (at 38%) and government operations (at 39%), compared to 26% of the city's capital spending during 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.<sup>4</sup>

So what else happened this fall since we released our report? Though the state requires that the city must lower class size, class sizes instead rose this fall citywide in all grades but one ---the largest increase in ten years. Our schools have become more overcrowded, not less. According to the latest "Blue Book" figures, from 2007-8, **47.7% of our students attended overcrowded schools, compared to 42.8% the year before.** (See chart D).

Kindergarten enrollment has risen for the last two years, and City Planning projects a substantial increase in the number of 5-9 year olds between 2010 and 2020. Right now, we are facing a crisis, with hundreds of Kindergarten students on waiting lists for next year at their neighborhood zoned schools. This same crisis will soon erupt throughout the city, given the expected continued growth in enrollment. How will they deal with the crisis? In answer to a question from a member of the Panel for Educational Policy, the DOE replied that ***"to add elementary school capacity where there are aggregate deficits in seats, under-utilized seats at other grade levels or in other districts can be repurposed."***<sup>5</sup> In other words, they plan to send elementary grade students to middle or high schools, or to other districts altogether.

Where is the city's own needs analysis? They have never produced one. Instead, in response to another question from a PEP member, the DOE replied that ***"we have identified the need for over 25,000 seats."***<sup>5</sup> How many more over the number in the proposed plan, they didn't say.

We realize that 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 provide needed jobs to build more schools, especially as the state provides 50% reimbursement for every dollar the city spends on new schools, and the expense of construction is amortized over thirty years. The federal stimulus program also provides funding to localities that can be used for school construction and repair.

If we care about education, if we care about equity, if we care about the future of this city, we owe it to our children to do better - and to offer them the same uncrowded conditions in which to learn that children in the rest of the state receive.

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<sup>3</sup> See charts A, B, and C. See also at: [http://www.nyc.gov/html/omb/downloads/pdf/sum1\\_08.pdf](http://www.nyc.gov/html/omb/downloads/pdf/sum1_08.pdf)

<sup>4</sup> Judge Rules Brooklyn House of Detention Can Reopen, Brooklyn Downtown Star, March 19, 2009; see also <http://stopbhod.org/blog/>

<sup>5</sup> NYC Department of Education, "Responses to Questions March 30, 2009 PEP Briefing".



This is why we are urging the members of the City Council to refrain from supporting this totally inadequate five year capital plan for schools -- which will relegated our children to an inferior education for years to come, unless the number 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 the alleviating the crisis of overcrowding in our schools.

Thanks for the opportunity to speak to you today.

Chart A

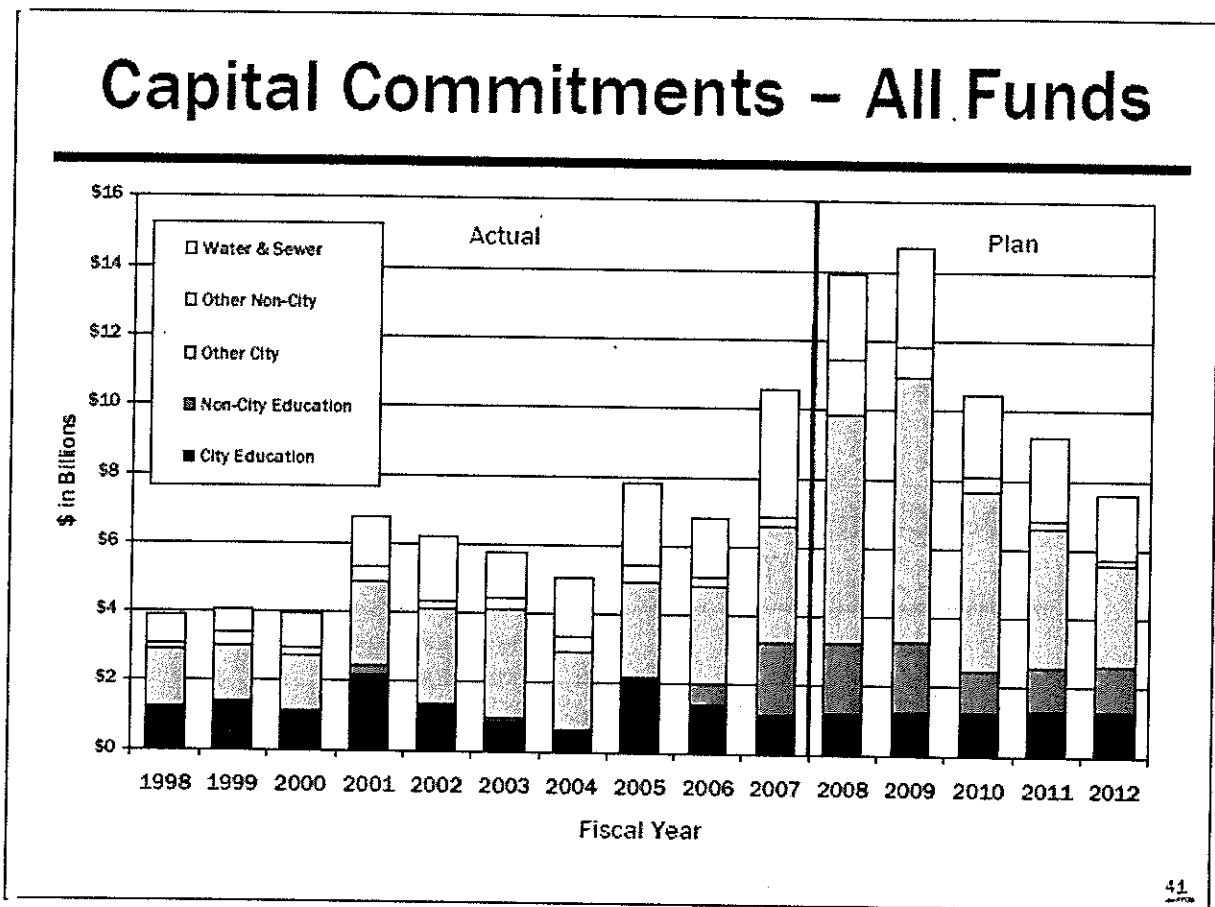


Chart reproduced from the Office of Management Budget,  
Financial Plan, Fiscal Years 2008-2012, January 2008  
At [http://www.nyc.gov/html/omb/downloads/pdf/sum1\\_08.pdf](http://www.nyc.gov/html/omb/downloads/pdf/sum1_08.pdf)



Chart B

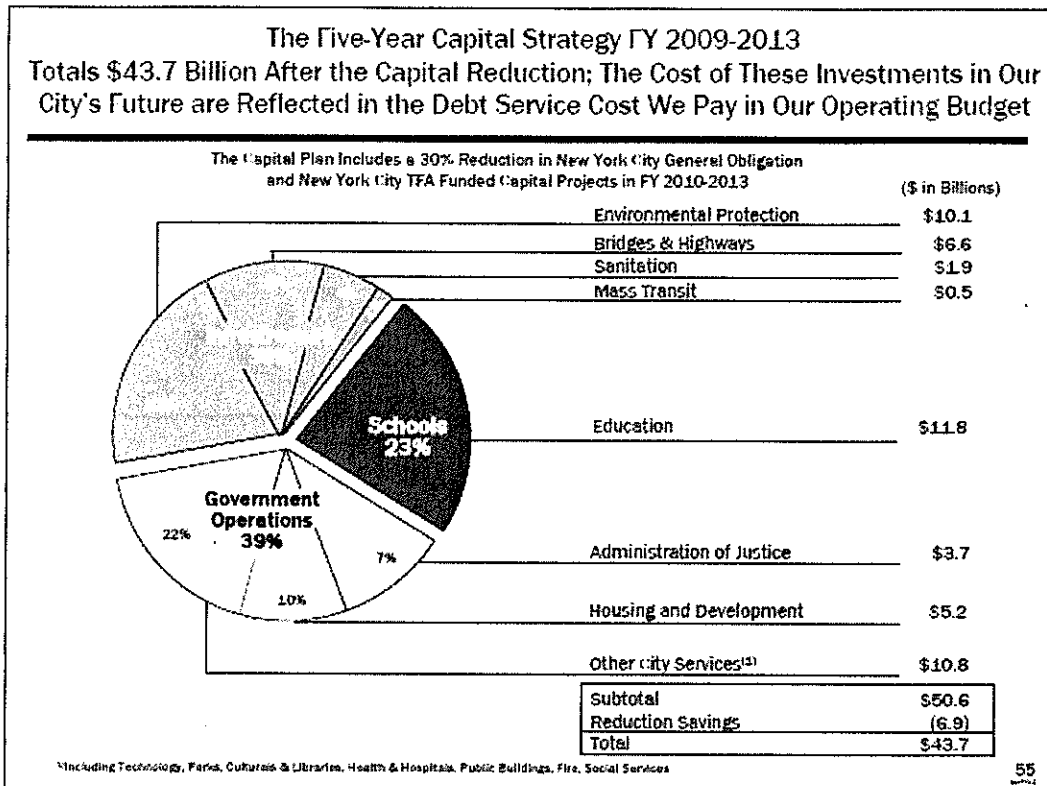
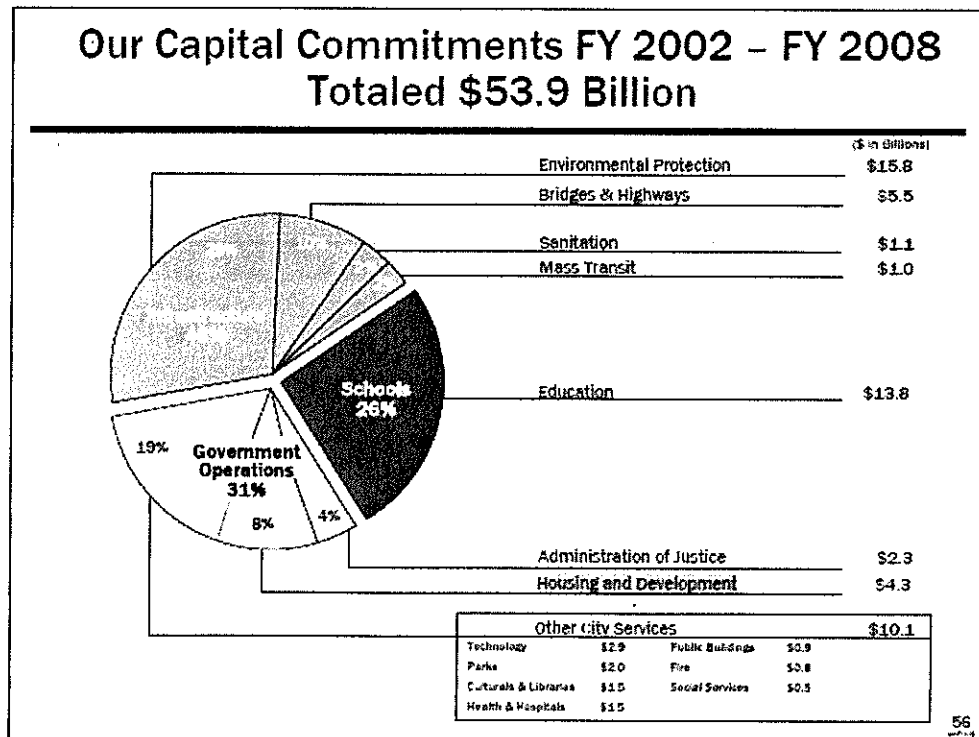


Chart C



Charts B and C from Office of Management and Budget,  
Financial Plan Summary, January 2009 at  
[http://www.nyc.gov/html/omb/downloads/pdf/sum1\\_09.pdf](http://www.nyc.gov/html/omb/downloads/pdf/sum1_09.pdf)



Chart D  
2007-2008 "Blue Book"

ORGANIZATIONS	UNDER 100%		100% or MORE		total schools	total students
	# of schools	# of students	# of schools	# of students		
elementary	569	250,677	523	244,837	1092	495,514
	<b>52.1%</b>	<b>50.6%</b>	<b>47.9%</b>	<b>49.4%</b>		
middle schools	285	157,101	61	35,061	346	192,162
	<b>82.4%</b>	<b>81.8%</b>	<b>17.6%</b>	<b>18.2%</b>		
high schools	229	108,580	159	190,849	388	299,429
	<b>59.0%</b>	<b>36.3%</b>	<b>41.0%</b>	<b>63.7%</b>		
08-09 total	1083	516,358	743	470,747	1826	987,105
06-07 total	<b>61.9%</b>	<b>57.2%</b>	<b>38.1%</b>	<b>42.8%</b>	1868	1001916



# **SUMMARY REPORT 2010 - 2014 CAPITAL BUDGET HEARING**

On Jan 9, 2009 the District 6 CEC conducted a public hearing on the Capital Budget for 2010-2014 proposed by the Department of Education.

After 3 hours of testimony the District 6 CEC rejected the proposed Capital Budget as inadequate to meet district needs for classroom space which provides for sufficient Universal Pre K programs, appropriate cluster rooms in each school, and class sizes agreed to by the DOE in its Contract For Excellence with the New York State Education Department.

## **GOALS OF THE CAPITAL PLAN**

The 2005-2009 Capital Budget introduced in November 2004 stated that it had 3 major goals:

- Eliminate overcrowding so that no school would remain at over 100% utilization
- Remove all trailers and temporary classroom units ("TCU's")
- Reduce class sizes in grades K-3 in all schools to twenty or less

**None of the goals of this Capital Plan has to date been achieved in District 6.**

### **A) Overcrowding**

**9 District 6 schools still have utilization rates of of over 100%**, using the Blue Book target utilization standard. At the hearing, the spokesperson for the DOE asserted that with the provision to District 6 of 1103 new seats in the new PS 210 and forthcoming PS 263 building District 6 does not need any additional classroom space. He suggested that while there are pockets of overcrowding in the district which account for the 9 schools still above 100% utilization, these are compensated for by a proliferation of underutilized schools, with the implication that the pockets of overcrowding could be eliminated by better distribution of students between our existing buildings.

We have demonstrated in subsequent hearings and summary reports that the Capacity figures employed by the DOE, as appear in the Blue Book, do not reflect the reality of conditions in our schools. We have requested a detailed explanation of how the figures for our schools have been derived. The DOE has refused to provide such explanation. We have requested that DOE representatives accompany us on tours of our buildings so that we can compare our



calculations of the Capacities of these buildings, The DOE has rebuffed this request.

Consequently we have no confidence in the official Blue Book capacity and utilization statistics. We have discovered that the schools in our districts which have experienced reduction of utilization to 80%, now have space for programs in the arts, sciences which were lacking for decades, while those with utilization between 80% and 100% often still do not. Therefore we have asserted as our standard that 80 is the new 100.

While we agree that rezoning is needed in our district, something the DOE has failed to initiate during the past 7 years, this alone will not meet district needs.

## **B) ELIMINATION OF TRANSPORTABLE CLASSROOMS (TCU'S)**

**Currently TCU's or minischools exist in the yards of 7 of our schools.**

At **PS 5** the **4 trailers** are used for cluster room space because of lack of space in the building in the main building. One is used as a math resource room, 1 as an art room, and 2 as science rooms. At **PS 48** **4 trailers** house **100 kindergarten students**. At **PS 98** the **minischool of 120 students** contains 6 kindergarten classrooms, each with approximately 20 students. At **IS 143**, the **minischool** is the home of the **Expeditionary Learning HS (IS 348)** with **331 students**, in a space meant, at best, to house middle school students. At **PS 152**, the trailer houses the **Washington Heights Academy PS 366**, with **133 students**. At **PS 192/325** the **minischool** building, used by approximately **90 students**, contains 3 kindergarten classrooms for **PS 192** and three more classrooms used by **PS 325**, one for kindergarten, one for first grade, and 1 for an office. At the **Harbor Heights Academy for new immigrants (IS 349)**, its entire middle school of **157 students** is contained in multiple trailers originally used for pre-K programs.

**TOTAL: 941 SEATS NEEDED TO REPLACE TCU'S**

## **C) REDUCTION OF OVERLY LARGE CLASS SIZE TO DOE COMMITTED GOALS**

**The 2005-2009 Capital Plan pledged to reduce K-3 class size to average of 20.** This was then agreed to in the Contract For Excellence signed by the NYC DOE with the New York State Department of Education.



Yet in

### **District 6 K-3 classes:**

Of 25 schools 12 have at least 1/2 of their classes with more than 23 students.

**504 seats needed to reduce every K-3 class to 20.**

The Contract For Excellence also bound the DOE to reduce class size in grades 4-8 to 23 per class.

Yet in

### **District 6 4th & 5th grades:**

**16 of 25 Schools** have at least 1/2 of their classes larger than 23 per class;

**12 of 25 Schools** have at least 1/3 of their classes larger than 25 per class;

**9 of 25 Schools** have at least 1/2 of their classes larger than 25 per class

In our

### **Middle Schools:**

**12 of 25 Schools** have at least 1/2 of their classes larger than 25 per class;

**11 of 15 Schools** have at least 1/3 of their classes larger than 27 per class;

**9 of 15 Schools** have at least 1/2 of their classes larger than 27 per class

The targets of the Capital Plan are not even aligned with those of the Contract For Excellence, as the Capital Plan assumes class size of 28 in grades 4-8. Classes this large are completely unacceptable to us. The need for seats is much greater if the Capital plan were to meet the Contract for Excellence commitment of 23 in a class for grades 4-8.

**866 seats are needed to reduce grades 4-8 classes to 23.**

Added to the 504 K-3 seats needed produces --



**A total of 1370 seats is needed to  
reduce class size to DOE committed goals**

**EQUIVALENT TO MORE THAN TWO 600 SEAT SCHOOLS**

Conditions such as this were not what District 6 expected for its students 15 years after filing the Campaign For Fiscal Equity lawsuit.

**D) SEATS NEEDED USING CFE STANDARDS FOR CLASS  
SIZE**

The District 6 community would Indeed have been pleased if the DOE had achieved the goals to which it was committed.

But we fought for even higher standards, which were confirmed in the court opinion of the Campaign For Fiscal Equity lawsuit, and which we therefore, have a right to invoke. We have demonstrated in past hearings that District 6 has enhanced needs, due to it having the largest number and percentage of ELL students in the State of New York, combined with its levels of poverty and single parent families. Together, these factors obligate the schools to provide Compensatory programs of excellence, including vast reduction in class size.

The professional judgement panels of educators advising Judge DeGrasse in the CFE case determined that the appropriate class size for each grade for students in communities such as that of District 6 are as follows: 15 students in grades K-5; 22 students in grades 4-8.

If we were to use the standards of that lawsuit our need for new seats is far greater.

By these measures District 6

**REQUIRES 2306 SEATS K-3**

**EQUIVALENT TO ALMOST 4 NEW 600 SEAT SCHOOLS**

**REQUIRES 3799 SEATS K-5**



## **EQUIVALENT TO MORE THAN 6 600 SEAT SCHOOLS**

(Some additional seats would also be needed to further reduce middle school classes to 22 from 23)

### **E) PROVIDING BUILDINGS FOR RECENTLY ESTABLISHED NEW SCHOOL PROGRAMS & INADEQUATELY HOUSED PROGRAMS**

In the past 5 years, the DOE has established 5 new programs in District 6, which have become small schools. Yet it has not provided sufficient space for these to grow. These programs include

- 1) Hamilton Heights Academy (PS 368)** --- currently with 242 K-5 students only 2 classes per grade, its program is split between 2 locations, the overcrowded PS 28, and a rented old Catholic school. It is seeking to become a K-8 school.
- 2) City College Academy of the Arts (MS 293)** --- currently sharing space in the IS 218 complex, at times with classes relegated to windowless basement rooms. It currently has 325 students in 6-9th grades, & is scheduled to grow to 12th grade, requiring another 225 seats.
- 3) Expeditionary Learning HS (IS 348)** -- currently with 331 students grades 6-9, it is scheduled to grow to grades 6-12, but occupies a minischool building in the schoolyard of IS 143 that was not built to accommodate high school size students. Will need another 225 seats for upper grades.
- 4) Harbor Heights Academy for New Immigrants (IS 349)** housed in trailers on the campus of George Washington HS which were initially used for pre-school students. This program of 160 students has proved extraordinarily successful, and should be expanded.
- 5) Washington Heights Academy (PS 366)** --- currently housed in a trailer in the schoolyard of PS 152. It is scheduled to move to the one new building being offered District 6, PS 263 at Sherman Avenue and 204th Street, whose opening has already been delayed by a year. It currently has 133 students through 4th grade, but grades kindergarten through 3rd grade only have a class per grade, and needs to grow. The net gain from the new 600 seat building is only 467 seats.

In addition there are numerous schools currently housed in adequate buildings of their own:

- F) Mott Hall (PS 223)** --- while this is a long established, not a new program, it has a long established need for a new building to replace its present building which contains no library, gym, auditorium, and which is just plain decrepit



**G) MS 528** -- This school in a refurbished former police station has classes which are offers an award winning dance program in conjunction with the Alvin Ailey Dance Company, but cannot put on performances at its school for lack of a gym or auditorium. Of its 9 classes, all but 1 contain 28 students or more, with 2 having more than 30.

## **E) PROVIDING ADEQUATE PRE K PROGRAMS**

### **FURTHER INCREASES THE NEED FOR SEAT AND BUILDINGS, AS CURRENT BUILDINGS DO NOT HAVE SPACE FOR PRE K PROGRAMS**

As demonstrated in previous hearings District 6 has enhanced needs due to its demography. It has had the largest number and percentage of ELL students of any district in New York State. It also has a greater percentage of poverty and of single parent families than the city average. The result is that at best 50-60% of students graduate from high school. Combined, these indicate the need for provision of much more.

One of the area that could make a difference is pre-K, which could greatly assist ELL students in their language acquisition.

Yet, according to DOE statistics, in comparison with other Manhattan Districts, District 6 has the 2nd largest school enrollment , yet is tied with District 3 for the fewest number of Universal Pre - K programs (UPK) in public school sites, while having 40% greater district enrollment, tied with District 5 for the fewest number of programs at these sites, while having 60 % greater enrollment, and has the fewest full time programs, half as many as any other Manhattan district.

**Adding UPK programs to our schools in the quantity needed, further increases our need for additional classroom space.**

## **CONCLUSION**

**1) DISTRICT 6 NEEDS SUBSTANTIAL ADDITIONAL NEW CAPACITY**



## **-- new seats and new buildings**

**By measures the DOE has committed to this would be more than 2760 seats.**

941 to replace TCUS

+ 1370 to meet agreed upon Class Size Reduction

+ 450 for mandated growth of City College Academy of the Arts and Expeditionary Learning HS

to grades 10-12

+ Untold hundreds to provide sufficient full time pre-school seats

**By the standard of CFE this would be over 5100 seats**

941 to replace TCU's + 3799 for K-5 + 450 for City College & Expeditionary Learning Schools

& pre-k seats, plus additional middle school seats

The DOE is providing 600 seats by September 2010 in the new PS 263, and nothing for successive years.

**There is a deficit of at least 2000 seats.**

## **FACTORING PROJECTED ENROLLMENT DECLINES**

The DOE is projecting that enrollment will decline in 2111 by 1524 (Statistical Forecasting) - 2397 (Grier Partnership). It therefore asserts that by 2111 there will no longer be need for additional seats, and that these seats could not be constructed quickly enough anyway. If Statistical Forecasting is correct, however, a deficit of 500 seats will still exist in 2111.

The DOE demographers have also projected that by 2016, District enrollment will have declined by 2668 (Statistical Forecasting) - 4936 Greer Partnership.

The former projection will still leave a deficit of 2500 seats to meet the CFE standards in 2016 while the latter projection will barely meet this standard.

At best the plan to rely on speculative enrollment declines bears reaffirms the cynical DOE willingness to sacrifice the education of this present cohort of students who have had to endure inadequate conditions. Perhaps a class action lawsuit should be filed on their behalf demanding compensation for what they have undergone.

At worst, we will tragically be having this same dispute 7 years from now, about whether yet another cohort of District 6 students will be denied adequate educational conditions.



## **2) PROVISION OF NEW BUILDINGS FOR MOTT HALL, HAMILTON HEIGHTS ACADEMY, HARBOR HEIGHTS, CITY COLLEGE ACADEMY OF THE ARTS, EXPEDITIONARY LEARNING HS**

**Depending upon the projected enrollment growth plans for these programs, some of these might share a facility, obviating the need for each to have its own building**  
In the interim we seek:

### **3) IN THE INTERIM WE SEEK**

#### **A) Rezoning study**

Immediate DOE engagement in examination of options for intra-district rezoning to alleviate the most egregious imbalances and so as to reveal how limited a remedy this is

#### **B) No repacking our schools**

Cessation of any plan to add more students to an existing building that would result in this building having a utilization rate of higher than 80% (flowing from the 80% is the new 100% capacity standard)

#### **C) Re-examination of District 6 Building Capacities**

On site physical investigations of our school buildings by DOE/SCA staff together with representatives from the CEC and of our elected officials to ascertain the accuracy of DOE/SCA official Blue Book capacity statistics

#### **D) Leasing Space**

Planning for leasing additional space for use during the next 5 years in order to reduce class size until projected enrollment declines render these spaces superfluous

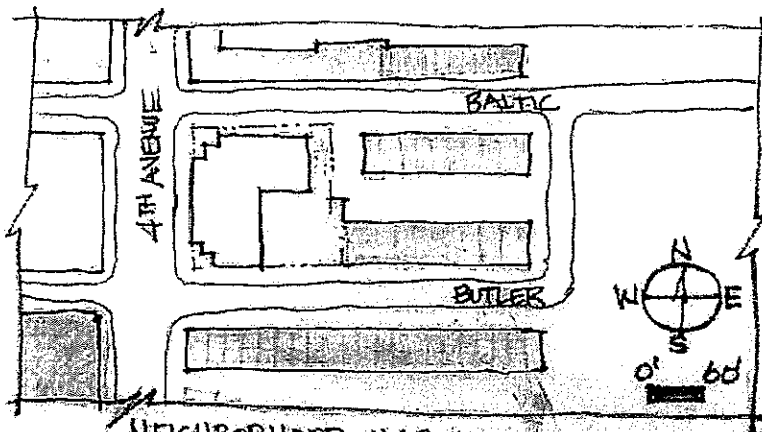


## Description of the Proposed Action

Hand-drawn site plan of a property. The plan shows a large rectangular area with several internal divisions and areas marked with dimensions and calculations.

- Top Right:** A small triangular area is labeled "2250 sf".
- Top Center:** A rectangular area is labeled "110' x 60'".
- Top Left:** A small rectangular area is labeled "25' x 25'".
- Middle Left:** A rectangular area is labeled "25' x 2125 sf".
- Middle Right:** A rectangular area is labeled "110' x 25'".
- Bottom Left:** A rectangular area is labeled "25' x 2125 sf".
- Bottom Center:** A rectangular area is labeled "110' x 5500 sf".
- Bottom Right:** A large triangular area is labeled "12,000 sf".
- Dimensions:** Various dimensions are marked along the boundaries, including "25'", "110'", "60'", "2250", "110' x 25'", "25' x 2125", "25' x 2125", "110' x 5500", "12,000", "120", and "100'".

CSA'S SITE PLAN



# NEIGHBORHOOD IMPACT PLAN

### ① Building Footprint

$$\Sigma \text{ } \text{ } = 17,350 \text{ sf.}$$

vs.  $\frac{1}{16} (216,000) \text{ sf}$

discrepancy (8050) of

Actual sf as drawn =  $17,350 \times 4$   
69,400

Note 121, 240 / 31, 350 - T Stokes  
Green space -

$$\Delta = 15.250 \text{ s}$$

\* (3,000)\* early childhood

\* (12,500) \* play area

(250) 94

- Close design for the whole  
Just done as a check to  
see if bldg. footprint  
difference showed up as  
reduction of green space
- Does not include decrease  
for community garden

Proposed:

960 seats.

5 story with basement

121,240 sq floor area

70-75' high. e-tallest elastica

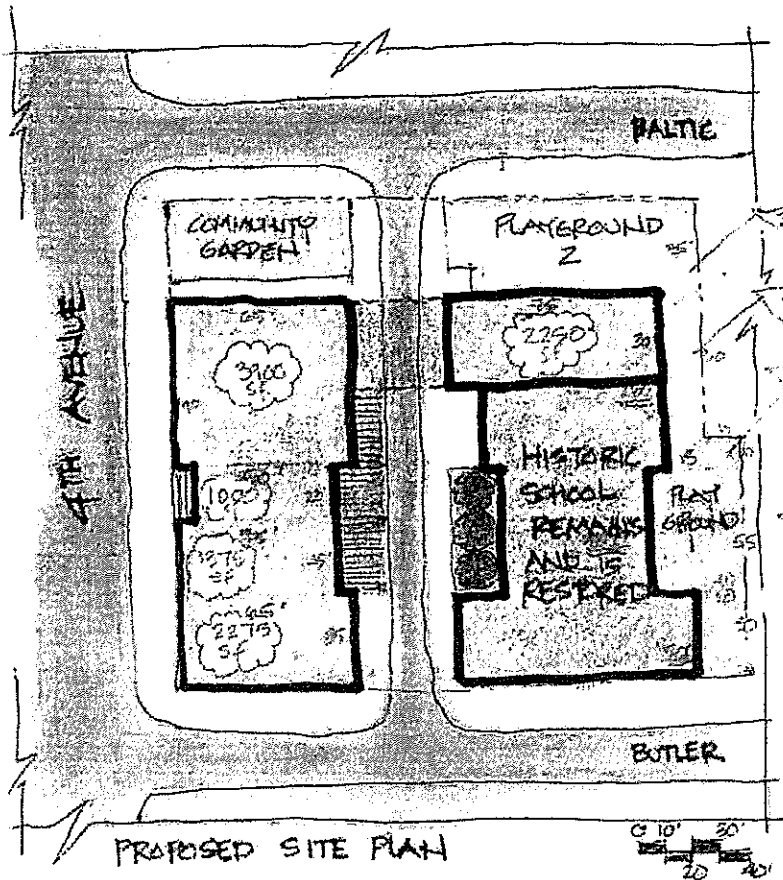
### Proposed Schedule

- Complete new building in 2012
- keep children in existing school until new building is completed
- Demolish existing school after 2012

\* - Per 4/29/09 Report



An alternative plan preserves historic school, provides usable play areas for different age groups, provides covered bus access, avoids environmental litigation, and takes much less money and time to build:



### Proposed Square Footage

① Building Footprint (New)

Σ = 10,080

② Building Footprint (Existing)

Σ = 9900

Note: Report quotes  
39,000 sf in  
Existing Building  
c 3 1/2 stories  
50'-76' high

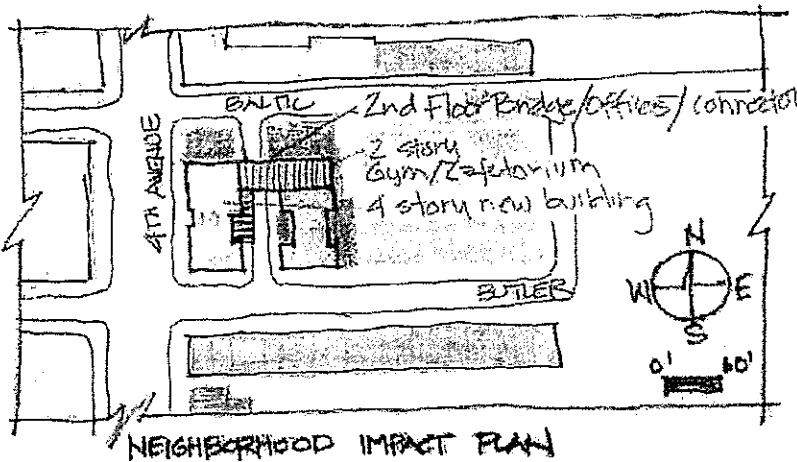
### Greenspace

Note: this is actual  
greenspace that is  
suitable for play  
etc.

- Community Garden  
is preserved  
(not included below)

Σ Δ = 6950

+ 1000 sf landscape



### Maximum Mass

Existing Bldg 39,000 sf

New

1st Floor - 10,080 sf

2nd Floor - 10,900 sf

3rd Floor - 8,750 sf

4th Floor - 8,750 sf

77,480 sf

Actual Usable  
sf per  
CSA/HYDRA  
drawings

(69,400)

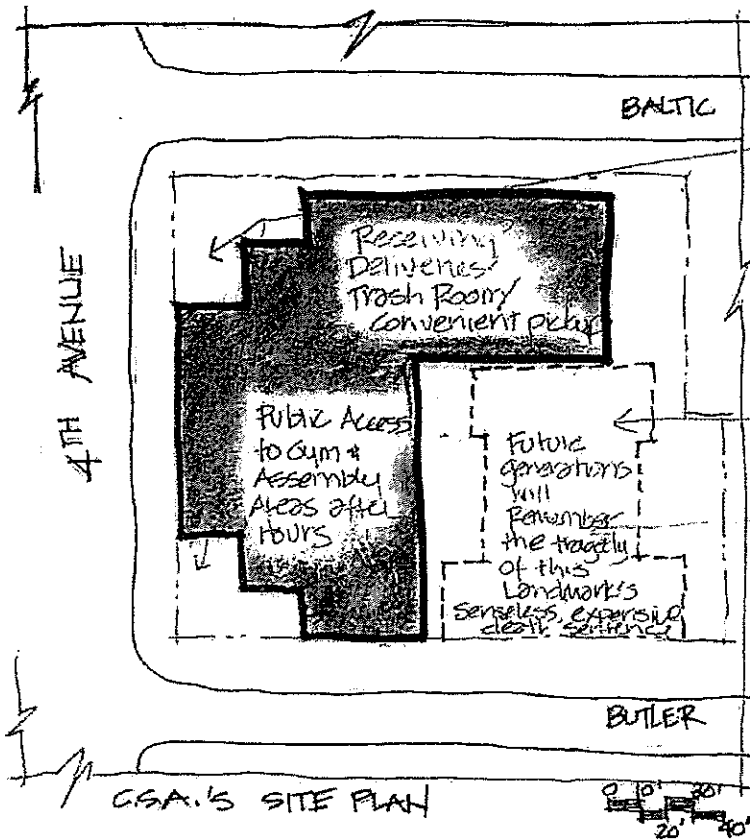
8080

Note: Some  
Proposed  
8080 more usable sf than CSA!



"Potential Adverse Effects" that Require Further Study:

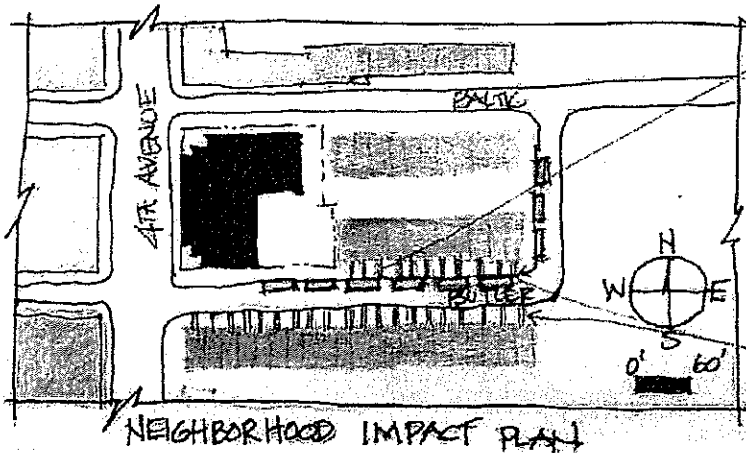
- Historic resources. The existing school is irreplaceable, a neighborhood landmark, and should be preserved and adaptively re-used
- Noise: SCA plan has all children in one outdoor area (used for all outdoor activities) with no buffers for neighbors. Alternative plan breaks play space into smaller age-appropriate area



Problems with CSA Plan

Wasted space @ corners  
Will attract loitering  
and skateboarders  
All buildings on 4th Ave  
are built to lot line,  
not staggered

Destruction of  
Historic Landmark  
(disrespects neighborhood)  
Clearly, this is  
"staging area" for  
busses, putting all  
bus pick up/drop  
offs on Butler  
Very hazardous  
Look suspiciously like  
future parking lot

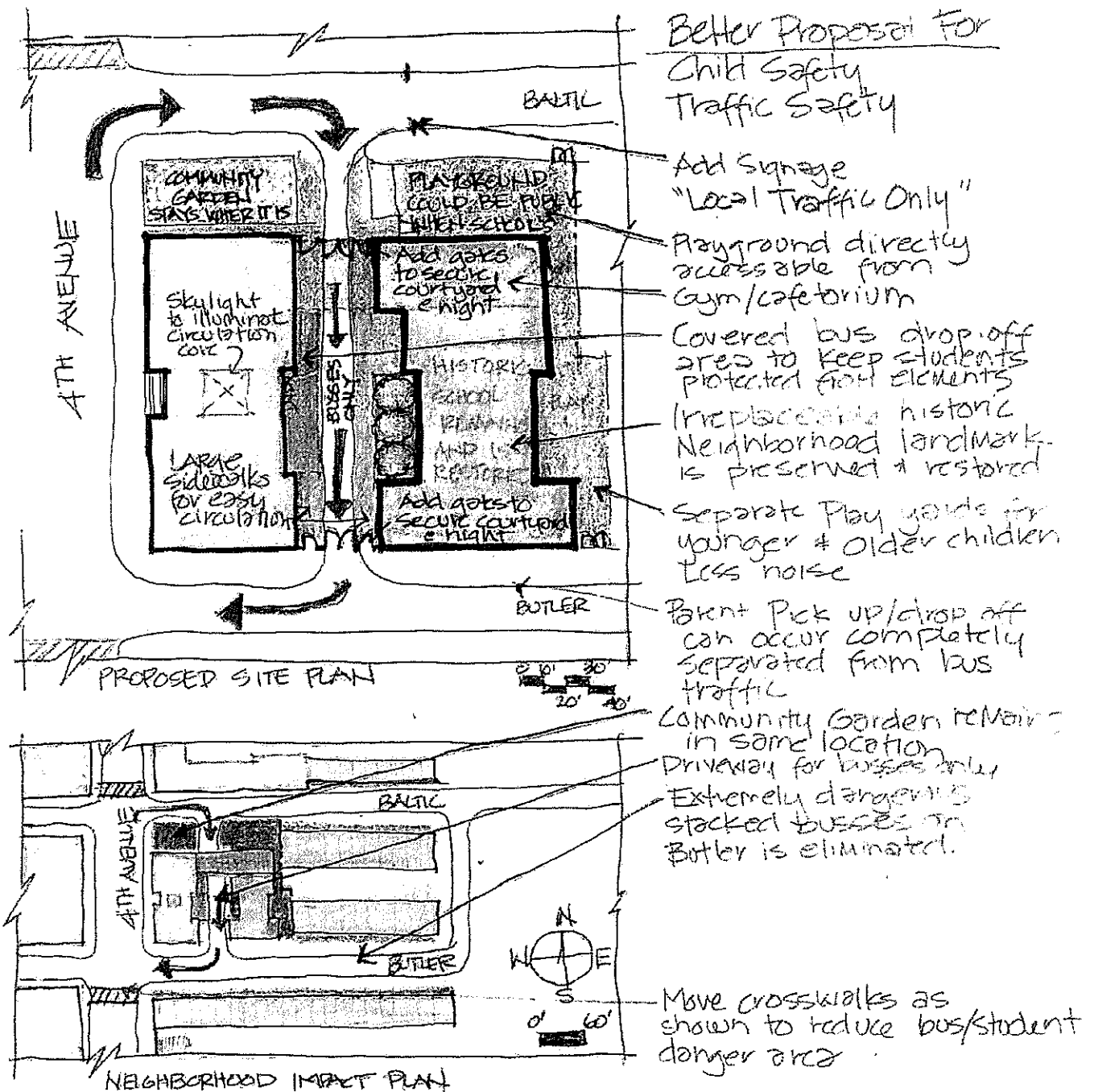


Currently, 3 busses  
routinely stack on  
Butler. Increasing  
enrollment 3X  
will require busses  
to stack all the  
way down Butler &  
around corner.

Noxious & Unsafe  
All 20' wide  $\pm$  1/2 ROK  
housing has an  
8' wide driveway. These  
are often blocked &  
drivers show frustration  
& reckless maneuvers

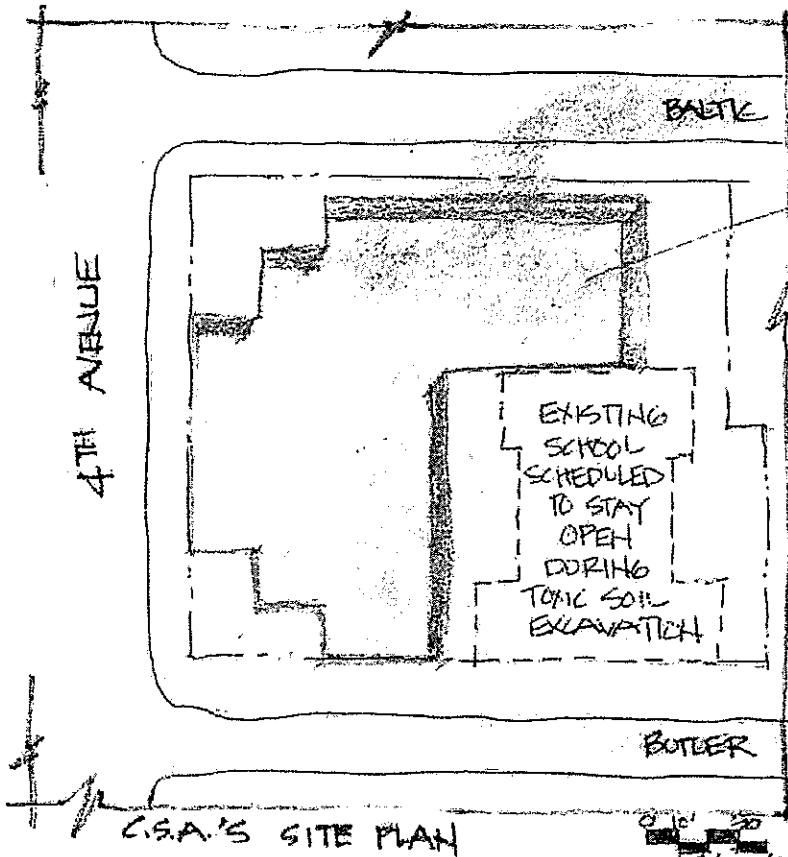


-Traffic and transportation: The current CSA plan will create very dangerous conditions for the children and neighbors. All busses must stack on Butler, blocking driveways, causing driver confusion, and forcing children to walk as much as a block in inclement weather. Proposed alternative plan provides "Bs Only" driveway with covered loading area and staging area that protects neighbors from noise and can be monitored by school staff





-Soil and Groundwater conditions: The soil and groundwater are contaminated with known carcinogens. Construction methods using excavation for sub-grade areas should be avoided at all costs (because associated costs for unspecified "measures" will be HUGE if done correctly, and will present health risk to children and neighbors if not done correctly).



## Hazardous Waste Issues w/CSA Plan

Basement is terrible idea for soils with this level of contamination

Will create 1

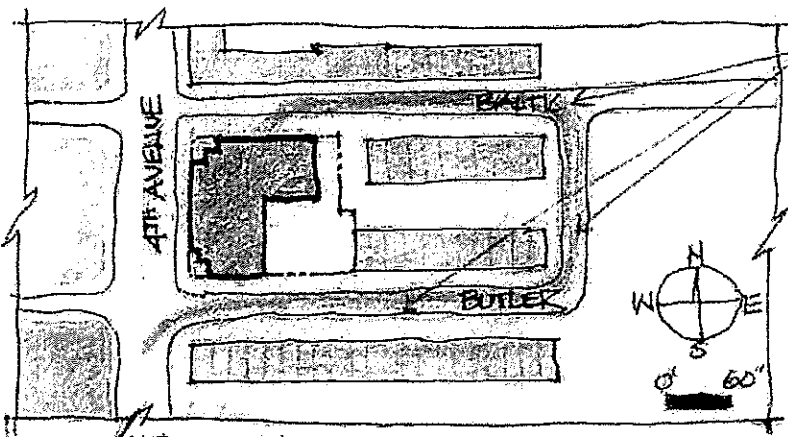
17,350 sf (footprint)

x 10' (min excavation depth)

177,350 cubic feet of contaminated soil to be removed from site

(= 6569 cubic yards)

To make basement safe for habitation will cost ALOT. And is not necessary



TOXINS SPREAD ONTO STREETS  
AND INTO AIR

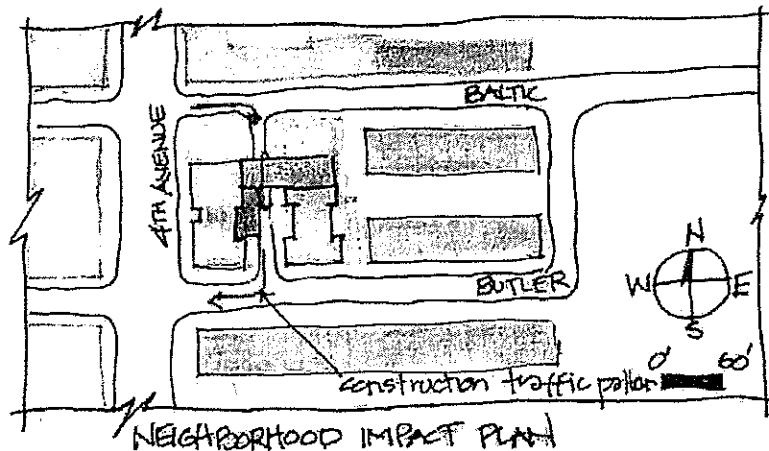
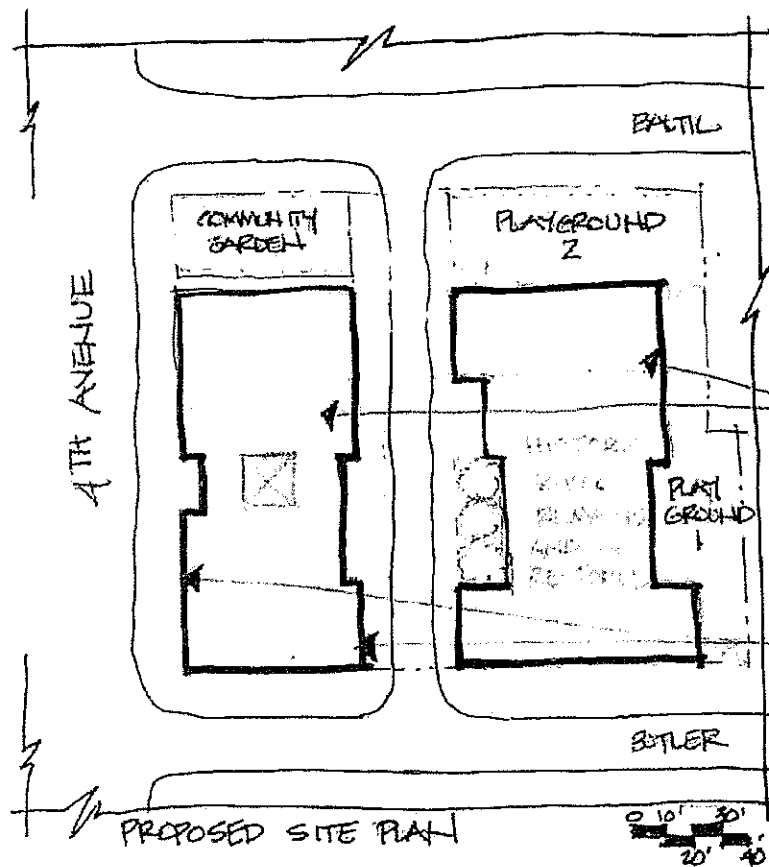
Neighborhood streets will accumulate mud from construction vehicle tires. Contaminated dust will circulate

Dust from disturbed soil at construction site

OR

Pay a fortune for staff and water to hose off all vehicles. Don't waste money when it's so easily available





## Hazardous Waste Environmentally & Economically Logical Approach

- saves money
- protects neighbors & children
- reduces CSA's legal exposure

① Make first floor a low-ceilinged mechanical area (everything except air intake equipment) Form "base"

② Use piers and/or grade beam to support structure

③ Second floor is only floor that needs to be same height in both buildings (for connecting bridge to gym/cafe/atrium)

④ Traffic pattern with bus driveway will eliminate mud on Baltic & Butler

⑤ Not demolishing Historic School will eliminate dust contamination of neighborhood off



Good afternoon:

My name is SJ Avery and I am here with my neighbor Saeida Hall. We live on Butler and Baltic Streets in Brooklyn and we are speaking on behalf of ourselves and our neighbors. The SCA is planning a project to tear down PS 133 on our block and replace it with a new school three times its size. Unfortunately, we can't find the project in the current 2005 – 2009 capital plan or in the proposed 2010 -2014 capital plan. We have 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 is not written down because it is "post February Amendment". We are hoping the City Council can help us.

Timing is essential because 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 that 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 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 the 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 the SCA's environmental impact statement for the PS 133 plan raised the following flags for us:

- We saw that the new building would be so big that SCA will have to ask for a "zoning override" to accommodate their proposed building's height, set back, sky exposure plane and streetwall -- in the 4<sup>th</sup> Avenue corridor that has just been rezoned.
- We saw that their plan called for the demolition of a beautiful, structurally sound 100 year old building (a Snyder school) that is one of the few distinguished structures



along 4<sup>th</sup> Avenue and eligible for inclusion on the State and National registers of historic places. They were oblivious to the fact that the middle income houses built 25 years ago on the two blocks adjacent to the school 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.

- We couldn’t find any safe drop off spaces for the children who would be on the 25 plus busses that would be needed to bring students to the school from an adjacent district.

- The SCA admitted that there would be traffic problems (we think they are a lot more serious than the SCA does) associated with their plan, but instead of trying to solve them by design, they tossed the issue into the lap of the DOT, suggesting adding seconds to traffic light changes.

- We read with amazement that the SCA believed the “street wall” created by their proposed building (which is one of the things that will require a zoning override) would 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 think they have time to talk with the community about designs that match classroom needs with community environmental needs. But the SCA has told us that the City Council will consider the project and hold hearings – they do have to talk to you - and we would like you to send them back to us before you approve their plan. The SCA has secured swing space for the children who are in the school now – we have time to plan



smart instead of tear down fast. In fact, one SCA-posed alternative includes renovation of the old school – we'd like to explore that plan, rather than dismissing it.

We are not saying "don't build in our neighborhood". What we are saying is that lack of transparency in the budget process is another example of lack of transparency in the 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 the project, an example of how we used 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 us and we thank you very much for your consideration. We would be happy to answer any questions you may have.

SJ Avery  
392 Butler Street  
Brooklyn 11217

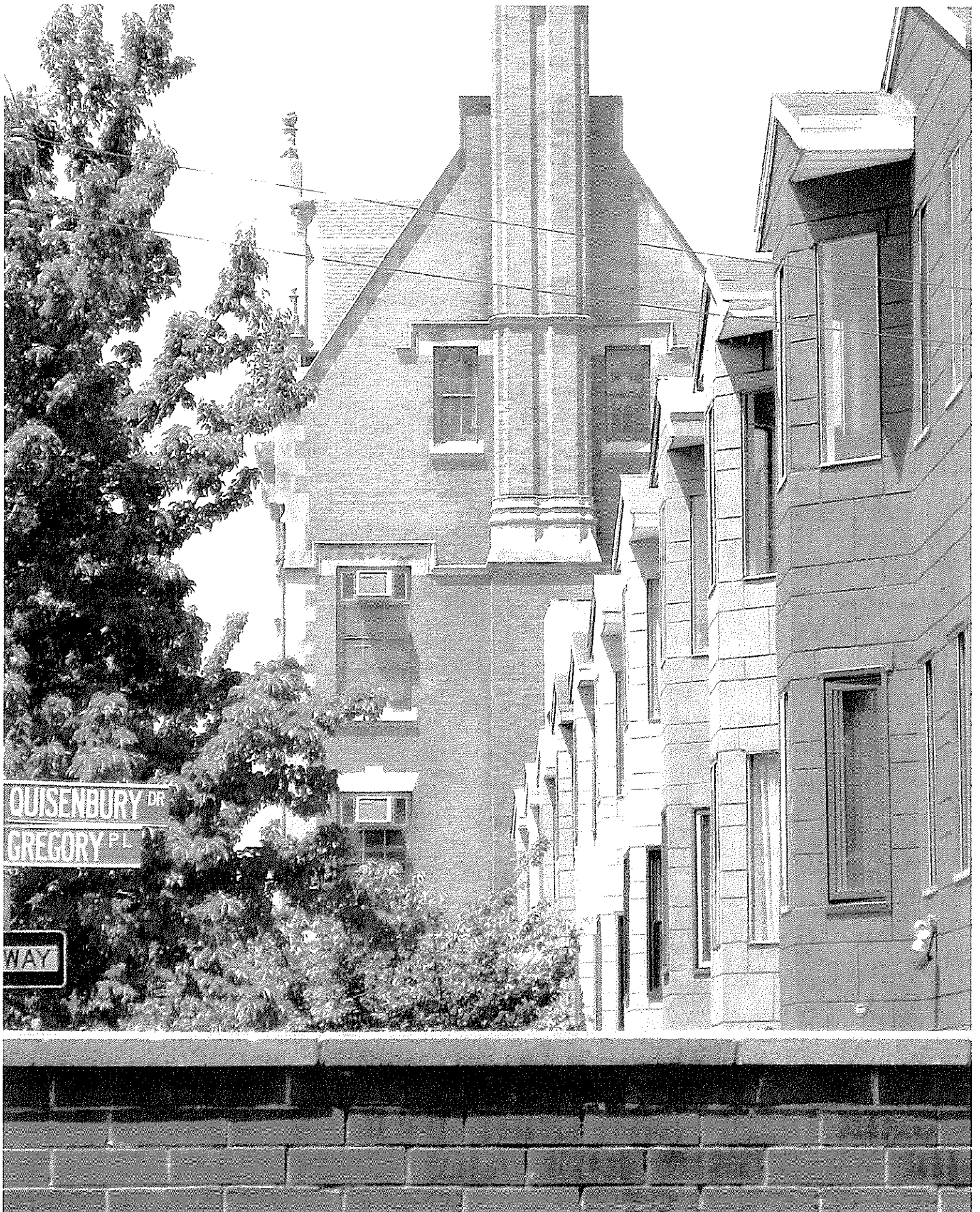
Saeida Hall  
623 Baltic Street  
Brooklyn 11217





School view from 4th and Butler





Butler Street from 5th Avenue



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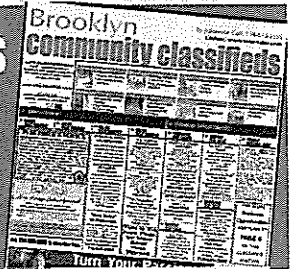


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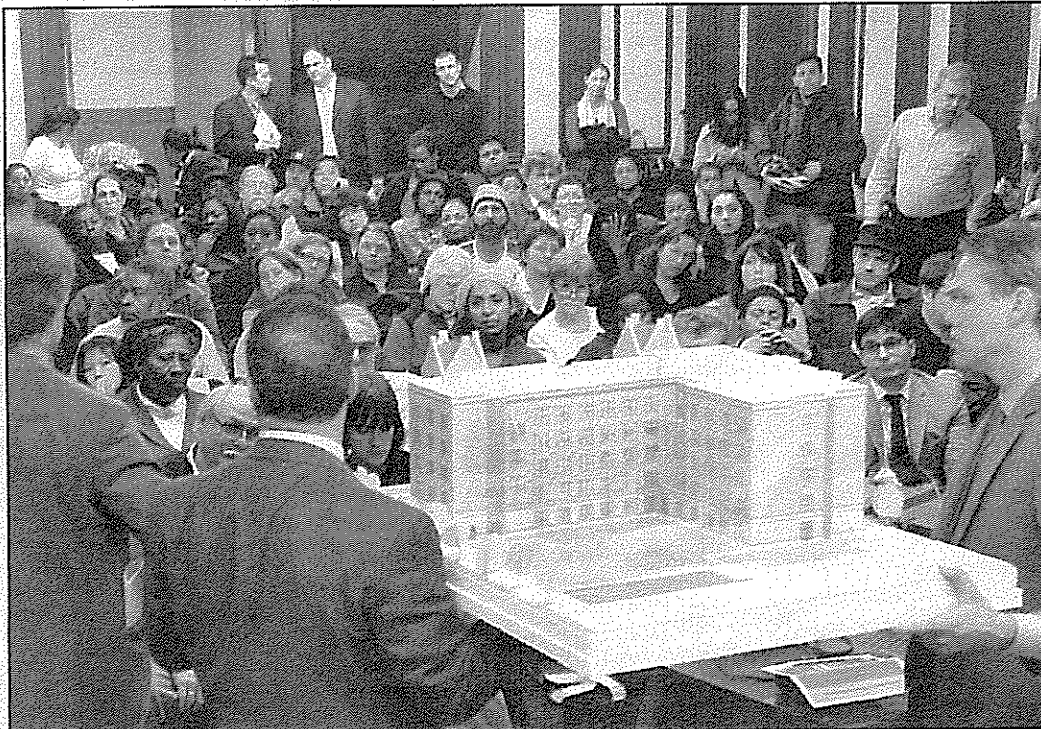
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## JUST TOO BIG FOR A SCHOOL



### Critics oppose P.S. 133 growth

BY MICHÈLE DE MEGLIO

City officials say a new building for P.S. 133 means state-of-the-art facilities, but Boerum Hill residents say it means rats, traffic, shadows and damage to homes.

Representatives for the School Construction Authority (SCA) and city Department of Education (DOE) butted heads with locals at a Community Board 6 public hearing about the city's plan to build a five-story, 900-seat school for P.S. 133, located at 375 Butler Street.

"When you have a big building like that people won't see it as a school. I see it as a commercial building," said Butler Street resident Tanya Chance. "It's nice the

In front of a packed house, city officials present a model of the new P.S. 133 school building.

Photo by Paul Martinka

*Continued on Page 23*



May 14, 2009

To: School Construction Authority  
NYC Department of Education

Subject: Request for Comment on Draft Environmental Impact Statement regarding  
Primary School Replacement Facility for  
PS 133, Brooklyn, Kings County

My name is SJ Avery and I live at 392 Butler Street, just down the street from PS 133. I have lived in my current home for 25 years and, on behalf of a group of twenty homeowners on Baltic and Butler Street, I am presenting a summary of our concerns about the environmental impact of the primary school replacement facility as proposed by the School Construction Authority. There have been several neighborhood meetings, as well as exchanges of email, since the Community Board 6 subcommittee meeting at which designs for the proposed replacement school were first shown to the public. Unfortunately, contrary to statements made by SCA representatives at that meeting, the SCA did not make material presented at that meeting available to Community Board 6 for placement on their website. The lack of material specific to the proposed design has somewhat limited our ability to evaluate the environmental impact of the proposed project.

Nonetheless, since that time, homeowners and residents on the immediately effected blocks have discussed their major concerns related to the proposed construction. Those issues are summarized below. Additional concerns were raised by the release of the SCA's DEIS, which was placed on the SCA website during the last week in April. Because this document is being prepared prior to the public meeting on the DEIS, and many unanswered questions about the impact of the proposed construction remain, the summary of concerns/recommendations in this memo should not be considered complete.

We wish to reiterate that we are not opposed to building new seats, although we are puzzled by the fact that in the DEIS the SCA states that the four elementary schools closest to the site are all operating under capacity (with utilization rates of 84%, 34%, 77% and 69%<sup>1</sup>). We also note that it is not clear what the capacity of PS 133 is and whether or not it is being fully utilized. And while we are very aware of the apartment construction that is going on along 4<sup>th</sup> Avenue, which is also cited in the DEIS, we suggest that an analysis of tenant occupancy would be helpful in projecting school needs for all of the school districts proposed to be served by an expanded school. Finally, we must observe that the current system of building a new school, and then creating a program for it, seems a bit backwards to us.

We believe that, with community dialogue and a willingness to look beyond the dated, and largely discredited, strategies of raze a site and then just build the biggest building you possibly can on that site, there are many ways to create new seats and still build smart and in scale.

### **Concerns about the proposed construction and proposed suggestions**

#### **Summary of Issues of Concern:**

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<sup>1</sup> SCA DEIS pp 2-1 and 2-2



### **1. Size and Mass**

**Loss of open space buffers around school**

**Negative impact on neighborhood**

### **2. Traffic**

### **3. Construction Concerns**

**No safety plan for demolition**

**Construction on contaminated soil**

## **1.) Size and Mass of proposed construction**

The **size and mass** of the proposed facility is at the heart of our concerns. The proposed structure is simply too big for the site and for the neighborhood. It dwarfs the homes on Butler and Baltic and, if constructed, would present views of a large box to residents on both blocks; according to the SCA drawings, any “architectural reference” to the original building is only visible on 4<sup>th</sup> Avenue. While the proposed school may be in scale with the (largely undistinguished) structures being developed on 4<sup>th</sup> Avenue, it significantly intrudes on both Baltic and Butler, where it overwhelms the scale of buildings. This very problem with the mass of the proposed structure is noted in the SCA DEIS – while the 4<sup>th</sup> Avenue side of the building complies with recent rezoning, “the proposed project would not comply with all of the zoning’s *bulk* regulations and portions of the building would exceed the zoning lot’s height, setback, sky exposure plane and street wall restrictions”, requiring a “zoning override”<sup>2</sup>.

### **a.) Absence of school “buffers”**

The mass of the proposed construction also effectively removes open space around the school. To compare the proposed design to other schools already in the districts to be served by the new school, one can take a Sanborne Map and look at the blocks where PS 133 and PS 282 (both in Dist. 13) are sited, and also the blocks where PS 321 and PS 261 (both in Dist. 15) are sited. The most obvious difference between the PS 133 site and the others is that, if the proposed building is built, the new school will have substantially less open space surrounding it than the others. In the cases of PS 282 and PS 261 there are Parks Dept. playgrounds immediately adjacent to the school playgrounds, which not only add play space, but which act as a buffer between the school playgrounds and nearby residential properties.

### **b.) The size of the new structure, combined with tearing down the old PS 133, has a serious negative impact on neighborhood**

New York City is built on neighborhoods; they are the small venues where we can establish a sense of place in a city of millions. In the immediate neighborhood of PS 133, there is a strong feeling of being connected. About a third of us have lived here since the “new” houses on Baltic and Butler were built, over 25 years ago. The majority of the houses are still owner-occupied; one of the requirements for original ownership was that we were first time homeowners. [Insideschools.org](http://Insideschools.org) described PS 133 with the opening sentence, “Tucked away in a quiet cul-de-sac in a changing area of Park Slope, PS 133 is a lively school that takes itself very seriously but does not forget to have fun.”<sup>3</sup> We have appreciated that relative quiet of our neighborhood and enjoyed living on a block with a beautiful school of historic significance. The reality of that historic significance has been established by the State Office of Parks, Recreation and Historic

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<sup>2</sup> SCA DEIS, pp 3-6 and 3-7

<sup>3</sup> March 2005 review of PS 133, [Insideschools.org](http://Insideschools.org)



Preservation, regardless of whether or not the building was placed on the National Register – it is eligible, in two categories, to be included. <sup>4</sup> We are deeply concerned about what will happen to our neighborhood if the lovely old school is demolished and a school three times the size of the old one is built.

One way to understand the impact of the proposed demolition and new construction is to go to Google Maps and look at the neighborhood from an aerial view. Between 4<sup>th</sup> Avenue and 3<sup>rd</sup> Street (Byrne Park) and somewhere along 4<sup>th</sup> far beyond Flatbush, the playground area and the community garden between Butler and Baltic are the only open, and partially green, spaces along 4<sup>th</sup> Avenue. With the exception of the trees along the existing playground, it is hard to even find one tree along that stretch. From the perspective of the SCA, the existing barren landscape of 4<sup>th</sup> Avenue appears to be justification to remove the one green space along it – they actually go so far as to state that project would be an “improvement”, since the proposed construction “would establish a strong street wall presence along 4<sup>th</sup> Avenue”. The SCA does acknowledge that the project would “result in an adverse impact to existing visual quality”, but deems that impact “not significant”. <sup>5</sup> It is significant if you live here.

What the SCA fails to understand is that for residents on Butler and Baltic streets (and beyond) the refreshing space on 4<sup>th</sup> Avenue between the two blocks is a valuable part of the neighborhood. The SCA's lack of understanding of the neighborhood is further illustrated by an attempt to suggest that the existing school is what is out of place with the neighborhood. “Its dramatic steeply pitched gabled roof is created by various gabled dormers on the fourth floor and a prominent end chimney and (sic) visible from various vantage points to the immediate south and east, particularly from Butler Street and 4<sup>th</sup> Avenue. **Its dramatic design and massing contrasts strongly with the neighboring pink and cream-colored contemporary row houses...that are significantly shorter and setback from the lot lines**”<sup>6</sup> (emphasis added). The row houses, constructed twenty five years ago, were deliberately designed with pitched roofs (very atypical in the neighborhood) and given a “faux terra cotta” finish to reflect the design of PS 133 and add a cohesive element to the Baltic/Butler blocks<sup>7</sup>. The existing PS 133 is, with its vistas of gabled dormers, pitched roof and dramatic design, held in great esteem by residents on the block (and many others – see [http://www.brownstoner.com/brownstoner/archives/2009/03/sca\\_to\\_build\\_ne.php](http://www.brownstoner.com/brownstoner/archives/2009/03/sca_to_build_ne.php)) and is an architectural anchor. If the school is demolished, the houses adjacent to the school lose that architectural anchor for a view of the box-like back of the proposed new structure.

## 2.) Traffic

### Major increase in neighborhood traffic

The second problem relates to the first. The amount of **traffic** (pedestrian and vehicle) associated with a 960 seat school will overwhelm the half block on which it is forced by the proposed design. The design creates serious congestion and a dangerous traffic situation for the block residents, for school children entering and exiting the school, and for pedestrians. The mix of gridlocked traffic, impatient drivers and small children suggests significant safety problems.

**Pedestrian traffic:** The proposed school has two main entrances - one on the corner of Baltic near 4<sup>th</sup>, the other on Butler, near 4<sup>th</sup>. The building will be sized for 960 children (*the number of children to be served by*

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<sup>4</sup> SCA DEIS p 3-20

<sup>5</sup> SCA DEIS, p 3-32

<sup>6</sup> SCA DEIS p 3-21

<sup>7</sup> Conversation with Fifth Avenue Committee staff. FAC was the developer of the housing units



*the school appears to increase with each release of information by the DOE – at a January CEC meeting the enrollment was projected at about 800 students) and those children are going to be concentrated in a very small area when entering and leaving - the proposed school is built right up to the sidewalks on Butler, Baltic and 4th. Given the fact that the (two? three?) schools in the proposed building are pre-K through 5th grade, most of the children who do not come on busses are accompanied by an adult. We note that the DEIS pedestrian trip projections have only 77 parents or guardians accompanying a total of 612 students to school (which suggests one in eight pre-K to 5<sup>th</sup> grade children<sup>8</sup> will be accompanied by an adult), an average we suggest is very low, regardless of the actual number of students walking to school – an issue we will address later. Pedestrian traffic by the entrances will jump to well over 1200 twice a day.*

**Vehicular traffic:** Most of the children who fall into the “new student” category will be coming from District 15 (there are 696 new students and 264 “current” students<sup>9</sup>), as well as 84 special needs children from district 75. We know the special needs children will be bussed in and out and the SCA projects 8 bus trips in and 8 out on a daily basis. However, in an amazing stretch of fancy, the SCA projects that half of the “new students” – Pre-K to 5<sup>th</sup> graders from District 15, will walk to school<sup>10</sup>. *At the public hearing on school siting, the Superintendent of District 15 said that there was not yet a plan for which District 15 children would be selected to attend the proposed school.* District 15 is a huge district – covering the area from Red Hook to Prospect Park West, with boundaries stretching as far south as 54<sup>th</sup> Street and zig-zagging down Union, along Third and past Atlantic and the closest boundaries to the proposed school site are 5 blocks away – and equally close to “underutilized schools” identified earlier. It seems far likelier that the majority of “new” students will be bussed or dropped off in cars by parents.

SCA estimates that 61 students will be dropped off by parents in cars each day, and 41 will be picked up each day.<sup>11</sup> (We have no idea of why that number changes). If this number is accurate (and we suggest that it may be understated, as noted above) that puts between 3 and 4 times the current number of parent driven vehicles on Baltic and Butler Streets.

Using its “half will walk” scenario, SCA traffic projections for the new school show 7 additional school bus/van trips each morning and each afternoon for “new” students<sup>12</sup>: these estimates are based on 30% of new students taking the bus. As noted, we suggest the number of “new” student who will be bussed will be more like 50% (at minimum), which would be closer to 12 new bus trips. So, **bus trips to the school are likely to increase from the current five busses** (which even now can bring traffic to a standstill – see attached photos) to a total of **twenty five bus trips each morning and evening** (5 current, 12 new for regular students and 8 new for special ed students).

It is key to remember that, because the streets are one way and Butler is not a through street between 4<sup>th</sup> and 5<sup>th</sup>, the only way to get to the Butler Street entrance is to go down Baltic Street and, before reaching 5<sup>th</sup>, turn on Gregory Place (behind the Key Food). Consequently, traffic is being forced to circle around an area that is less than a full block long, and the circling includes waiting in line while busses ahead are filled and move on. It is close to impossible to speculate on how this can be safely done at the Baltic Street side, which is the gate for traffic headed toward Butler. We doubt that busses will be allowed to pass each other

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<sup>8</sup> SCA DEIS, p 3-60

<sup>9</sup> SCA estimates – DEIS p 3-37

<sup>10</sup> DEIS – p 3-21

<sup>11</sup> Table 10 – it should be noted that the numbers on the chart with respect to drop-off and pick up seem to be inconsistent, SCA DEIS 3-60

<sup>12</sup> SCA DEIS 3-60



when children are being loaded or discharged. Even if children were being discharged and picked up on Fourth Avenue, traffic would be forced to wait until each bus was emptied or filled -- and 4<sup>th</sup> Avenue is very heavily trafficked in the mornings, especially when the BQE is backed up (which happens frequently) and cars exit onto 4<sup>th</sup> Avenue in the 30's to bypass the backup

Add the narrowness of Baltic and the fact that it is a though street from Court to 5th, and it becomes clear that the SCA acknowledged traffic problems at the corner of Baltic and 4<sup>th</sup> <sup>13</sup>are significantly understated. The DEIS also fails to consider increased traffic related to expanded deliveries and garbage pick-up associated with a school serving three times the number of students who are served now.

Most astonishingly, the only traffic mitigation put forth by the SCA is that it will ask the DOT to add seconds on the 'lead times' of lights at the corner of 4<sup>th</sup> and Baltic -- and "if the NCYDOT determines that the proposed mitigation measures are not practicable, the project's traffic impact at the intersection of Fourth and Baltic would be unmitigated"<sup>14</sup> In effect, the SCA has significantly underrepresented the traffic impact associated with building the new school, and acknowledges that it has not yet discussed traffic with the department of Transportation, yet throws the problem in their lap. This is a totally unacceptable response. The traffic jams created by the proposed new school create an unsafe environment for the children attending the school and for the area residents. We already have serious traffic problems around schools in Brooklyn and other parts of the City; does the SCA's shrug of its shoulders mean that they won't even try to avoid such problems in schools that are not yet built? The apparent position that the SCA has no design or siting responsibility to avoid dangerous traffic situations is both reckless and irresponsible.

### 3. Construction Concerns

As those who attended the only other public presentation on the proposed project design are aware, a number of area residents raised concerns related to construction, including the impact of major pile driving (during excavation for a large new building) on the wood frame houses, rodent problems frequently associated with major excavations, noise associated with construction and construction traffic concerns. The DEIS tells us, repeatedly, that this will only be for a "short time" -- four years - so it is not considered significant. A four year building and demolition period may seem like a short time to someone in Long Island City, but it sounds like a pretty long time to us.

We also note that there is **no reference at all to the demolition of the existing PS 133 building** in the DEIS -- except for the statement that "construction and demolition on the site would require careful planning and staging to minimize physical and environmental intrusions on the existing school building and its students".<sup>15</sup> We'd like to know what those plans are -- in fact, we insist that there be an explicit plan to keep both the students and the neighbors safe. Obviously, we all have concerns about safety, about noise and about air quality if a building of this size and substance was to be demolished. The DEIS is totally silent on this issue. The silence may be due to one of those bureaucratic twists where the SCA says it only has to talk about construction, not demolition -- but why not have all the facts and plans in place before beginning the project in order to better assess it?

And, another one of the sections of the DEIS has given us pause.

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<sup>13</sup> SCA DEIS 3-63

<sup>14</sup> SCA DEIS 4-2

<sup>15</sup> SCA DEIS 3-80



## Hazardous materials

While the DEIS states that “the proposed project would not result in impacts from contaminated media and building materials”, it notes that in the case of excavated soil, **“Based on the results of waste characterization analysis, material should be disposed as hazardous waste.”**<sup>16</sup> While we lack the chemistry background (and specific readings from the SCA surveys) to understand just how contaminated with PCE, TCE, SVOCs, PID and petroleum and concentrations of lead the soil is, and the extent to which VOS, SVOC, metals and formaldehyde have contaminated groundwater that was sampled<sup>17</sup>, this is an alarming statement. As we are sure the agency is aware, recently there have been a number of cases where the City, and the SCA in particular, has come under fire for building schools on contaminated land. The SCA’s assurance that “the contractor will be required to prepare plans for excavated soil management.....” is a disquieting echo of a story from the Daily News that is reprinted below.

Just a toxic mixup - city Schools site 'violated' state law

BY BILL EGBERT

Tuesday, November 18th 2008, 4:00 AM

City lawyers are now calling it all a big misunderstanding after a judge ruled the city violated state law by building schools on a toxic South Bronx site.

Acting Bronx state Supreme Court Justice Patricia Anne Williams ruled last month that the School Construction Authority violated the State Environmental Quality Review Act by approving the contaminated Mott Haven Schools Complex at Concourse Village West between 153rd St. and 157th St. without first detailing a long-term plan to protect students and faculty from remaining toxins.

But the city said it followed a different state law for cleaning up brownfield sites.

"There's a bit of a disconnect," said city lawyer Carrie Noteboom, "between the state environmental review process and the brownfield cleanup regulations."

The 6.6-acre tract was home to a railyard and machine shops for 73 years, and contains harmful chemicals including mercury, lead, benzene and tetrachloroethylene.

The \$230 million campus, still under construction, will be shared by two high schools, a combination high school/intermediate school, and a charter school for grades five through eight.

The state Department of Environmental Conservation's rules for cleaning up brownfields allow for long-term monitoring plans to be submitted for review after work is underway, Noteboom said, while the SEQRA process requires that all of the environmental evaluation, including maintenance plans, be completed and reviewed before any work begins.

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<sup>16</sup> SCA DEIS p 3-78

<sup>17</sup> SCA DEIS p 3-77



"The SCA was always planning to do a long-term maintenance plan for the site," she said, with the only issue the timing.

But the timing is crucial, argued Dawn Philip of New York Lawyers for the Public Interest, which filed suit in April 2007 on behalf of the Bronx Committee for Toxic Free Schools.

**Requiring the SCA to produce a detailed, long-term monitoring plan for a toxic site in the initial phase forces the city to take those costs into account before it approves the site for a school.**

**"How the SCA plans to monitor their controls over the long term will impact the viability of the site and whether they should put a school there in the first place," said Philip.**

Regardless of the ruling's future impact, it came too late to affect three schools the SCA announced last May that it plans to build on contaminated sites in Queens, ranging from an old auto storage lot to a former dry cleaner.

"I don't think this ruling provides a basis to revisit past decisions," Noteboom said of the other sites.  
[wegbert@nydailynews.com](mailto:wegbert@nydailynews.com)

We insist that the SCA present at minimum a basic safety plan related to the excavation soil considered to be hazardous material, as we understand is required by New York State Law, and not shift all responsibility to an unnamed contractor. We also assert that the SCA should identify costs associated both with removal and remediation of soil considered to be hazardous material and with the future monitoring of identified water contaminants. We support the idea of using outside consultants to undertake this task. The proposed extensive excavation and trucking of soil considered to be hazardous material certainly raises a specter for area residents and for parents of PS 133 students. The SCA DEIS admits that a construction-related effect of the project on air quality includes increased "fugitive dust", which is defined as "airborne particulate matter that is "kicked up" by haul trucks, concrete trucks, delivery trucks and other earth-moving vehicles operating around the constructions site and from material blown from uncovered haul trucks"<sup>18</sup> If hazardous material is being dug up, we assume that that it will be a component of such "fugitive dust".

We realize that the old school site precedes the industry that may have resulted in soil contamination; we also are aware that, aside from possible leaching effects, the existence of contaminated soil is much more of an issue when it is uncovered and broken up, as in digging a very large foundation for a very large school.

#### **Recommendations:**

##### **Build smaller and make use of existing resources**

We were surprised and pleased to see that one of the alternatives presented by the SCA in their DEIS was to rehab the existing PS 133 structure and build an addition to it<sup>19</sup>. This solution would preserve the existing school, which would continue to act as an architectural anchor for the adjacent blocks. However, in the alternative suggested by the SCA, a large addition runs the length of Baltic Street and the SCA notes that there would not be space for a community garden. We have not been presented with any cost comparisons

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<sup>18</sup> SCA DEIS p 3-80

<sup>19</sup> SCA DEIS pp 5-4 through 5-11



between renovation and demolishing/rebuilding, but we do note that renovation of old schools (typically, constructed before the 1950's), can actually be more cost effective than the "raze and rebuild" approach – and is being embraced in states such as Maryland, Pennsylvania, Massachusetts and Connecticut. The National Clearinghouse for Educational Facilities has a 16 page list of resources "on assessing whether to renovate and modernize existing school buildings in need of repair or construct new ones" on it's website, and the articles there include many reports of successful adaptive reuse.

An alternative suggestion to the one put forth by the SCA would be to renovate the old school and build an addition that would run parallel to 4<sup>th</sup> Avenue, built on slab, for approximately the length of the existing school, with the first floor used as a low ceilinged mechanical area. This would minimize exposing contaminated soil and would put a floor between the slab and classrooms. If the addition was sited close to 4<sup>th</sup> Avenue, a courtyard space could be created between the two buildings (which could be connected by a bridge on the second story level). This courtyard space, which would be entered on Baltic and exited on Butler, could serve as a secure drop off space for school busses, monitored by crossing guards at either end, resulting in a safer space for discharging and picking up students and alleviating some of the traffic impact on Baltic and Butler. There would still be space for the community garden at the corner of Baltic and 4<sup>th</sup> Avenue. We are attaching a schematic representation that contrasts this approach to the one presented by the SCA; it is a rough draft, but it illustrates the fact that we can think smart when designing for an increase in student numbers.

We are not convinced that it is possible or supportable (in terms of impact) to triple the number of seats available at PS 133, but such a strategy could at least double the available seats. We also believe that it may be possible to gain seats in the existing building through a thoughtful renovation – the school did, at one time, have a larger student population than it does now. Again, there are many successful and cost effective examples of old school renovations which resulted in much needed increased space and mitigated impact on the surrounding neighborhood. A renovation, combined with a reduced excavation "new build" also could be completed in significantly less time than the 4 years projected for the SCA design. Under separate cover we would be happy to send the SCA materials related to this issue, such as some case study analyses of new building vs. renovation and the importance of historic schools to neighborhoods.

In summary, we are opposed to the replacement plan as presented as the primary option in the DEIS because of the many problems it creates – ranging from the irreparable loss of an historic, and lovely, building that anchors our neighborhood to problems associated with the mass of the proposed building, such as lack of scale in the neighborhood, loss of green space, traffic problems and construction problems. We are particularly concerned about the lack of a safety plan related to the treatment of excavated hazardous material and the similar absence of any safety plan for the proposed demolition of the old school. We are supportive of examining a combination of renovation and new building, but think it can be done in a better way than proposed in the DEIS. We believe that a reexamine of design could help alleviate potential environmental problems related to traffic and contaminated soil.

We urge that the SCA make design staff, and detailed materials about the site – such as the actual soil and water testing reports - available for collaborative community discussions about how to best develop a plan for a smart and safe school. We are positive that the time spent in such design discussions will reap significant benefits in the environmental quality of the school that is build and in the time it actually takes to complete the project. We believe we have the opportunity to create a showcase project, using the talents of the SCA staff, the expertise of community (parents and neighbors) input, and a willingness to think outside of the proposed box for PS 133.





**3:10 pm on Friday - four busses and one double parked car - traffic backs up on Butler. (Note; all busses did not arrive at the same time.) The proposed school design will bring more than six times the number of busses shown here.**





**3:12 PM: Back up on Butler viewed from the other end of the street. Note: Butler is a very short street.**



**Alliance for Quality Education**  
**New York City Council**  
**Education Committee**  
**May 21, 2009**

My name is Eric Weltman, and I'm the New York City Advocacy Director for the Alliance for Quality Education. I want to thank 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 its moral, legal, and Constitutional obligation towards our children: to provide all of them with a sound and basic education. 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 whose 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:

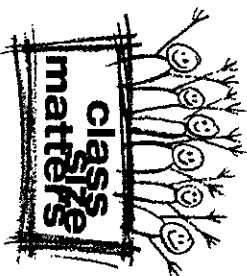
- Reducing class sizes to the state-mandated targets
- Providing space for art, science, physical education, and libraries
- Addressing long-term capacity needs

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. Seventeen-thousand new seats is not sufficient, and the plan does not prioritize the students in the schools that need it the 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.





**class size matters**  
124 Waverly Place, NY, NY 10011  
phone: 212-674-7320  
www.classsizematters.org  
email: classsizematters@gmail.com

March 2009.

**The following charts were derived from these data sources:**

1. *Seats in current capital plan to be completed 2009-2012, and seats in proposed new capital plan:*  
from: NYC Department of Education, Proposed 2010-2014 Five Year Capital Plan, November 2008

2. *Projected need for new seats from new housing:*  
NYC School Construction Authority, Projected New Housing Starts as Used in 2007-2016 Enrollment Projection,  
[http://schools.nyc.gov/Offices/SCA/Reports/CapPlan/Proj\\_New\\_Housing\\_Starts2006-2016.htm](http://schools.nyc.gov/Offices/SCA/Reports/CapPlan/Proj_New_Housing_Starts2006-2016.htm)

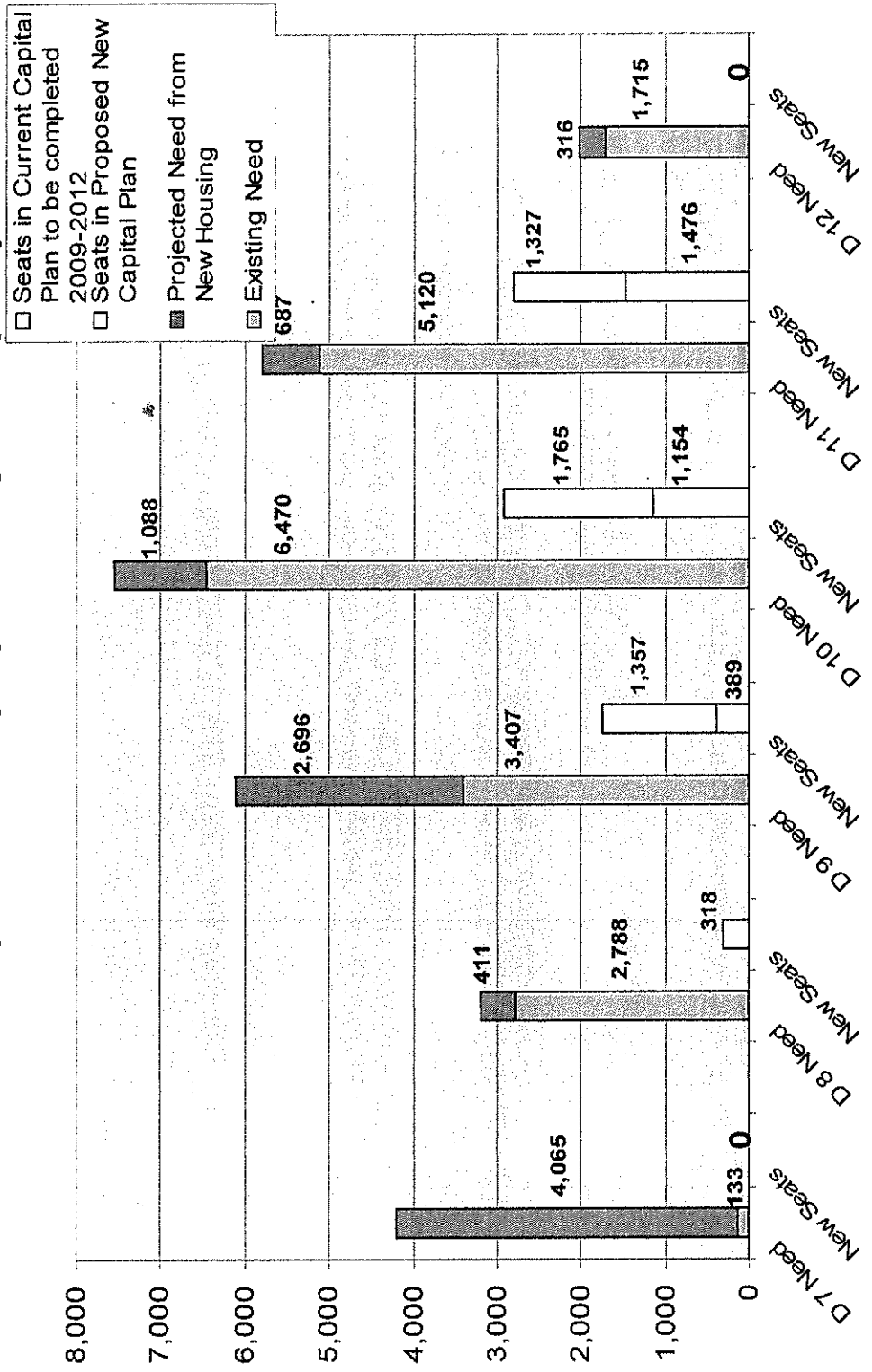
NYC School Construction Authority, Projected Public School Ratio, posted at  
<http://source.nysca.org/pdf/capitalplan/NewHousingMultiplier.pdf>

3. *Existing need for new seats:*  
from A Better Capital Plan, by A Campaign for a Better Capital Plan, the Manhattan Task Force on School Overcrowding, Class Size Matters, the United Federation of Teachers, and The Center for Arts Education, October 2008.

As explained in the above report, the existing need for new seats was computed and derived from school and district specific information contained in the NYC DOE Enrollment, Capacity Utilization Report from 2006-7 ("Blue Book").

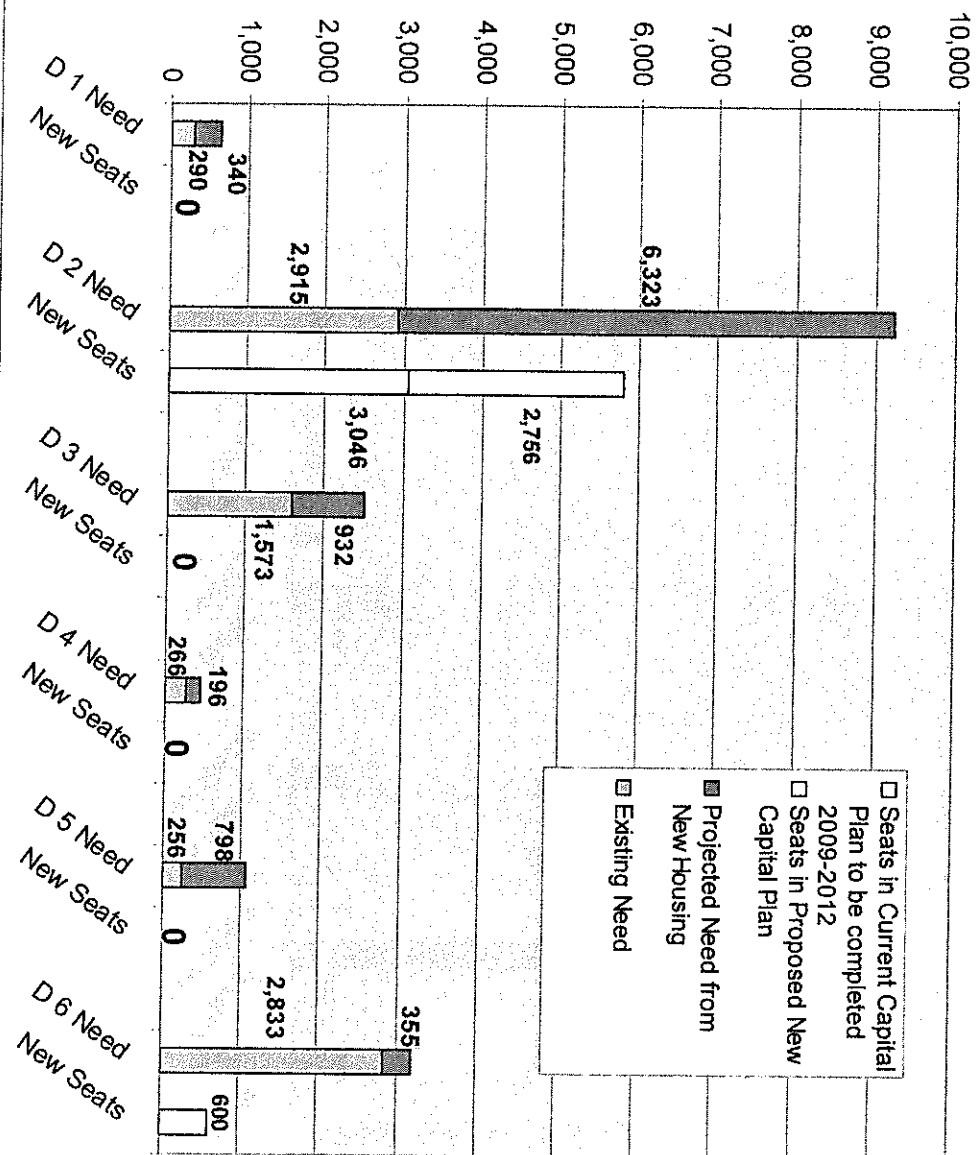


# **Bronx, only 27% of necessary elementary and middle school seats provided in proposed 5-year capital plan**



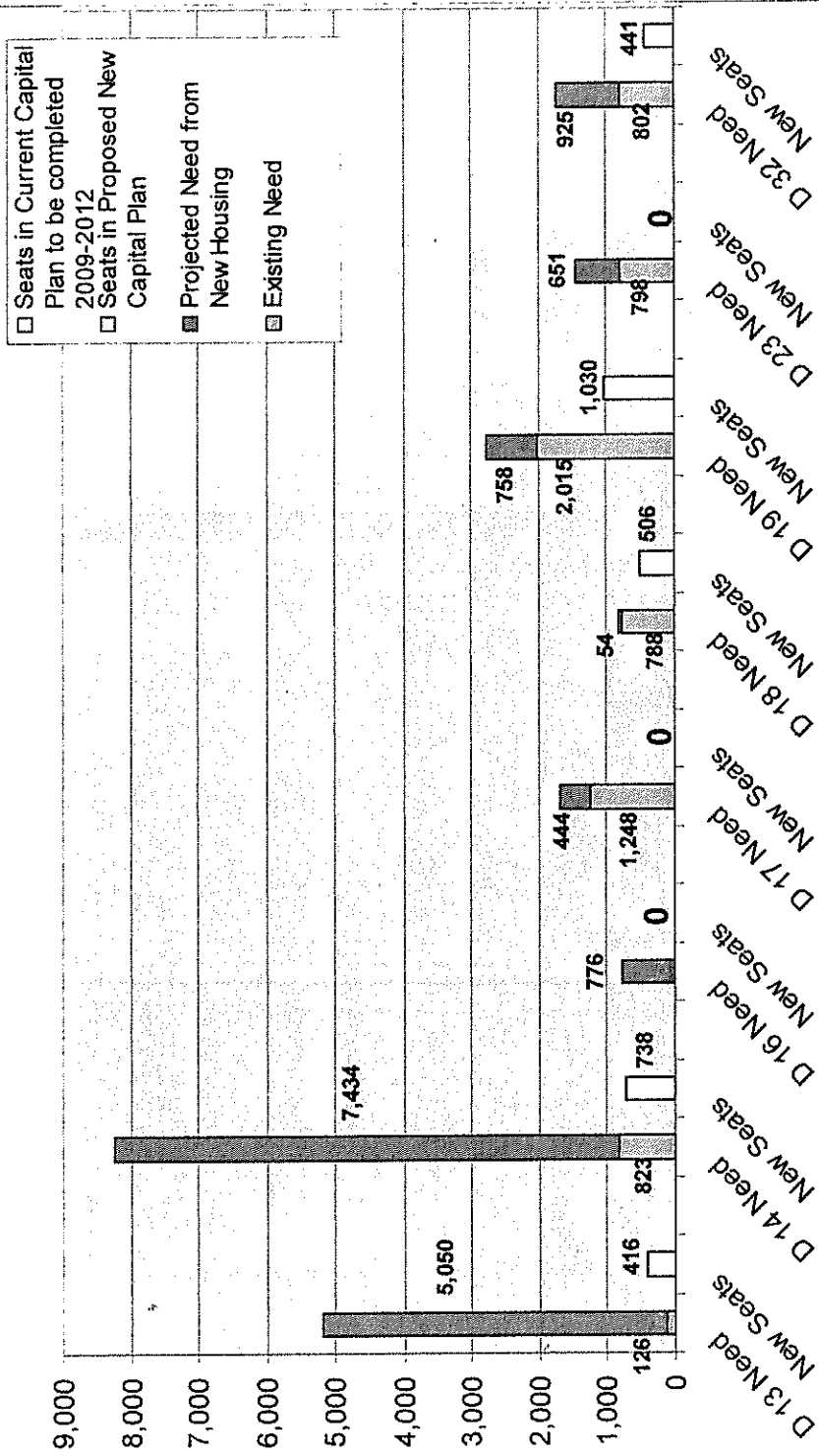


**Manhattan, only 37% of necessary elementary and middle school seats provided in proposed 5-year capital plan**



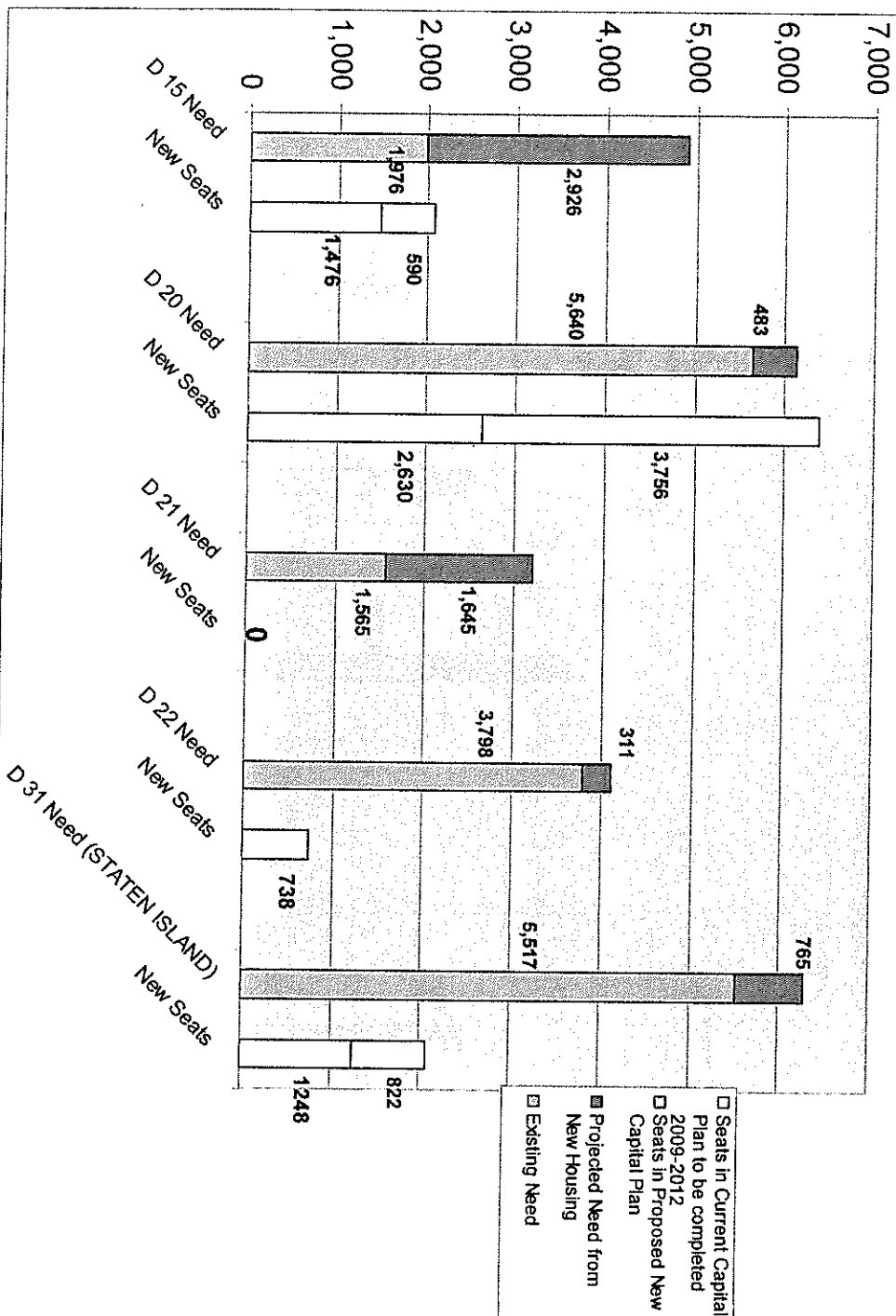


# Central and Northern Brooklyn, only 14% of necessary elementary and middle school seats provided in proposed 5-year capital plan



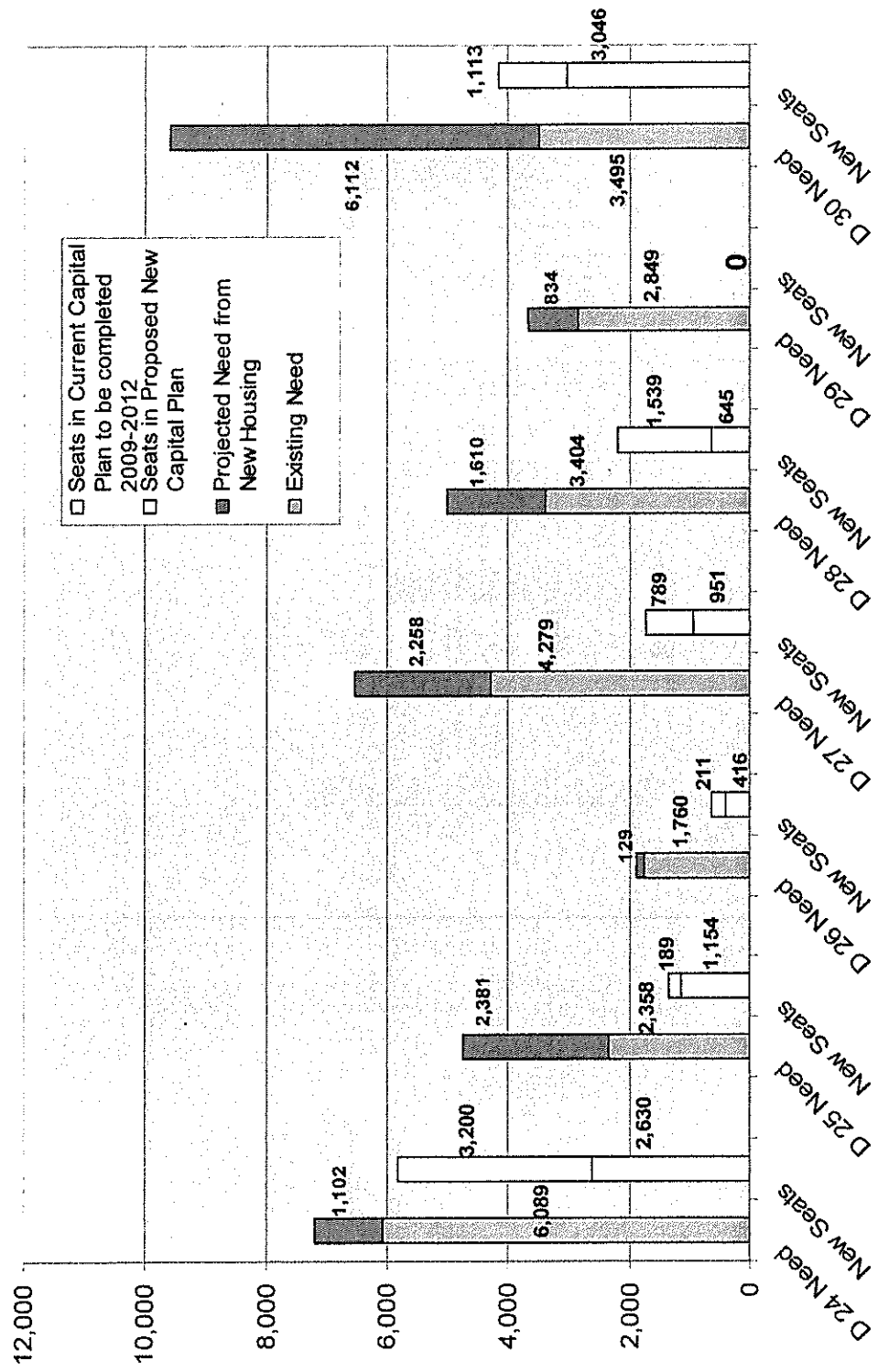


# **SW Brooklyn and Staten Island, only 46% of necessary elementary and middle school seats provided in proposed 5-year capital plan**



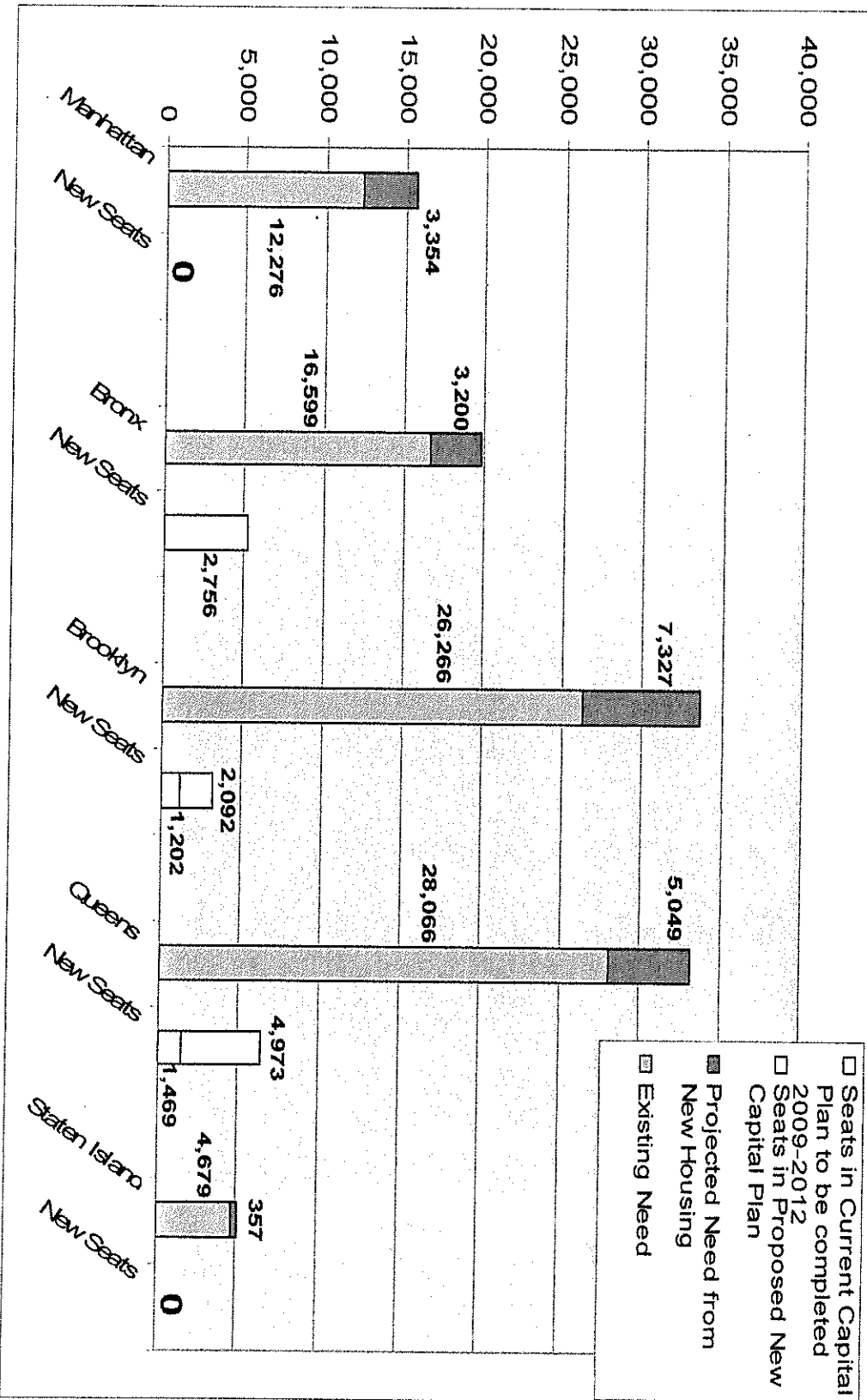


# Queens, only 41% of necessary elementary and middle school seats provided in proposed 5-year capital plan





# **New York City, only 14% of necessary High School seats provided in proposed 5-year capital plan**





**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:11pm

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

☐ in favor ☐ in opposition

Date: 5/21/09

Name: Elizabeth Corris Ritter (PLEASE PRINT)

Address: 140 Cabrini Blvd. #79 NYC 10033

I represent: CSD6 parent

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

**Public**  
**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:15

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

☐ in favor ☐ in opposition

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

Name: Josh Karam (PLEASE PRINT)

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

I represent: CEC 6

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

**Public**  
**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

5:20

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

☐ in favor ☐ in opposition

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

Name: Salanger CABRAL (PLEASE PRINT)

Address: 1050 W 173 St #31 NEW YORK N.Y 10032

I represent: CEC D6

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

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



Public

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:45

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

☐ in favor ☒ in opposition

Date: 5/22/09

(PLEASE PRINT)

Name: Elizabeth Rose

Address: 333 East 68<sup>th</sup> St.

I represent: PS 183 / Parent leaders of the Upper East Side

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

4:12pm

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Elizabeth Rose

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

I represent: PS 183

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

4:19pm

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Sarah Ann Avery / Seale Hall

Address: 392 Butler St

I represent: Beltic St / Butler St Residents

Address: 392 Butler St Brooklyn 11217

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



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:26pm

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Tricia Joyce

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

I represent: public school parent

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:29pm

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

☐ in favor ☒ in opposition Capital Plan

Date: 5/21/09

(PLEASE PRINT)

Name: Heidi Kaufman

Address: 40 Perry St 10014

I represent: PSPA

Address: 40 Perry St 10014

Public **THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:36pm

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

☐ in favor ☒ in opposition

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

(PLEASE PRINT)

Name: Yetta Kurland

Address: 161 W. 16th St. #5C

I represent: myself

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

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



Public

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:24 pm

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

☐ in favor ☐ in opposition

Date: 21 May 2009

(PLEASE PRINT)

Name: ERIC Zerof

Address: 107 BnK

I represent: my self

Address: some

Public

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:25 pm

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Ann Kjellberg

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

I represent: PS PAC

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

Public

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:25 pm

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Andy Lachman

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

I represent: PLUS

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

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



Public

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:14pm

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Thea B. McCallion

Address: 90th St 10128

I represent: PS 151 Zone, District 2 Manhattan

Address: @ address as of yet!

Public

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:17

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Leonie Haimson

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

I represent: Class Size Matters

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

Public

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:23pm

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

☐ in favor ☒ in opposition

Date: 5/21/09

(PLEASE PRINT)

Name: HENRY SIDEL

Address: 10 Bethune St

I represent: waitlisted parents

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

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



Public

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

2:38pm

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

☐ in favor ☒ in opposition

Date: May 21, 2009

(PLEASE PRINT)

Name: Denise Bigo-Early

Address: 54 West 160<sup>th</sup> St #14B, NYC 10011

I represent: my children

Address: same

Public

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

2:55pm

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

☐ in favor ☐ in opposition

Date: 5/21/09

(PLEASE PRINT)

Name: Richard Farkas (United Federation of Teachers)

Address: 52 Broadway

I represent: UFT

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

Public

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

3:12pm

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

☐ in favor ☐ in opposition

Date: 5.21.09

(PLEASE PRINT)

Name: Helaine Doran - CFE

Address: 110 William St

I represent: Campaign for Fiscal Equity

Address: 110 William St

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



Public

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

5/12

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

☐ in favor ☐ in opposition

Date: 5/21/09

(PLEASE PRINT)

Name: Reiko Tahara

Address: 621 Baltic St. #2 Brooklyn, NY 11217

I represent: Baltic St. Community Garden

Public

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

5/10

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Eric Weltman

Address: 2-4 Nevins St., Brooklyn

I represent: Alliance for Quality Education

Address: 2-4 Nevins St., Brooklyn

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Sascha Pich

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

I represent: Manhattan Borough President

Address: Scott Stringer

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



Public

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

5:50

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

☐ in favor ☒ in opposition

Vote against the Capital Plan Date: May 20th, '09

(PLEASE PRINT)

Name: Lauren Rosenthal

Address: 125 W 92nd St., Apt 3

I represent: PS 9 and the Upper West Side <sup>and my</sup> children

Public

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

5:47

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

☐ in favor ☒ in opposition

Date: May 21, 2009

(PLEASE PRINT)

Name: LIBERAC DANIELS

Address: 299 W 12 ST. 2CD 10014

I represent: PRESIDENT, CCED 2

Address: 333 7th Ave, NY

Public

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

5:25

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

☐ in favor ☒ in opposition

Date: 5/21/09

(PLEASE PRINT)

Name: Annette Evans

Address: 4 WSV #4D

I represent: parents + taxpayers

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

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



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: James Kathleen Grimm

Address: 52 Chambers Street

I represent: NYC DOE

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Sharon Greenberger

Address: 52 Chambers Street

I represent: NYC DOE

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

☐ in favor ☐ in opposition

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

(PLEASE PRINT)

Name: Sharon Greenberger

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

I represent: SCA

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

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