

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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December 16, 2009

Start: 1:44 pm

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HELD AT: Council Chambers
City Hall

B E F O R E:

ROBERT JACKSON
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
Maria del Carmen Arroyo
Simcha Felder
Lewis A. Fidler
Daniel R. Garodnick
Vincent Ignizio
Letitia James
Jessica S. Lappin
John C. Liu
Domenic M. Recchia. Jr.
James Vacca
Peter F. Vallone. Jr.

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

Kathleen Rim
Deputy Chancellor for Infrastructure and Portfolio
Planning
Department of Education

Sharon Greenberger
President
School Construction Authority

Jamie Smarr
President, Education Construction Fund
Department of Education

Richard Farkas
Vice President of Junior High Schools
United Federation of Teachers

George Sweeting
Deputy Director
New York City Independent Budget Office

Erin McGill on behalf of Scott Stringer
Education Policy Analyst
Manhattan Borough President's office

Leonie Haimson
Executive Director
Class Size Matters

Sebastian Elanga
President
PTA P.S. 116, District 11 President's Council

Joseph Seaneck
Member
Education Committee of the Northwest Bronx Community
and Clergy Coalition

Joseph Stargill
School Council President
Leadership Institute

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

Frieda Tai
Student Council Vice President
Leadership Institute

Edwin Valle
President
Parents Association, P.S. 8 Bridges Academy

Allison Manuel on behalf of Bonnie Katz
Teacher
Leadership Institute

Ben Shanihan
Representative
New York City Student Union

Joan Hoffman
P.S. 11, Constituent Education Advisory Committee

Noah Gotbaum
President
Community Education Council 3

Mark Diller
Chair, Secretary
Youth Education and Libraries Committee, CB7

CHAIRPERSON JACKSON: Good

afternoon everyone. I'm going to ask everyone please to take a seat or take your conversations outside the committee room. Thank you. First, let me apologize for running late. There was a previous committee earlier that ran late. Sometimes it happens so all I can do is try to have patience, knowing that our committee room is still under construction. So let me apologize to all of those that may have come on time and we're starting late.

Let me introduce the members that are present this afternoon. I'm going to start from my left, Jimmy Vacca of the Bronx, Vincent Ignizio of Staten Island, Jessica Lappin of Manhattan, Dan Garodnick of Manhattan to my left. And to my right is Letitia James of Brooklyn, Lou Fidler of Brooklyn and Gale Brewer of Brooklyn. And I saw Peter Vallone, Jr., oh, Gale Brewer of Manhattan. I saw Peter Vallone, Jr. of Queens and there's Simcha Felder of Brooklyn and John Liu of Queens.

Good afternoon and welcome to today's Education Committee oversight hearing on

1
2 the Department of Education's opposed amendment to
3 the 2010-2014 five year capital plan. The
4 proposed amendment is the first annual
5 modification to the Department of Education's
6 fifth five year capital plan, which the City
7 Council approved last June of 2009.

8 The Department of Education has
9 been soliciting comments on its proposed amendment
10 from Community Education Councils, the City
11 Council and the public and has set a January 15,
12 2010 deadline for submission of suggested changes.
13 The Department of Education will take these
14 suggestions into account when it develops a
15 revised amendment to the capital plan in February
16 2010. Before any changes can go into effect, the
17 Panel for Educational Policy and ultimately the
18 City Council of New York must approve the proposed
19 amendment.

20 The 2010-2014 five year capital
21 plan adopted in June of 2009 totaled \$11.3
22 billion, which is \$2.5 billion less or 18.1% less
23 than the previous 2005-2009 five year capital plan
24 which totaled \$13.8 billion. The proposed
25 amendments reflects the \$257.6 million worth of

1 projects added to the capital plan by the City
2 Council, borough presidents and the Mayor,
3 bringing the five year plan to a total of \$11.7
4 billion. This is still far short of meeting the
5 needs of our great city's public school system and
6 the 1.1 million children which it serves.
7

8 Our schools are suffering from
9 overcrowding and increasing class sizes. Their
10 maintenance and repair needs are tremendous, to
11 say the least. The most significant change in the
12 proposed amendment is the addition of 5,183 new
13 school seats. However the plan only includes
14 enough money to build 2,911 of these new seats.
15 The other 2,272 new seats are funded for design
16 only, with construction to be funded in the next
17 five year capital plan beginning 2015 according to
18 the Department of Education.

19 With this addition of 5,138 seats
20 slated for construction or design, the five year
21 plan would include a total of 30,377 projected
22 seats, up from 25,194 in the adopted plan. While
23 we know this is still far short of the number of
24 seats needed to eliminate overcrowding and reduce
25 class sizes in our schools, it is certainly a move

1 in the right direction.

2 I'd like to take this opportunity
3 to commend the Department of Education and the SEA
4 for being responsive to the outcry for new
5 capacity from parents, advocates, CECs, the
6 Council and other stakeholders. I was also
7 pleased to hear that the Chancellor say at a
8 recent breakfast for new Council Member elect that
9 the city needs more physical plants for schools.
10 The Chancellor also asked for help in finding
11 resources to build and fix more schools and said
12 he has called upon the federal government to
13 invest more funding in school construction, which
14 would be good for the economy as well as helping
15 schools.
16

17 And I must say that I
18 wholeheartedly agree with him. So if anyone has a
19 couple of hundred millions of dollars sitting
20 around, just please raise your hand and we'll come
21 and collect it right away.

22 The proposed amendment adds new
23 seats to the plan without adding any more money.
24 Cuts, re-estimates and schedule changes reflected
25 in the proposed amendment enable the Department of

Education to allocate \$350 million more towards capacity projects. \$125 million came from SEA's reduced estimate of project costs included in the plan to reflect lower inflation rates under the current market conditions. Another \$50 million came from moving up the timeline for some capital improvement projects, commonly known as PIPs. CIPs, see somebody is listening over there, thank you.

Cuts in some technology projects and for replacement seats for schools that may have to vacate their current space due to expiring leases is projected to yield another \$25 to \$45 million. Another significant change in the proposed amendment is the redistribution of new school seats among the district. AS you know, how many districts? 32. A number of school districts would see an increase in new seats under the proposed amendments, including District 2 in Manhattan, District 10 in the Bronx, District 15, 20 and 22 in Brooklyn, District 24, 29 and 30 in Queens and District 31 on Staten Island.

Several other school districts would actually lose seats, including District 13

1 and 14 in Brooklyn and District 27 and 28 in
2 Queens. For example, school district 14 in
3 Brooklyn had 738 fully funded seats in the adopted
4 plan and now has 612 seats in the proposed
5 amendment, with funding for design only. What
6 this means is that none of the 738 seats
7 originally planned for District 14 in Brooklyn in
8 the adopted plan will begin construction in the
9 next five years.

11 We have a chart available on the
12 side that shows the changes in seats by district.
13 Where's it at on the side? And it looks like this
14 here. Jan Atwell, she has copies if you want to
15 see them. The change in seats between school
16 districts is based on an annual need assessment
17 done by the SCA, the School Construction
18 Authority, which includes a review of demographic
19 projections and housing starts.

20 The problem is that this needs
21 assessment process is not transparent so we don't
22 know how decisions are made. At that same
23 breakfast meeting, as I mentioned earlier, the
24 Chancellor spoke at length of the importance of
25 equity in determining which districts and

neighborhoods get additional seats, giving out limited resources. I couldn't agree more.

I talked before about District 6 in northern Manhattan and I'm not going to go into that now. I'll just mention it as a footnote, how's that? Is that okay Deputy Chancellor? Okay. The only way to ensure an equitable distribution of new capacity is to one, establish objective criteria and accurate measures for determining need. Two, conduct a thorough needs analysis for all capital needs on a regular basis and three, to have a transparent process for allocating seats to meet the needs identified.

We have a long way to go to meet these conditions but I'm encouraged by the Chancellor's recent comments and by the efforts of the Department of Education and SCA to be more responsive to stakeholders' concerns. There are some major obstacles to the progress, however. Such as inaccurate school capacity figures reflected in the Blue Book, which we are working on through legislation that had been introduced. As you know, we said that we want to not see the Blue Book. We want to see the True Book.

1
2 In an effort to reassign space from
3 traditional public schools to charter schools
4 through school closures and the practice of
5 shoehorning charters into existing schools. In
6 addition, to hear that class sizes are rising in
7 all grades throughout this city, despite the
8 investment of hundreds of millions of dollars to
9 reduce class size is not acceptable and
10 unconscionable.

11 Even in tough economic times, or
12 perhaps especially in tough economic time we own
13 our children a good education to prepare them for
14 the increasingly competitive world. I hope to
15 continue working with the Department of Education
16 and the School Construction Authority to resolve
17 these and other issues.

18 At today's hearing, the committee
19 wants to learn more about the changes under the
20 proposed capital plan amendment. We'd also like
21 to hear more about the savings used to fund new
22 capacity as well as how the distribution of new
23 seats were determined.

24 We also look forward to hearing
25 testimony from parents, educators and advocates

1
2 today, on the proposed capital plan amendment and
3 their priorities for capital projects. I'd like
4 to remind everyone who wishes to testify today
5 that you must fill out a witness slip, which is
6 located to my left in front at the Sergeant at
7 Arms in front of our chambers. To allow as many
8 people as possible to testify, we will limit the
9 testimony to three minutes. We ask you to speak
10 on your testimony and not to read it, that would
11 be ideal. And now without any further a due. Let
12 me see, any other members. I did mention Peter
13 Vallone, Jr.

14 With that, I'd like to turn to the
15 School Construction Authority, the Department of
16 Education and to Jamie Smarr, the President of the
17 Education Construction Fund. And I'll leave it to
18 you who's going to start first.

19 KATHLEEN GRIMM: Thank you very
20 much. Good afternoon Chair Jackson and members of
21 the Education Committee. My name is Kathleen
22 Grimm. I'm Deputy Chancellor for Infrastructure
23 and Portfolio Planning in the Department of
24 Education. As the Chair has mentioned, I am
25 joined today by Sharon Greenberger who you all

1
2 know is the president of the School Construction
3 Authority and Jamie Smarr, who is president of our
4 Education Construction Fund.

5 We are pleased to be here today to
6 discuss the 2010 proposed amendment to our current
7 five year capital plan. We are currently in the
8 first year of that \$13, or that \$11.3 billion
9 capital plan, with an additional \$400 million that
10 has been provided through a combination of
11 rollover funding from the last plan and direct
12 support from Council Members for capital
13 improvements in their district schools; additional
14 money we're very grateful for.

15 While we continue to face tough
16 economic challenges, we can't stop building for
17 our children's future. This capital plan strives
18 to advance improvements that we did achieve under
19 the prior \$13.1 billion plan, the largest plan in
20 the city's history. The current plan will create
21 tens of thousands of new seats in areas of
22 projected enrollment growth. It will better align
23 existing facilities with current instructional and
24 enrollment needs. And it will continue to make
25 much needed improvements in our very aging

1
2 infrastructure.

3 Since I last appeared before this
4 committee in May 2009, we have proposed a few
5 critical changes to the plan and I want to explain
6 how we arrived at those recommendations and why we
7 think they are necessary. As you know, prior to
8 this administration, previous capital plans often
9 ran over budget and behind schedule. To avoid
10 those pitfalls, we developed with cooperation of
11 the Council, an annual amendment process beginning
12 with the 2005-2009 plan.

13 Reviewing our capital plan
14 regularly allows us to catch emerging needs
15 quickly so we can make changes as necessary. As
16 part of this process, we conduct an annual
17 building condition assessment survey, BCAS, where
18 we actually send architects and engineers to
19 technically evaluate each of our 1,200 plus school
20 buildings. On a walk through with school based
21 staff, so that current information about our
22 facilities informs the capital planning process.

23 We also update enrollment
24 projections every year, driving on data supplied
25 by two leading demographic firms, The Greer

Partnership and Statistical Forecasting. These projections incorporate data on birth rates, immigration rates and migration rates and migration rates from various agencies, including the Department of Health and the United States census.

We then, and this is very important because this is not always understood as part of the process. We then overlay information from the Department of City Planning, the Department of Buildings, the Department of Housing Preservation and Development including statistics on housing starts and rezoning efforts.

Incorporating this broad range of data allows us to monitor shifts in student enrollment and on an ongoing basis so we can make timely adjustments where there is a sustained increase in student population in one part of the city or a decline in another part.

Finally, as the Chair referenced, we undertake a very public review process with our community education councils, the City Council itself and other elected officials and community groups. We offer every CEC in the city the

1
2 opportunity to conduct a public hearing on the
3 plan and we make presentations at those meeting
4 whenever we are asked to do so. We briefed the
5 City Council by borough delegation annually. And
6 attend other meetings with city officials and
7 community groups upon request.

8 Public feedback plays a crucial
9 role in our capital planning process. For
10 example, we previously heard from members of this
11 committee that planning on a district level was
12 insufficient. Based on that feedback we changed
13 the methodology to examine need at the
14 neighborhood level rather than the district level
15 for both the current capital plan and this year's
16 proposed amendment.

17 We also work with individual
18 Council Members and CECs to identify local needs
19 and to get feedback when prioritizing projects in
20 their districts. Your insight in this process is
21 very helpful and we hope you will remain engaged
22 in our efforts to improve public school facilities
23 across the five boroughs.

24 Proposed changes contained in this
25 2010 amendment to the capital plan reflect the

1
2 Department's findings during this year's annual
3 review. While the amendment will maintain the
4 same \$11.3 billion funding level included in the
5 original plan, it proposes adjustments to the
6 number of seats to be created. Specifically, it
7 reflects a minor decrease in the recommended
8 number of seats in four districts and an increase
9 in the recommended number of seats for nine
10 districts, with a net increase for the plan of
11 5,183 elementary and middle school seats.

12 Specifically the material you have
13 in front of you walks you through the districts
14 and changes that we just pointed out to you.
15 Those are all elementary school and middle
16 schools. We do not project a significant change
17 in the need for seats at the high school level
18 beyond what was included in the original plan.
19 But we now do forecast the need for additional
20 seats in the lower grades, primarily due to a
21 sustained increase in birth rates in selected
22 neighborhoods that began emerging over the past
23 few years.

24 We believe that the adjustments
25 proposed in this amendment will provide the

1
2 necessary capacity growth to address the increased
3 student population associated with that trend. In
4 total, the amended plan will devote \$5.4 billion
5 to capacity. Of this, \$4 billion is dedicated to
6 increasing school capacities, creating in total
7 30,377 new seats and approximately 50 brand new
8 school buildings.

9 While a small portion of these
10 seats will remain in the design phase at the
11 conclusion of the plan, it is important to note
12 the 34,000 funded under the previous capital plan
13 are coming on line during the next few years of
14 this plan. So we have tremendous overlap in this
15 planning process. In fact, nearly 13,000 new
16 seats already came on line in September and nearly
17 14,000 more are expected to come on line in
18 September 2010.

19 Taken collectively, this increased
20 capacity will support the DOE even further,
21 alleviating school overcrowding, reducing class
22 size and strategically reducing our reliance on
23 temporary facilities. Unfortunately, given the
24 current economic realities we do not have the
25 luxury of increasing the overall funding level for

1 the capital plan to cover the cost of building the
2 additional 5,183 seats. Consequently, we propose
3 to fund this new seat construction through savings
4 gained from current market conditions and
5 reductions in both technology and capital
6 improvement budgets within the plan. Even with
7 these adjustments, the capital plan will retain
8 \$6.3 billion for much needed capital investments
9 in our existing facilities.
10

11 These critical investment include
12 interior and exterior renovations such as roof
13 repairs, upgrades to electrical and HVAC
14 equipment, enhanced playgrounds and constructing
15 our science labs among other facility
16 enhancements. As we have testified previously,
17 this plan does reflect reduced spending power over
18 previous years. Particularly, when one accounts
19 for inflation rates and anticipated increase cost
20 in the construction sector. Moreover, the Mayor
21 as you know, announced in May 2008 that the city
22 was stretching four years of its capital plan
23 program commitments over five years due to the
24 ongoing economic uncertainty.

25 We understand that the public

1
2 school system as a whole continues to experience
3 pockets of overcrowding and we are working to
4 address those concerns, both through new school
5 construction and through more efficient use of
6 existing school facilities. We remain focused on
7 remedying these issues and will continue to rely
8 on your feedback and support as we do so.

9 Our annual capital planning process
10 has already benefited significantly from your
11 input and our students also have benefited from
12 the generous support you provide for capital
13 projects in our schools. With our continued
14 collaboration and tens of thousands of seats
15 slated to come online in the next five to seven
16 years. We remain confident that the expansion and
17 enhancement of school buildings across the five
18 boroughs will improve the educational experience
19 for the city's more than one million school
20 children as well as for our teachers and staff who
21 serve them every day.

22 I want to thank you again and I now
23 want to turn to Sharon Greenberger, who will walk
24 you through the specifics of the proposed
25 amendment and after which, we're all happy to take

any of your questions. Thank you.

SHARON GREENBERGER: Thank you and thank you for your ongoing support and consideration. I am going to walk through what will end up being more of a graphic representation of both what the Chair has already mentioned and the Deputy Chancellor has stated in written testimony.

Two things I want to do. One is talk very briefly about some of the highlights of the last plan that ended June 30, 2009 and then talk a little bit more about the specifics of the next plan. Just to highlight some of the things that we were able to do over the last five years. As you know, it was a \$13 billion plan and we did obligate \$9 billion in the last three years of that plan towards both capacity and CIP projects.

Over the five years we awarded 118 new school projects. We funded 55,000 seats. If you remember, 8,000 additional seats were carried over into this plan. Of those 55,000 seats we completed almost 34,000. We opened 25 new school buildings this September alone. Oh, I should pass this out. Do you want to take this? This is a

1 very simple brochure of all the schools that
2 opened this past September so when we say 25
3 schools and 13,000 seats, this gives you a flavor
4 of the kinds of schools, the different sizes of
5 schools. We opened schools in all five boroughs
6 and really did an extraordinary job of increasing
7 capacity in one year alone.
8

9 We also, during the five year plan,
10 awarded over 4,000 CIP and Reso 8 projects. Many
11 of those Reso 8 projects funded with your support.
12 We completed almost 3,000 of those projects. The
13 remainder will be completed over the next several
14 years and we obligated over \$450 million in mentor
15 contracts. That's \$450 million to our small MWBE
16 and emerging firms through our mentor program.

17 As we mentioned before here, our
18 priorities for the next plan were really fourfold.
19 One was to address capacity need, as you heard on
20 a neighborhood basis. Moving from a district
21 basis to a neighborhood basis. Another was to
22 make sure that we continue to stabilize our
23 existing 1,200 buildings. We want to make sure
24 that our capital efforts are aligned with our
25 structural priorities. Clearly we have to use our

existing resources as effectively as possible.

This is just a recap of what has changed since we were last here, since the plan was adopted in June. As you heard, an increase from \$11.3 to \$11.7 billion in part from Reso 8 funding, in part from rollover funding. And a slight increase then in both the capacity allocation and the capital investment allocation. And a 5,100 seat increase in seats.

Again, the plan is split almost evenly between the two primary categories, capacity and capital investment; \$5.4 billion going towards new schools and \$6.3 billion going towards capital investment. As we mentioned before in the last plan there were three broad categories. We consolidated those two to make it simpler to understand; we're either talking about new schools, replacement schools or everything to do with capital investment.

On the capacity side, that \$5.4 billion is allocated into three areas. One is new capacity. That's the 30,000 seats including the 8,800 seats that were rolled over from the last plan to this plan. There's a \$210 million

1 allocation for charter and partnership projects.
2 And there's a \$1.2 billion allocation towards
3 replacement seats. This is to replace the many
4 leases we have throughout the city that come due
5 over the next three to five years. We do
6 anticipate that we'll be able to renew leases in a
7 way that we weren't so sure we could do a year
8 ago. But we do still believe there'll be a number
9 that they need to be replaced as well.

11 In terms of the new capacity again,
12 it's almost 30,300 seats. Mostly PS/IS seats,
13 27,700 of those are elementary and middle school
14 seats, again, across the city. 2,600 of those are
15 high school seats, of those 8,400 are rolled over.
16 And it's important to remember we have another
17 21,000 seats in process and of those 12,000 opened
18 this past September.

19 This next slide is really just to
20 give you a sense of the number of seats that will
21 come online over the next several years. And it's
22 worth just highlighting, I think, we'll open this
23 past September 12,700 seats and next September
24 almost 14,000 seats. Because historically schools
25 funded in one plan, open in the next plan. It's

part of the cycle of designing and beginning construction in one plan and completing those projects in the next.

So this year, September '09 and next year, September '10, 25,000 seats that theoretically opened in this plan but were funded from the last plan. And again, that is a historical fact that from beginning of the SEA's five year capital plans, this is the cycle that takes effect. So you can see over the next several years, especially this coming September we have 25 new schools with 14,000 seats opening. And then over the next several years, more seats as well.

As you heard the Deputy Chancellor outline, we do use a variety of data to develop the capital plan. All of these pieces listed here are available on our web sites. These are the pieces of information that we look at and update on a regular basis, on an annual basis to make sure that we're addressing need on a timely basis. This includes enrollment projections, birth rates and retention rates. It includes projected housing starts and rezoning projects. It includes

1 the housing multiplier that we use. It includes
2 the Blue Book, the enrollment capacity and
3 utilization report which is information that's
4 provided to us from principals.
5

6 It includes our facility's
7 realignment strategy prospectus. This is the work
8 that we do with the Department to look very
9 closely at how it can best utilize existing space
10 and also the building condition assessment survey
11 is also online. Again, we look at this
12 information annually to make sure that where we're
13 seeing trends, where we're seeing potential
14 increases, potential decreases. We can make
15 effective changes. As you heard, and as you have
16 in front of you, this amendment we're proposing to
17 increase the seats by 5,100 seats, this is a
18 recap, I think of the chart that you probably
19 passed out earlier which details the proposed net
20 changes by district.

21 It's important to note that we did
22 not shift seats from district to district. We did
23 this on a neighborhood basis within each district.
24 At your encouragement, we really took this from a
25 district level to a neighborhood level and that is

one of the reasons that we're here today with the proposal to increase the 5,000 seats because we went back and looked on a sub-district level at each neighborhood. To determine where we are continuing to see the pockets of over crowding or potential decreases and that accounts for the changes listed here.

On the capital investment side, we're proposing \$6.3 billion. This is not much different than what you saw before except for an increase in Reso 8 funding. \$2.1 billion towards capital improvement, this is again, to go towards our most critical repair and renovation projects. \$1.6 billion to go towards technology and our facility enhancement programs. And \$2.3 billion in mandated programs.

A little more detail on the CIP piece. Again, really focusing on making sure the buildings remain water tight and safe. Much of this allocation goes towards exterior projects. A significant portion does go towards interior and other projects as well, including schoolyard pavements, things like that. And \$2.3 billion goes towards our remediation code and fixed

1
2 programs including insurance, completion costs and
3 emergency.

4 On the Children's First side, we
5 have two components; a technology component of
6 \$780 million and an \$850 million allocation
7 towards facility enhancements. This continues
8 some of the work that was started under the last
9 plan, restructuring of large high schools, science
10 labs, accessibility, physical fitness, libraries
11 and auditoriums upgrades.

12 And I just wanted to mention some
13 of the enhancements we made over the last plan
14 that carry over into this plan, both from a
15 process point of view, a communication point of
16 view and an operational point of view. On the
17 process side, we I think have enhanced our CEC
18 reviews. We've increased our Council briefings.
19 We've allowed, we created a mechanism for
20 priorities. We received in the last plan over
21 1,400 comments from CECs and Council Members that
22 we looked at. We evaluated every single one of
23 them. It generated a great number of projects
24 that were included on an annual basis as new
25 projects in the plan.

On the communications side, I think we've stepped up our efforts both with you and with schools to make sure that they're aware of the work that we do in the schools. And on the implementation/operational side, we've used technology. We've worked with our contractors to understand what some of their issues and created structural changes to make it easier to do business with us.

And I thought I would just conclude, if I can, with some lovely pictures of the various schools and projects that have opened over the last several years. This is the Elmhurst Educational Campus in Queens that opened last year. Lou Brohn High School in upper Manhattan that also opened last year. When I say last year, I mean September '08. The addition at Telecom High School, which also opened in September '08. The former Family Court building, now the Adams Street Complex, housing two small high schools, opened last September.

On Staten Island, the old P.S. 15, which has been abandoned. We added an addition to and opened up as an ECC last September. Sunset

1
2 Park High School opened this September. It was
3 our largest school that opened this year, 1,500
4 seats. The Jonas Bronk Academy opened in the
5 least space this September. The James Monroe
6 campus annex in the Bronx opened and I think
7 houses three small schools. The Frank Sinatra
8 High School opened in September, a beautiful
9 building in Queens.

10 It was very hard, as you know, to
11 find additional sites in Queens. Where we could
12 we added additions to existing schools. This is
13 an example of one at P.S. 113, another at P.S.
14 102. And some examples of our various CIP
15 projects, auditorium upgrades, exterior masonry
16 and window contracts; one of our favorite slides,
17 the before and after of a pool at 70 X in the
18 Bronx.

19 And some examples of Reso 8
20 projects, which are very critical; science lab
21 upgrades, library upgrades, auditorium upgrades.
22 And a couple of pictures of schools that will be
23 opening next year and beyond, the Metropolitan
24 Campus in Queens will open with two schools in
25 September. An early childhood center in the Bronx

1
2 will also open in September. 338 in the Bronx,
3 Eagle Academy will open next September. In fact,
4 I think they will hold their graduation there this
5 spring but it will open officially in September.

6 The annex at 163 in Brooklyn, the
7 Harbor School will open its doors in September.

8 The PS/IS in Battery Park City, the lower grades
9 which are being housed in Tweed right now will
10 open next September. And then our largest school
11 in the last capital plan, the four school campus
12 of MaHaven with one of the very few high schools
13 that we can build will open next September.

14 Looking out, the new Settlement Community in the
15 Bronx will open May 12th. That's the end of the
16 images and we're happy to answer any questions you
17 have.

18 CHAIRPERSON JACKSON: First let me
19 thank both of you for giving your presentations in
20 order for us to ask appropriate questions. But
21 let me acknowledge my additional colleagues that
22 have joined us. Sitting over way to my left is
23 our colleague from the Bronx, Maria del Carmen
24 Arroyo. But also I wanted to comment to my
25 colleagues that are present, I had mentioned in my

opening statement that the Department of Education is soliciting comments on the proposed amendments from CECs, City Council and the public and set a date by January 15, 2010.

In essence, the City Council, if you have comments you need to get that to our Finance Capital division by January 8th, which is a week earlier than the deadline set by--

MS. GREENBERGER: [interposing]
Actually our deadline is January 8th. The deadline is January 8th.

CHAIRPERSON JACKSON: So we need to get it by January 8th to our people. But also let me just say that I wanted to comment that the staff involved, both from the Department of Education and the City Council, have done a yellman's job in putting this hearing together. Before I forget because I really don't announce them, Nathan Todd, Regina Purita Ryan, Asia Shamburg, Jan Atwell, Anthony Huckabee and my staff, Beth Schuler and Joanna Garcia. I want to thank them for everything they've done in order to bring this together. Likely, I'm sure you thank your staff on a continuous basis.

1
2 Let me ask the first question, if
3 you don't mind. If a parent or teacher or City
4 Council Member wants to know what projects were
5 added, deleted, delayed or modified in the
6 proposed amendment at her school or his school in
7 their district or their borough or in the city as
8 a whole. What page of the amendment would I look
9 at in order to see this?

10 MS. GRIMM: Starting on page C19
11 you will find updated information on the changes
12 that were made from--

13 CHAIRPERSON JACKSON: [interposing]
14 C19 in this document here?

15 MS. GRIMM: I don't have the
16 amendment in front of me.

17 MS. GREENBERGER: Can I see the
18 cover of the one you're holding up.

19 CHAIRPERSON JACKSON: This is the
20 proposed amendment, September 2009.

21 MS. GRIMM: But which version is
22 that, does it say?

23 CHAIRPERSON JACKSON: I don't know.
24 It's the Building on Success 2010. There are
25 several versions? This is the Council district

one.

MS. GRIMM: So I have in front of me what we'd called the classic version.

CHAIRPERSON JACKSON: Okay.

MS. GRIMM: I think what you have is the Council version. If, on that, on page C19 there's a who list of the changes. I should add that all this information is available online so if you want to, you can search for it online. If you do have specific questions, you should let us know and we're happy to answer them.

CHAIRPERSON JACKSON: So on page C19.

MS. GRIMM: That's where it starts.

CHAIRPERSON JACKSON: And it goes through how many pages? Like how many, 10, 20, 30? Do we have a copy of that, staff? In essence, I want to know is there one place, one location where people can look at to see the changes in the proposed amendment from the proposed five year capital plan.

MS. GREENBERGER: Yes, you can search by district. You can search for it here.

CHAIRPERSON JACKSON: By district,

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it's listed there.

MS. GREENBERGER: You can look for it by district, yes. Building ID is listed.

CHAIRPERSON JACKSON: What about by school? What about by borough?

MS. GREENBERGER: By school and by project, yes, all three of those things.

CHAIRPERSON JACKSON: Okay. What pages are those on?

MS. GREENBERGER: It starts at C19 and I think it goes through C47.

CHAIRPERSON JACKSON: Does the document that you hold show what was added, what was deleted?

MS. GREENBERGER: It does. It lists categories by those projects that were advanced from the last plan, those projects that were added, those projects that were canceled.

CHAIRPERSON JACKSON: Why don't you verbally, if you don't mind and I'm sure it's not going to take that long. Walk me through one example, from a realistic point of view in that document. Refer to the page and if you don't mind, walk me through.

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MS. GRIMM: Give me one second.

CHAIRPERSON JACKSON: District 2 is adding seats, right or District 14 is deleting seats. I would assume that if someone looked in District 14 you have X amount of seats being changed from being funded and being built in the proposed plan to now being sited in the document as being only in design only because that's what was mentioned. I can assume I can clearly see that in that document.

MS. GRIMM: Are there some specific issues that you have with how we've laid this out that you're asking?

CHAIRPERSON JACKSON: No, I just want to know where can anyone go and see the changes. Not to see what projects are going to be built but here's the proposed five year capital plan, which people have. Now here's your amendment and show me then what projects are going to be deleted from that plan in let's say District 2. What projects are going to be added? Which ones were amended and changed? So people can see what changes have taken place by school, by district, by borough. And not from a staff point

1
2 of view but from a public point of view because
3 I'm not a technician. I'm a legislator.

4 MS. GRIMM: I understand the
5 question, okay.

6 CHAIRPERSON JACKSON: And I'm a
7 pretty visual person.

8 MS. GREENBERGER: The information I
9 gave you before on pages C19 to C47 is for all CIP
10 projects. It details those projects that were
11 added, those projects that were canceled and those
12 projects that were moved forward. There's another
13 part of the plan that discusses in detail those
14 areas where we will add seats and that's what I'm
15 looking for.

16 MS. GRIMM: So if for example you
17 look on page 27. I'm looking on page 27 of what
18 we call the overall amendment. The narrative
19 details the changes and I'll just read from it.
20 This proposed amendment increased the identified
21 need from four to six schools. District 25 is
22 projected to have an 843 school buildings. The
23 seat need is unchanged from the adopted plan but
24 because the addition at P.S. 29 can not
25 accommodate the entire need, an additional

1 facility has been added. And it goes through
2 that.
3

4 We also did prepare this chart
5 which I think you handed out which we prepared in
6 the initial briefing. Then we have included them
7 in additional borough delegation briefings we've
8 done that have detailed either the net increase or
9 decrease in seats.

10 CHAIRPERSON JACKSON: I think Jan
11 brought me the document on page 27 that you're
12 reading from.

13 MS. GRIMM: That's right.

14 CHAIRPERSON JACKSON: But is there,
15 in essence, is there a user friendly chart where
16 anyone can see the proposed changes without having
17 to read three or four paragraphs.

18 MS. GRIMM: We had created those--

19 CHAIRPERSON JACKSON: [interposing]
20 For example so that--like I said, user friendly.

21 MS. GRIMM: I understand.

22 CHAIRPERSON JACKSON: So that
23 citizens of New York can see quite frankly what
24 changes have taken place. If they want to read
25 the details then they can go to page 27 to read in

1 paragraph form. But quite frankly most people
2 don't have time to be reading all of this stuff.
3 That's not their job. They just want to see the
4 changes that take place.

5 MS. GREENBERGER: It's a good point
6 and--

7 MS. GRIMM: [interposing] There's
8 two things I think we're talking about. The first
9 where we have all the text of the capacity
10 projects and there is a chart in there that
11 outlines that.

12 CHAIRPERSON JACKSON: Starting on
13 page C19 or whatever the--

14 MS. GRIMM: [interposing] No, no,
15 there's another chart.

16 MS. GREENBERGER: There is not.

17 MS. GRIMM: There is not?

18 MS. GREENBERGER: There is not,
19 it's in the text. If you look, there are charts
20 identifying capacity need. What we had created
21 both for you, for the Council overall and for the
22 individual borough delegations was a chart
23 detailing the net increase or decrease.

24 MS. GRIMM: And the chart on C19 or
25

1
2 the lists, those are the lists of the CIP projects
3 which are by district and by schools. And we'd be
4 happy to talk to staff if you have another format
5 that you think is more user friendly. We'd
6 certainly be happy to explore that.

7 CHAIRPERSON JACKSON: I would
8 appreciate that because I'm not only talking for
9 members of the City Council but for education
10 advocates and active parents in the districts and
11 in their schools. One thing as a parent looking
12 at, okay, what if any changes are going to be
13 taken place in my school. And then they look at
14 their school and they want to see their school and
15 the changes in the five year capital plan, if any
16 relating to their school. How do they line up to
17 the entire distinct and/or to the entire borough
18 and/or to the entire city? Because that's what
19 you look at with respects to why is District 2
20 getting all these seats. Why is District 24
21 getting seats and why aren't we in District 6
22 getting none, for example. People want to ask
23 themselves that. They want to look at the
24 documents without needing a PhD in order to read
25 the documents.

MS. GRIMM: Okay, we can talk about that. We'd be happy to.

CHAIRPERSON JACKSON: I think that's a primary thing that I'm trying to get at. In a user friendly way, what additions, deletions, changes taken place, I guess, in a chart format so anyone can easily follow that. That would be really, really appreciated.

MS. GRIMM: Okay.

CHAIRPERSON JACKSON: What I'm going to do is I'm going to turn to my colleagues for questions and then I'll come back myself. Council Member Letitia James of Brooklyn.

COUNCIL MEMBER JAMES: Thank you. In the amendment it reads as follows.

CHAIRPERSON JACKSON: What page?

COUNCIL MEMBER JAMES: Page 26. The analysis used to develop the proposed amendment continues to indicate five districts in Brooklyn will see growth over the next five years, District 13--

CHAIRPERSON JACKSON: [interposing] Could you speak a little bit more into the mic, colleague, please.

COUNCIL MEMBER JAMES: Okay. The analysis used to develop a proposed. Usually I go up so it's a pattern of mine. The analysis used to develop the proposed amendment continues to indicate five districts in Brooklyn will see growth over the next five years. District 13 contains a substantial surplus of space given current enrollment levels but is projected to need a school building in the Dumbo Navy Yard Fort Green area. This is primarily due to projected housing growth.

As you know District 13 is the district that I represent. As you know, you reduced the capacity by 56 seats and it's proposed November '09 seats of 360, which I presume is the Dock Street project, yes? Okay. It's my understanding that the Dock Street project has run into some problems, one.

Two, it's also my position that this is insufficient. Why do I say that? If you look at housing projections or housing construction, if you look at demographic shifts and if you look at increases in the number of residents who have now relocated to Fort Green and

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2 Clinton Hill and Dumbo; your numbers are way off.
3 I can just tell you just based on my visit to all
4 of my public and middle schools.

5 I can tell you about the number of
6 organizations that have formed in Fort green and
7 Clinton Hill to talk about the overcrowded
8 situation in the schools and District 13. All of
9 the buildings which stand right, now, right now as
10 of today vacant but built. But that situation can
11 turn around in a matter of weeks. It is
12 anticipated that it will be those buildings are
13 now being converted to rental. The rents are
14 coming down and they're filling up. They're
15 filling up not with people from Wall Street but
16 people from young families who desperately need to
17 attend school.

18 We also tell you another phenomenon
19 which is happening in 13 but I do not believe that
20 it is unique to 13. We are still separate but
21 equal. Despite 50 years after Brown vs.
22 Education, we're still segregated. It's a
23 segregated school system and I have a very
24 fundamental problem with that as I know you do.

25 What is happening in the diverse

1 district that I represent, probably one of the
2 most diverse districts in the City of New York.
3 The parents are calling me and they're migrating
4 to District 15, Park Slope, by hook or by crook.
5 And the reason why that is, is because what they
6 say is one, the schools are not diverse enough.
7 Two, that there's not enough investment in the
8 schools. Three, that the achievement of the
9 schools based on all of the indicators leaves a
10 lot to be desired and I tend to agree with them.

12 They have asked me to take my
13 capital dollars or their capital dollars and the
14 funds should follow the children over to Park
15 Slope, to Brooklyn Heights, to Cobble Hill and to
16 Dumbo, parts of Dumbo and I said no. I'm keeping
17 them in Fort Green and Clinton Hill. I can't tell
18 you how many times I've had this discussion with
19 parents. It's in the hundreds.

20 I'm saying all of this to say, I,
21 we, the District in 13 needs a middle school
22 badly. Badly, badly, badly. Now if you say
23 Council Member where is the space, I can give you
24 spaces off the top of my head. Let's begin with
25 Myrtle Avenue where as you know we are building.

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2 The entire block has been demolished. There's a
3 big hole in the ground an a developer has agreed
4 to house a middle school and yet we are getting
5 push back from the Department of Education.

6 Again, in this plan, District 13 is
7 short changed. You don't have to answer. We can
8 have a follow up discussion. But I have to push
9 for 13; it's critically important, again, to
10 increase diversity, two, for more investments in
11 the schools in 13 and again a middle school. As I
12 look in the district and I see all of your
13 investments. Most of your investments--and this
14 to me says a lot about the school. It doesn't say
15 a lot about the schools but as someone who moved
16 into Fort Green and Clinton Hill.

17 If they look at this plan, most of
18 the projects that you are funded in 13 are
19 surveillance cameras; in 22, surveillance camera,
20 46 a surveillance camera, 117 a surveillance
21 camera, 167 a surveillance camera. This is what I
22 see, a disproportionate amount. Benjamin
23 Banneker, a surveillance camera; what is that
24 saying? What is that saying to parents who want
25 to come into the schools and I'm trying to get

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I understand that we still have
believe me, I have these meetings tat
every year with all of my police
aptains to create safe corridors.
d are science labs, math labs, art,
programs. I need rich programs; I
e surveillance cameras.

MS. GRIMM: We'd be happy to meet
to through how we've arrived at what
ar your data and see what we can

COUNCIL MEMBER JAMES: Let me also
Let me just ask you some quick
regard to window installation. Is
ded by stimulus funds by the Feds
s obviously a need for window
ll throughout the City of New York,
ment, excuse me. Is that something
ded by the Feds?

MS. GRIMM: There's no additional
g for that outside of what's in the
.

COUNCIL MEMBER JAMES: And the

Children's First program was again to provide for science upgrades, science labs.

MS. GRIMM: That's one aspect, yes.

COUNCIL MEMBER JAMES: And how are we doing with respect to science lab upgrades?

MS. GRIMM: We're doing very well. We've been very successful. You recall we began that in the last plan. I don't know if I have the stats here with me.

MS. GREENBERGER: 150 projects.

MS. GRIMM: Do you have? Go ahead.

MS. GREENBERGER: I don't know if I have it exactly off hand.

CHAIRPERSON JACKSON: Is the science lab part of the amendment?

MS. GREENBERGER: It's the science lab initiative and I think that we funded over 200 projects.

CHAIRPERSON JACKSON: Okay.

COUNCIL MEMBER JAMES: At some point in time if you could give me a status report with regards to science labs, library upgrades and auditorium upgrades.

MS. GRIMM: Sure.

CHAIRPERSON JACKSON: Why don't we set up a meeting with the Council Member to discuss the issues and concerns? Quite frankly, with respects to the Greer partnership and statistical forecasting, the amendment does not see any schools. Or there's a loss of seats in District 13 and obviously she disagrees with that. So we want to set up a meeting to give her all of the information you have in a transparent manner so she can see where you're coming from.

MS. GRIMM: Absolutely.

CHAIRPERSON JACKSON: Clearly she disagrees with the forecast so in order to move forward...

MS. GRIMM: We need to talk.

CHAIRPERSON JACKSON: ...we would like for you to establish that right away. I'm going to ask my colleagues if you don't mind to stay on the amendment to the capital plan more so than going specifically into the details of your district that are outside of the amendment so we can just move it.

COUNCIL MEMBER JAMES: Thank you, Mr. Chair.

CHAIRPERSON JACKSON: You're welcome.

COUNCIL MEMBER JAMES: There's a great demand, particularly in communities of color for charter schools as a result of low student achievement. Is charter schools included in the enrollment, in these numbers, the number of seats? No?

MS. GRIMM: No, these seats we are building and what we call our Department capacity.

COUNCIL MEMBER JAMES: So the charter schools are outside of that.

MS. GRIMM: There is some funding in the plan for partners that are building charter seats and we can give you that.

COUNCIL MEMBER JAMES: So at this point in time do you know if there are plans for any additional charter schools in?

MS. GRIMM: In 13?

COUNCIL MEMBER JAMES: In Brooklyn.

MS. GRIMM: Yes, we do and we can share that information with you.

CHAIRPERSON JACKSON: Okay. That's all right. I have to move to other colleagues.

COUNCIL MEMBER JAMES: Thank you.

CHAIRPERSON JACKSON: We can come back. Council Member Gale Brewer of Manhattan.

COUNCIL MEMBER BREWER: Thank you very much. I have three questions really. First of all, just how do I read this. When you have a Martin Luther King or a joint campus that's in process of capital from one plan to the next? How does that get read? Because when it's not done because of obvious time constraints or whatever, does that money show up in the last plan or the new plan? How does that work?

MS. GRIMM: You want to answer?

MS. GREENBERGER: I don't know the answer to Martin Luther King off hand. I do know in the last plan we funded phases of restructuring. It may be that the last phase of the Martin Luther King restructuring which includes making sure that we are completely code compliant, is carried in this plan.

COUNCIL MEMBER BREWER: Okay, so we can do that off line.

MS. GREENBERGER: We can talk about that but that's most likely--

COUNCIL MEMBER BREWER:

[interposing] That's how it's done.

MS. GREENBERGER: That's right.

COUNCIL MEMBER BREWER: I didn't know it was all in one and how was it done. Second question is on the technology and this is my lack of understanding what Children First is. So the numbers that you show for Children First, science, tech and so on, are those numbers incorporated in the 11 whatever?

MS. GRIMM: Yes, it's part of the \$6.3 billion that goes into capital investment.

COUNCIL MEMBER BREWER: All right. So it's part of the same plan. So the money that Bruce Lay and ten and others, the \$40 million that's been applied for the Feds, hopefully, to be told in February yes. You never know. That's not part of this plan, is that correct, the \$40 million of BTOP money that's been applied for.

MS. GRIMM: No, that's a different request. This is the money we have through the city's funding.

COUNCIL MEMBER BREWER: I understand that. My question is we have the

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2 Children First money, you have Reso 8 money for
3 technology and science, whatever. So are there
4 any other places where we can get to supplement
5 technology, science labs, etc other than the
6 federal government. In other words, are there any
7 other places, obviously the federal government
8 being one, to look for science and tech money.

9 MS. GRIMM: We look for money
10 everywhere.

11 COUNCIL MEMBER BREWER: Right but
12 is there any place you applied except for the...

13 MS. GRIMM: Right now the thing
14 we're most focused on other than our capital plan
15 and the spending that we have set aside there is
16 thinking about the requests that we're going to
17 make for federal stimulus money. Those plans are
18 not yet solidified. That application takes place
19 in April.

20 COUNCIL MEMBER BREWER: In April
21 and that's for BTOP money or other kinds of
22 things, too.

23 MS. GRIMM: Yes.

24 COUNCIL MEMBER BREWER: Yes BTOP or
25 yes other things too.

MS. GRIMM: Yes, I believe other things too, I3, that sort of thing.

COUNCIL MEMBER BREWER: All right. The reason I ask and I apologize that we're late. We just had a bit technology. I apologize to the Chair. But science and technology seem to be in need. I'm not going to say more because you know the issue but I'm going to say that's what we listened to since 10:00 this morning was the lack of preparation. Without the labs, you can't do it.

In terms of all of these issues but now I'm going to ask generally about school District 3, which is not even listed here as anything at all. You indicated that we have a plan and you detail it. But do you detail, because you did mention that we are neighborhood based in terms of the issues as opposed to school district based and I appreciate that. I don't need to repeat this. For those of you who don't know, District 3 is overcrowded in the southern section and then there are other issues in the northern section.

So my question is where you have

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2 districts like that, without being specific to
3 District 3, is there some chart that says this
4 district is overcrowded but we're not putting any
5 money into it. But you list what the problems
6 are. Because obviously when I look at this chart
7 I must admit I tune out because it has nothing to
8 do with the overcrowding situation in our area.

9 I know we're having meetings with
10 the Borough President. But meeting, meeting,
11 meeting, meeting and that's great. But when you
12 see nothing here that says there's a problem, it's
13 a little frustrating. So is there some way that
14 you're going to be devising or there may be other
15 situations like what Tish mentioned or others
16 where there are overcrowded situations or needs.
17 Maybe you call them a chart of unmet needs.

18 MS. GRIMM: Not for the capital
19 plan. But as you referenced, we are having the
20 meetings with the Borough President

21 COUNCIL MEMBER BREWER: Oh, we meet
22 all the time.

23 MS. GRIMM: We have one coming up I
24 think. And I think that is the vehicle where we'll
25 want to address looking at a district, looking at

1 a neighborhood and figuring out what we are doing.
2 I think that is what's happening at those meetings
3 as we identify individual schools and the needs
4 that we might be seeing on that level.
5

6 COUNCIL MEMBER BREWER: What I'm
7 saying is if this is an oversight hearing and you
8 have incorporated some of our suggestions, my
9 suggestion for the future would be to have some
10 kind of a chart that says these are the unmet
11 needs. Now it's certainly true that you might not
12 be able to meet the unmet needs. But if you look
13 at yours, it looks like everything is fine, we're
14 taking care of all the children, we have enough
15 seats. That's obviously not true in Distinct 3.

16 I'm just saying this chart should
17 also have another column. We're all good at
18 spreadsheets that says unmet needs. In other
19 words we have X number of children are not
20 necessarily going to have a classrooms of the
21 appropriate size come 2010, 2011 and so on. It's
22 not fair to say that we don't need any seats in 3.
23 I don't know anything about 4 or 5. If you're
24 going to talk about neighborhoods then it has to
25 have some kind of an indication that there are

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unmet needs and that's not what this is saying.

MS. GRIMM: As you know, we meet
need not just through the capital plan and new
construction but through great configurations.

COUNCIL MEMBER BREWER: But you
need to list the unmet needs is what I'm saying.

MS. GRIMM: Okay, we can talk about
it.

MS. GREENBERGER: We'll just add
that on page 44 of the plan we do list the
facility realignment strategies which includes the
district 3 and the identification of ways that we
can realign space to generate more seats so it is
identified thee as an area where we can use
facilities more effectively.

COUNCIL MEMBER BREWER: I'm just
saying it should be listed here, that's all I'm
saying. This is the piece of paper that people
look at more readily. Then I'll just say, I'll
stop because I know many people have questions but
obviously when there are upcoming buildings being
built like Riverside South and other areas. I
think that would be another indication, maybe
asterisk that there are discussions about schools

1
2 going on, some indication that there is some
3 movement on trying to address these needs of
4 parents of students. Because it doesn't appear
5 from this chart that there is any need to deal in
6 my district and I don't know other districts.

7 I'm not going to say because we're
8 all working on all of these issues. I see Noah
9 Gotbaum from CEC and the CEC is working very, very
10 hard along with the borough president and elected
11 officials. Thank you very much.

12 MS. GRIMM: Thank you.

13 CHAIRPERSON JACKSON: Thank you
14 Council Member Brewer. Council Member Lou Fidler
15 of Brooklyn and then followed by Council Member
16 Vacca of the Bronx.

17 COUNCIL MEMBER FIDLER: Thank you,
18 Mr. Chairman. I just want to say that the point
19 that Council Member Brewer just raised about
20 listing unmet needs I think is a very, very good
21 one. And you ought to take it to heart because
22 the operative word for me in all of this is plan.
23 If you are planning not only should you know your
24 objectives, you should know what your challenges
25 are. I think that was an extraordinarily good

1
2 idea.

3 I intended to start first by
4 offering District 13 all the charter schools that
5 seem to be descending on District 22 so if you can
6 take that message back to the Chancellor, you can
7 have all the charter schools that CEC 22 has been
8 objecting to. I would, though, like to begin by
9 thanking the panel and particularly School
10 Construction Authority, as I have before. I
11 continue to find that the money that I am able to
12 get for my schools and Reso 8 is spent quickly and
13 efficiently and that is not something that always
14 happens with city dollars. So we'll start off by
15 being nice. Let's see if I can stay there.

16 I'm going to ask a question that
17 may sound sophomoric but it's the lead to a point.
18 I guess the question is, what is the objective of
19 the five year plan, at least as far as capacity is
20 concerned?

21 MS. GRIMM: The objective is to
22 meet the need, to identify the need that we have
23 for seats. And we take that analysis through a
24 process of what other things, what other steps we
25 can take in terms of grade reconfiguration and

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2 that especially in tough times, the lack of
3 sufficient funding from the state is having an
4 impact on our class size.

5 COUNCIL MEMBER FIDLER: Deputy
6 Chancellor, you know, everyone who is sitting
7 behind you knows, everyone who is sitting up here
8 knows that the most significant thing that we do
9 to improve the quality of education is to reduce
10 class size. We've been talking about that ad
11 nauseum. We all know it. So if the purpose of
12 the plan is to meet needs and I recognize that
13 capital spending is only one part of it. When you
14 are looking at need in developing this plan, you
15 are, please tell me you are looking at the
16 objective of reducing class size. Am I correct?

17 MS. GRIMM: It is part of the
18 equation from an overall Department planning
19 perspective. Absolutely.

20 COUNCIL MEMBER FIDLER: Okay. So--

21 MS. GRIMM: [interposing] But we
22 are not--

23 COUNCIL MEMBER FIDLER:
24 [interposing] When you're looking at all these
25 neighborhoods and it's good that you're doing it

1
2 on a neighborhood level. I think you heard that
3 from this committee before. What's the number
4 that you're looking to bring class size down to
5 through the capital plan and your other measures.

6 MS. GREENBERGER: It's 20 for K
7 through 3, 28 for middle school and 30 for 9
8 through 12. And that is a reduction from the last
9 plan. We, in the last plan it was 34, for example
10 at high school level, 30 or 31 at the middle
11 school level and 20 at K to 3 so we have reduced
12 those class size targets.

13 COUNCIL MEMBER FIDLER: So the
14 question then is, this is where I'm trying to
15 bring you. Assuming for a moment that the per
16 capita spending on the expense side is constant
17 from today, how much will this plan go to meeting
18 that need for reduced class size? Do you know?
19 Assuming as well, that every seat that is supposed
20 to be completed online at the end of this five
21 year plan is done.

22 MS. GRIMM: We would achieve that
23 target, but--

24 COUNCIL MEMBER FIDLER:
25 [interposing] We will achieve that target. You

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MS. GRIMM: Correct.

COUNCIL MEMBER FIDLER: You are telling the committee that if this plan is implemented there will be physical capacity, given what you expect in terms of growth, to meet the class size reduction goals that you just laid out.

MS. GREENBERGER: In addition, and I just want to reiterate a point, in addition to the other measures we can take which includes grade reconfigurations, rezonings. We are dependent on working with communities to work towards those goals. That's what we call our facilities realignment strategy. Again, the capital plan alone won't meet these goals; it has to be a collective effort.

COUNCIL MEMBER FIDLER: Again, what we can't do is segregate, this is the capital plan, this is the facility realignment plan. You have a plan and we're going to assume it's being implemented. So with the physical realignment strategies that you've put in there, with the rezonings that you've put in here, that you've accounted for. That must be on a piece of paper somewhere. At the end of these five years this

capital plan will be sufficient to meet the needs. It's a yes or no I think. Will meet the class side reduction needs of that. We've identified that you just testified to.

MS. GRIMM: Assuming, of course, that we don't get a huge influx of students. Remember, we do this amendment annual.

COUNCIL MEMBER FIDLER: None of us are God, Deputy Chancellor.

MS. GRIMM: We assume that based on the kinds of internal planning that we're doing, whether it's for grade reconfigurations or whatever, that we look to use unused space, under utilized space that we have. That's the whole point. The need we are articulating is the need we think we have to have in order to achieve those targets.

COUNCIL MEMBER FIDLER: Deputy Chancellor, I'm tough but I'm not unfair and I know that none of us have a crystal ball. I understand that sometimes things change. 20 years ago who would have thought that more people were moving from Manhattan to Brooklyn instead of the other way around, other than Marty Markowitz; he

probably knew.

I just want to be clear and I'm getting a lot of guess, ifs and buts and whatever.

MS. GRIMM: Let me rephrase it.

COUNCIL MEMBER FIDLER: That this plan, you're testifying that if everything else is equal, this plan is sufficient to meet the class size reduction needs as have been identified and articulated here.

MS. GRIMM: Yes.

COUNCIL MEMBER FIDLER: Okay.

MS. GRIMM: All things being equal.

COUNCIL MEMBER FIDLER: We have video tape here, though, so I'm going to come back to that some time. Great to hear that. I know a number of my colleagues have problems with the Blue Book, by which you made that determination. I just want to ask one question to see if you have factored in the diocese has been closing many schools. Clearly, it's not a wonderful thing but you have to anticipate that they're going to continue to be on hard times. Have you factored in the possibility that we're going to have an influx of children from various private schools,

not just from the diocese.

MS. GRIMM: We are looking at that. We're actually working with the diocese in terms of what projections are. We will continue to monitor that.

COUNCIL MEMBER FIDLER: Have you seen an influx of children from private schools, particularly as times get tougher economically?

MS. GRIMM: We are doing an analysis of that right now. We're not sure. We don't have the data so we have to reach out to our colleagues.

COUNCIL MEMBER FIDLER: This could change. You may have to amend the plan to reflect that at some point.

MS. GRIMM: At some point everything changes.

COUNCIL MEMBER FIDLER: Right. Just a--

CHAIRPERSON JACKSON: [interposing] Council Member, I just need to get to other colleagues and then I'll come back to you.

COUNCIL MEMBER FIDLER: I'll yield, thanks.

CHAIRPERSON JACKSON: Thank you.

Council Member Vacca before I get to you, I need to ask one question. So with respects to class size reduction, as you know the Department of Education is under a state mandate to reduce class size in all grades, K through 12 and has a five year class size reduction plan. And the state also requires that the city plan reduction be aligned with the capital plan.

On the class size reduction section of the Department of Education's web site it says the following. It says, chart number 4, Capital Plan Alignment. See updated capital plan documents at [http, ba-ba-ba-ba-ba](http://ba-ba-ba-ba-ba), schools New York City office, SCA report, capital plan, default, ba-ba-ba. So if you're on the web site and you click on there to go see the class size reduction, you get this one. Capital Planning, which basically outlines the DOE's 2010 four for five year capital plan but there's nothing when you click on there, regarding class size. The alignment between class size and the capital plan, what gives?

MS. GRIMM: I don't know. We'll

1
2 have to take those sites back and take a look at
3 it and see why we're not aligned here.

4 CHAIRPERSON JACKSON: It says it
5 right there. It says go to this link. You click
6 on the link and it takes you to the page of the
7 capital plan document, of which there is no
8 mention at all of the class size reduction plan or
9 the alignment with the capital plan and so--

10 MS. GRIMM: [interposing] You have
11 me at a disadvantage. I have no idea but we will
12 find out.

13 CHAIRPERSON JACKSON: See, I think
14 that this is what I guess--this is the frustration
15 I guess that we have and that parents have
16 overall. So I want you to look at that and may be
17 if you could get back and let's see how quickly
18 DOE can change that to really reflect a proposed
19 five year capital plan alignment.

20 Because even the one that you
21 adopted with 20 in grades K through three, 28 in I
22 think four to eight and I think you said I think
23 it's 30 to 31 or 32 in nine to twelve. That is
24 not in line with what the state says it should be.
25 That's not aligned. That's still not aligned.

1
2 First, let me ask a question, do you agree that
3 that's aligned with the state's Contract for
4 Excellence or it's not aligned.

5 MS. GRIMM: What I do believe, what
6 I do know is that the capital plan is not going to
7 solve the class size issue.

8 CHAIRPERSON JACKSON: I've heard
9 that.

10 MS. GRIMM: It's a piece off--I
11 know you've heard of it.

12 CHAIRPERSON JACKSON: I've heard it
13 when he tried to ask. But I have different ways.

14 MS. GRIMM: I know, but you have me
15 on video tape so when you show it again I want to
16 be really clear what I'm saying here.

17 CHAIRPERSON JACKSON: But the state
18 mandates it to be aligned. If you have a car,
19 Deputy Chancellor, and you pay \$65 to have your
20 car aligned and then you get on the highway and
21 you let the wheel go and it's going to the left or
22 when you brake it's going to the right. You're
23 taking it back. You're going to go to the
24 mechanic and say listen, my car is not aligned.
25 Aligned supposed to be when you let that wheel go,

1
2 that car is supposed to go straight if you're in
3 level ground. Or as you know, when you brake it's
4 not supposed to go left or right. That's an
5 alignment.

6 If in fact the class sizes that are
7 mentioned in the five year capital plan that you
8 put forward is not aligned with the state mandate,
9 that's not alignment. Would you agree or disagree
10 with that?

11 MS. GRIMM: First of all, you have
12 me at a great disadvantage, I take the subway
13 every day.

14 CHAIRPERSON JACKSON: Yeah, but you
15 know though about the numbers in the five year
16 capital plan and what this Contract for Excellence
17 calls for.

18 MS. GRIMM: I just want to be
19 clear, the plan and the Department's plan for
20 class size is all aligned. But the capital plan
21 is not driving the total class size reduction.
22 And I am just concerned that sometimes we're
23 talking about two different things.

24 CHAIRPERSON JACKSON: And I wonder
25 whether we're talking about two different things

also because it's supposed to be an alignment.

MS. GRIMM: Yes.

CHAIRPERSON JACKSON: That's what is mandated. What I'm hearing is that the capital plan is not going to resolve and align us there. And you had mentioned about rezoning. As you know, are you talking about rezoning within the districts or are you talking about rezoning from a citywide basis because as you know, rezoning citywide is a state issue.

MS. GRIMM: Correct and right now I'm talking about within districts.

CHAIRPERSON JACKSON: And that as to be approved also...

MS. GRIMM: By the CECs.

CHAIRPERSON JACKSON: ...as I understand it by the CECs.

MS. GRIMM: Yes, the CECs.

CHAIRPERSON JACKSON: But I'm just saying to you, it's not aligned and it's supposed to be aligned. Also, if you could fix the link that would tell us--

MS. GRIMM: [interposing] The link I will commit to fixing. There's something wrong

1 with the link if that's what you're finding.

2 CHAIRPERSON JACKSON: I don't think
3 there's something wrong with the link, it's just
4 that you haven't addressed the issue.
5

6 MS. GRIMM: I understand.

7 CHAIRPERSON JACKSON: That's a big
8 difference as you know Deputy Superintendent, not
9 superintendent, Deputy Chancellor. We don't want
10 to give you a demotion now.

11 MS. GRIMM: Or a promotion.

12 CHAIRPERSON JACKSON: Let me turn
13 to my colleague Jimmy Vacca of the Bronx.

14 COUNCIL MEMBER VACCA: Thank you.

15 CHAIRPERSON JACKSON: And you're
16 welcome Council Member.

17 COUNCIL MEMBER VACCA: Let me ask a
18 question. My concern is the condition of
19 temporary class rooms, portable class rooms. We
20 have for the City of New York, we have temporary
21 class rooms that are really not temporary; they've
22 been there for years. Now I speak to you as a
23 Bronx Councilman. My concern today is P.S. 136,
24 although it's not in my district there have been
25 parents that have spoken to me and I'm aware of

1 this situation.

2 First of all, what is the absolute
3 length of time a portable classroom will be
4 allowed to be used? I ask that question as a
5 backdrop. Too many of the temporary classrooms
6 are beyond their life and my concern is when we
7 see mold and when we see health issues coming up,
8 what are we doing. Because in the case of P.S.
9 106, the parents feel that even though DOE, I
10 think has engaged in some type of remediation. Of
11 course, their first concern is the safety of their
12 children and they have requested possible
13 relocation for their children because of that
14 issue.

15 So I address that to you. It's a
16 citywide question, it's a capacity question but
17 it's very locally affecting a community in my
18 borough. Can you answer that please?

19 MS. GRIMM: Well, I can certainly
20 try. As you know, at the beginning of the last
21 capital plan we had envisioned when all of the
22 work for the prior capital plan was finished we
23 would be able to remove all of our TCUs. We have,
24 because of the financial limitations that have
25

1
2 been sort of imposed, found that to be very
3 difficult. They are very expensive. So that's
4 sort of a bigger issue.

5 We would like to get rid of all
6 these TCUs, there's no question about it. Very
7 specifically at 106, I'm very familiar with the
8 concern of the parents. I share their concern.
9 We have been in there. We have brought the
10 Department of Health in there. We will, I think,
11 will be meeting with the parents this week.

12 MS. GREENBERGER: Tomorrow.

13 MS. GRIMM: Tomorrow and we want to
14 give them every assurance we can. Relocation is
15 frankly a big problem for us. What we're going to
16 try to do is work with them and give them--we have
17 remediated it. The Health Department has been in
18 to inspect it, to give us an inspector and we're
19 going to have all of those people at the meeting
20 to try to give these parents comfort that this is
21 a safe environment to bring their kids back.

22 COUNCIL MEMBER VACCA: Deputy
23 Chancellor, how old are the temporary classrooms
24 at 106? Do you know when they were erected?

25 MS. GRIMM: I don't know. I will

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get that information for you but I don't know.

COUNCIL MEMBER VACCA: I think we have to look at age. Was the mold caused by leaks, was the mold caused by water penetration in to windows or--

MS. GRIMM: [interposing] I don't know but I do have a whole team going there tomorrow night so I will ask them tomorrow and get that information to you before the meeting.

COUNCIL MEMBER VACCA: Are you open, if parents identify temporary alternate space, are you open to suggestions for temporary alternate space?

MS. GRIMM: As you know Council Member, I'm open to everything.

COUNCIL MEMBER VACCA: Okay, that's fair.

MS. GRIMM: What I'm able to do with ideas. I'm somewhat restricted by financial limitations but we don't want these--we're not going to bring these kids back if the parents are so concerned. What we have to do is give assurances to the parents. If I were a parent, I would certainly want to know that everything was

1
2 done and everything was done and that some other
3 department came in, like the Health Department,
4 and signed off so that they have assurance that
5 their kids are going in to a safe environment.

6 COUNCIL MEMBER VACCA: I'm sure you
7 will agree the main concern of these parents is
8 their children's health.

9 MS. GRIMM: Absolutely.

10 COUNCIL MEMBER VACCA: Some
11 children had gotten ill because of the mold that
12 was there before. So I ask that you work with the
13 parents.

14 MS. GRIMM: We shall.

15 COUNCIL MEMBER VACCA: And do what
16 you can. Lastly, I do want to say that I praise
17 the School Construction Authority for one thing
18 and this is when we...

19 MS. GRIMM: Just one?

20 COUNCIL MEMBER VACCA: ...have
21 capital projects in the schools that the Council
22 Members fund, at least in my district. The SCA
23 has been responsive and they have acted quicker
24 than other agencies. So I thank you.

25 MS. GRIMM: Good to hear.

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2 COUNCIL MEMBER VACCA: And I look
3 forward to doing that. Now if you correct P.S.
4 106, I'll leave as a happy camper and I have no
5 more questions. But I'd like you to look into
6 that and I thank you Deputy Chancellor.

7 CHAIRPERSON JACKSON: Council
8 Member Fidler.

9 MS. GRIMM: Second round?

10 COUNCIL MEMBER FIDLER: Yeah, and
11 I'll be brief on this round and lengthier later.
12 We had a conversation, I'm not sure if it was on
13 the capital plan or another time. But energy
14 efficient lighting in the schools, does this plan
15 in any way deal with that issue on a long term
16 basis. As you know, the conversion to energy
17 efficient lighting throughout the school system
18 will save us millions of dollars in expense
19 dollars every year. Where are we on that?

20 MS. GRIMM: Sharon can certainly
21 address what we're doing. Basically in new
22 construction. What I'd like to do is arrange a
23 briefing for you what we're doing on the
24 maintenance side in terms of energy efficiency and
25 that sort of thing. It's a complicated hard thing

1
2 to get in to but we are going in head first to try
3 to tackle this.

4 COUNCIL MEMBER FIDLER: Does this
5 plan in any way, are there dollars in this plan to
6 convert not new construction, existing lighting
7 fixtures that can not take energy efficient
8 lighting in school buildings? Is there an
9 affirmative plan of action?

10 MS. GREENBERGER: We are working
11 with DCAS right now on looking at energy using and
12 ways we can decrease costs associated with that.
13 I think as the Deputy Chancellor mentioned,
14 through DSF they're looking a lot at how the
15 fixtures and the usage. I think the best thing to
16 do would be to arrange something so that you meet
17 with--

18 COUNCIL MEMBER FIDLER:
19 [interposing] But the answer to the question
20 therefore is no, there is nothing in this plan
21 that proactively, affirmatively moves forward on
22 that agenda. That's a shame, that really is.
23 We're wasting money.

24 MS. GREENBERGER: There is an
25 allocation for lighting upgrades in the plan.

COUNCIL MEMBER FIDLER: There is an allocation for lighting.

MS. GREENBERGER: Yes.

COUNCIL MEMBER FIDLER: And can you tell me a little bit about that?

MS. GREENBERGER: It's a \$20 million allocation. I don't know what projects have been slated for but we can certainly look into it.

COUNCIL MEMBER FIDLER: I certainly would, I imagine I'm not going to find out on any one particular chat. It's going to be spread out through the Classic Council version of this book.

MS. GREENBERGER: We'll detail the information for you.

COUNCIL MEMBER FIDLER: Okay, so I would like that after the hearing. I do believe we are wasting an opportunity. This is a case where we may spend \$2.00 this year and save \$5.00 over time. And outside of the fact that it's a good cause anyway, right? All right. I'll pass it back to Chair.

CHAIRPERSON JACKSON: Thank you Council Member. Council Member Letitia James of

Brooklyn.

COUNCIL MEMBER JAMES: The most significant change represented in the proposed November amendment is the addition of 5,183 seats. 2,272 funded for design only, 2,911 funded for design and construction over the next five years. The question is the following. I assume that the number of seats added in the proposed amendment is not a reflection of total capacity but rather a reflection of the lack of available resources at this time. Is that a fair statement?

MS. GRIMM: Go ahead.

MS. GREENBERGER: No, go ahead. Again, I think it's based on need. We do the annual assessment every year, looking at as we walk through a variety of information, including enrollment retention, housing starts. Based on that information and doing this analysis for the first time on a neighborhood level, that's what generated the increased seat need. It was 5,100 seats as you mentioned, or someone mentioned, a portion of those, 2,200 seats are funded in terms of construction in the next plan.

That's in part because our

resources are limited and it's also in part because where we see on a five and ten year track where that need becomes most apparent. So we believe in beginning design in this plan and competing construction in the next plan for those 2,200 seats will still be able to meet the need.

COUNCIL MEMBER JAMES: So based upon what you just said, the total capacity needs in District 13, 14, 27 and 28 were diminished? Their needs were diminished?

MS. GREENBERGER: Again, we look on a district by district basis, within each district on a neighborhood by neighborhood basis and found that yes, in four areas. Based again on that variety of information, there was a decreased need. Now District 14, for example, that has to do with housing starts. We look out and we see where we anticipate, where City Planning, where HPD, where DOB anticipates housing starts, which have lessened over time with the economy.

Everybody thought a couple of years ago District 14 development would be moving faster than it is. Based on what we're seeing, we do not see the demand for new seats at the same pace we

1
2 had originally seen in this plan. I don't have it
3 right in front of me but in District 14 what we're
4 saying is we would start design on a school that
5 would be constructed in the next plan and
6 hopefully them become open in the next plan.

7 COUNCIL MEMBER JAMES: When you say
8 housing starts because 14 is Williamsburg and some
9 of the housing starts are already constructed.

10 MS. GREENBERGER: That's right.

11 COUNCIL MEMBER JAMES: Albeit
12 they're empty but they're there. But that can
13 turn around like I indicated earlier.

14 MS. GREENBERGER: Remember District
15 14 we also have under utilized school buildings.
16 So we also must look at a total picture, which
17 includes once again, not just enrollment patterns
18 and birth rates but also utilization rates and a
19 real moment in existing schools. And there is
20 under utilized space to accommodate the housing
21 components that might be coming online over the
22 next several years.

23 COUNCIL MEMBER JAMES: As I
24 indicated earlier when we get together and just
25 talk about the issues in 13, 16 and 17. In

1
2 addition to an update on library upgrades,
3 auditorium upgrades, science lab upgrades, could
4 you also include in their technology upgrades?

5 MS. GREENBERGER: Yes.

6 COUNCIL MEMBER JAMES: Because in
7 the November amendment technology was cut by \$20
8 million. Yes?

9 MS. GRIMM: That's correct.

10 COUNCIL MEMBER JAMES: So
11 historically, this is an area that we as a city
12 council care about and have provided significant
13 Reso 8 funding. So the question is do you believe
14 that that initiative or that priority will now be
15 shifted to City Council Members to fund out of
16 their Reso 8 funds?

17 MS. GRIMM: It will not be shifted
18 to the Council Members and it will not be imposed
19 on the schools. Right now we're holding all of
20 the schools and what we're doing in schools
21 constant.

22 CHAIRPERSON JACKSON: Then let me
23 ask a question to piggy back on that. With
24 respects to all of the technology, are all of the
25 schools wired, adequately wired for the technology

upgrades that they receive?

MS. GRIMM: All of our schools are both wired and wireless, all the classrooms anyway. Classrooms.

CHAIRPERSON JACKSON: But I mean if in fact it's computer technology going into the school, we should not hear oh I'm sorry we can't put it in because the electrical system can't handle the computers or the upgrades or what have you and so forth.

MS. GRIMM: The electrical systems are something else and sometimes that is a big problem for us. But in terms of the technology itself, we are spending, our capital money, to do upgrades and to continue to do upgrades in our schools. We manage to leverage a great deal of federal money. So we really are, I think, doing a pretty good job on that, fairer job on that.

CHAIRPERSON JACKSON: Because obviously this issue of whether or not schools are adequately acquired electronically in order to handle the technology that comes in there. If the member or someone on the City Council, the mayor spends \$1 million for computers to day I'm sorry

1
2 the school can't handle it because electrical
3 wiring was flawed. This was raise in the Brooklyn
4 Delegation by one of our members.

5 MS. GRIMM: It's a problem. We
6 urge Council Members to talk to us in terms of
7 which schools to identify so that maybe we can be
8 helpful in terms of where the wiring is good
9 enough.

10 CHAIRPERSON JACKSON: Okay so when
11 we're talking about a school is wired, are we
12 talking about technology as far as wireless versus
13 electrical wiring?

14 MS. GRIMM: I was talking about
15 technology wiring. You're talking about
16 electrical wiring. Electrical wiring is not such
17 a pretty picture in our older schools.

18 COUNCIL MEMBER JAMES: Which is why
19 I guess you want us to talk to us before we--

20 MS. GRIMM: [interposing] Identify
21 a school.

22 COUNCIL MEMBER JAMES: Not on just
23 technology but AC. I know it's a bad word, air
24 conditioning. We're not supposed to talk about
25 that.

MS. GREENBERGER: They're not capital eligible either.

COUNCIL MEMBER JAMES: But I did fund one school, 113, but they're individual units and not the entire building. But I know I was yelled at privately and quietly.

MS. GRIMM: Not by anyone here I hope.

COUNCIL MEMBER JAMES: But it's a summer school and the kids and the principal are very happy. By the way let me just boast, I see the picture of Prospect Heights Campus, five schools and the library. Did you know it's the Letitia James library? Did you know that? They have a plaque and had a ceremony.

MS. GRIMM: Congratulations.

COUNCIL MEMBER JAMES: I have two libraries named after Letitia James, two science labs Letitia James and a playground.

CHAIRPERSON JACKSON: Excellent.

COUNCIL MEMBER JAMES: Yeah, I'm boasting.

CHAIRPERSON JACKSON: Council Member Gale Brewer.

COUNCIL MEMBER JAMES: I wasn't finished but go ahead Gale.

COUNCIL MEMBER BREWER: Letitia, the only problem with having a school named after you, you have to be dead.

COUNCIL MEMBER JAMES: I know. They made exceptions.

COUNCIL MEMBER BREWER: No, a school they have to be dead. I have all those things too but you got to be dead for the big one.

COUNCIL MEMBER JAMES: Well, we're going to have a school and I'm not going to die.

COUNCIL MEMBER BREWER: I have a couple of questions, just on this technology front. My understanding, though is the e rate, which is what you call the federal money I assume, only pays for classrooms. In today's world, 2009, 2010 and so on, the lunch room, etc, all need. Because it's not just the classrooms now so what are you doing on that front or what is Ted doing on that front.

MS. GRIMM: We look for help from all of our friends who work on Washington because such is the federal guidelines.

1
2 COUNCIL MEMBER BREWER: I think you
3 should be clear for the audience that the
4 classroom is really nice in 1922. But this is
5 2010 and we need to have the entire...

6 MS. GRIMM: The entire building.

7 COUNCIL MEMBER BREWER: ...school
8 because kids walk down the hallway. They go to
9 the lunch room and that's where we need to be
10 wired or wireless, depending. Number two OMB has
11 been very challenging, I don't think as DOE, on
12 the life of a computer. It's not five years so
13 therefore its' not capital eligible. Where are we
14 with that discussion?

15 MS. GRIMM: That is a discussion
16 you're going to have to have with OMB Council
17 Member.

18 COUNCIL MEMBER BREWER: But it
19 really crates a lot of problems for us funding the
20 technology of the future.

21 MS. GRIMM: I understand.

22 COUNCIL MEMBER BREWER: So are you
23 having met with OMB also or just us.

24 MS. GRIMM: I think that's a
25 conversation worth having with the OMB.

1
2 COUNCIL MEMBER BREWER: An then the
3 final question is, when you talk about state
4 dollar and we listen to the state conversation, is
5 there some impact on the state budget on the
6 capital plan as projected.

7 MS. GRIMM: Not today.

8 COUNCIL MEMBER BREWER: But it
9 could be in the future.

10 MS. GRIMM: Never predict Albany.

11 CHAIRPERSON JACKSON: Let me ask
12 this question, of the savings identified in the
13 November proposed amendment, \$125 million of it
14 was due to the reduction or projected inflation
15 rates for the non-capacity projects. What
16 inflation rate was used in the original 2010 -
17 2014 five year capital plan that was voted on in
18 June 2009 and what is the new rate applied in this
19 proposed amendment to bring about \$125 million
20 change.

21 MS. GREENBERGER: The original was
22 5%. I should just make one correction to your
23 comment.

24 CHAIRPERSON JACKSON: Go ahead.

25 MS. GREENBERGER: That the

escalation rate reduction was applied to all projects, not just non-capacity but to capacity and--

CHAIRPERSON JACKSON: [interposing]
To all projects.

MS. GREENBERGER: To all projects across the board.

CHAIRPERSON JACKSON: Okay, so 5%.

MS. GREENBERGER: That's right. It was. We reduced that. I think it's 3% in the first year, 3% in the second year, 4% in the third and fourth years and then back at 5% in the fifth year. That is in part due to the level construction costs that we are seeing right now. We do anticipate and we've been closely monitoring this. We work very closely with economists on a national basis to make sure we're tracking construction costs and all projections suggest that those costs will stay level for the next year but then begin to rise. And that is why we're reflecting a 3,3,4,4,5 ration.

CHAIRPERSON JACKSON: 3,3,4,4,5?

MS. GREENBERGER: Correct.

CHAIRPERSON JACKSON: The 2010-2014

1
2 proposed five year capital plan is based on the
3 same 50/50 percentage funding split by the city
4 and the state that exists in the prior 2005-2009
5 five year capital plan.

6 MS. GREENBERGER: Right.

7 MS. GRIMM: Right.

8 CHAIRPERSON JACKSON: However the
9 DOE has only receive 30% in state funding from
10 2005-2009 capital plan because of the CFE
11 settlement. On what basis do you expect 50% state
12 financing for the 2010-2014 capital plan?

13 MS. GRIMM: We expect it all to
14 happen.

15 CHAIRPERSON JACKSON: You expect it
16 all to happen?

17 MS. GRIMM: Mm-hmm.

18 CHAIRPERSON JACKSON: Meaning that?

19 MS. GRIMM: My best guess right
20 now.

21 CHAIRPERSON JACKSON: And you're
22 keeping your fingers crossed. I see you have your
23 arms crossed, is that correct?

24 MS. GRIMM: Yes, and my ankles.

25 CHAIRPERSON JACKSON: And your

1 ankles, too. And I guess you have not discussed
2 what impact with the state budget's shortfall
3 would have on the ability to move forward with the
4 plan or have you discussed that? What's the game
5 plan in essence?
6

7 MS. GRIMM: The game plan is we
8 anticipate that the state will keep its word and
9 continue to fund us 50%.

10 CHAIRPERSON JACKSON: I agree.
11 Case closed.

12 MS. GRIMM: Okay.

13 CHAIRPERSON JACKSON: Lou Fidler.

14 COUNCIL MEMBER FIDLER: Okay. I'm
15 just handed, actually the testimony that Ernie
16 Logan was going to give. I assume he's not giving
17 it. I just wanted to apropos of our conversation
18 about reducing class size and need and the video
19 tape. I just want to read a couple of sentences
20 from it. The Blue Book, the document produced
21 annually by the SEA assigns each school a figure
22 in percentage form to represent school
23 utilization. This figure is based on the official
24 capacity of each school according to the DOE and
25 is derived from their estimate of how many

1 students the school should be able to hold and
2 educate.
3

4 Most school leaders believe that
5 the DOE miscalculates the capacity figures in the
6 Blue Book for their own schools by increasing the
7 number of students that their buildings will hold.
8 Although the DOE confers with principals when
9 calculating capacity, need for the Blue Book, many
10 school leaders have reported in our recent survey
11 ongoing battles with the DOE over their school
12 capacity ratings and have expressed resentment at
13 being assigned excessive numbers of students,
14 particularly when they tried to use available
15 funding to reduce class size.

16 So that's some online testimony
17 that I think needs to be added as one of those ifs
18 and buts. That when we are assessing whether or
19 not we are meeting the class reduction size need,
20 we need to assess whether or not the Blue Book is
21 in fact, as the Chairman said, the true book. I
22 just wanted to mention that.

23 MS. GRIMM: Can I just comment?

24 COUNCIL MEMBER FIDLER: Sure.

25 MS. GRIMM: The Blue Book is based

1 on data that the principals give us. And we not
2 only do the historical kind of reporting but we
3 also have a targeted reporting where we say, gee,
4 this principal reports that she doesn't have any
5 cluster rooms. She should have cluster rooms. We
6 adjust that to allow for cluster rooms. That
7 having been said, the Blue Book isn't anybody's
8 favorite so we'll continue to talk to you about
9 it.
10

11 MS. GREENBERGER: Let me just also
12 add on, the Blue Book. We have, I think, made
13 operational improvements to the Blue Book. We've
14 increased the number of drop down bars so that it
15 makes it easier for those completing the survey to
16 complete information that's consistent across
17 schools so that our analysis is consistent across
18 schools. We also audit those surveys. We audit
19 about a fifth of those surveys to make sure that
20 what they're seeing is what we would see to make
21 sure that we're not under reporting or over
22 reporting using.

23 The Deputy Chancellor's, I think,
24 main point is that the information is not imposed
25 on schools. It is generated by the schools and by

1 the principals.

2
3 COUNCIL MEMBER FIDLER: And that's
4 exactly what Mr. Logan said but he said that
5 you're the guys making the actual determination
6 and the belief is. And Mr. Logan is to be
7 believed and I generally believe him that the
8 principals are not finding the assessments to be
9 accurate and that you're assigning an excessive
10 number of students.

11 On that long list of meetings that
12 you've been promising out of this hearing Deputy
13 Chancellor, I think you need to sit down with Mr.
14 Logan beaus I suggest that he's hearing something
15 from your principals perhaps who feel a little
16 less restrained in their comments when talking to
17 their union than to supervisors at DOE. It is a
18 problem and when you're planning, it needs to be
19 taken into account.

20 I want to read a couple of numbers
21 that you had in your presentation that I didn't
22 really understand. In the 2005-2009 capital plan,
23 you funded approximately 55,000 new seats. You
24 completed more than 33,800. In your new capacity
25 for the current plan, you say that you are going

1
2 to create 30,377 new seats including a rollover of
3 2,300 that were funded in the fourth plan for the
4 design. And you say that in process from the
5 fourth plan there are 21,000 seats but you
6 delivered over 12,700 in September. I'm not sure
7 I understand your verbiage here. Can you kind of
8 explain the difference between the funded,
9 completed?

10 MS. GREENBERGER: Yes.

11 CHAIRPERSON JACKSON: What page
12 number?

13 COUNCIL MEMBER FIDLER: I sort of
14 pulled that out. The pages three and eight.
15 Funded, completed, created, rolled over,
16 delivered. What do we mean?

17 CHAIRPERSON JACKSON: Lou, hold on
18 one second. I wan the public to be able to follow
19 this so can we--what page are you looking at
20 please, Lou?

21 COUNCIL MEMBER FIDLER: Three and
22 eight.

23 CHAIRPERSON JACKSON: Three and
24 eight, okay. Can somebody else help her please,
25 one of the staff members from DOE? Thank you, if

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you don't mind. I appreciate it.

MS. GREENBERGER: So the last plan,
the 05-09 plan funded 55,000 seats.

COUNCIL MEMBER FIDLER: New seats?

MS. GREENBERGER: 55,000 new seats.
Of those 55,000 seats, 33,000 of them have been
completed so far.

COUNCIL MEMBER FIDLER: What does
completed mean?

MS. GREENBERGER: They opened.

COUNCIL MEMBER FIDLER: They
opened, there are children with buttkasses
[phonetic] sitting in them.

MS. GREENBERGER: They're new
schools that are opened and there are children in
those seats.

COUNCIL MEMBER FIDLER: Okay.

MS. GREENBERGER: Through the end
of that plan, through the end of June 30 '09.

COUNCIL MEMBER FIDLER: Got you,
okay.

MS. GREENBERGER: So that means
that there are 21,000 seats remaining or 22,000
seats remaining to be opened. So that--

COUNCIL MEMBER FIDLER:

[interposing] That takes us to page eight.

MS. GREENBERGER: That goes to page eight which means that this past September we opened 12,700.

COUNCIL MEMBER FIDLER: So now there are only 9,000, 8,000 and change remaining, right?

MS. GREENBERGER: That's right. And then the remainder will open next year although one of the projects is New Settlement which opens in 2012 as well.

COUNCIL MEMBER FIDLER: So explain to me if there are now as of today, 8,300 in process from the fourth plan why we're only rolling over 2,300 of them.

MS. GREENBERGER: No, no, no. There were 8,400 seats that rolled over from the 05-09 plan to the 2010--

COUNCIL MEMBER FIDLER: [interposing] That's the fourth plan, right? Okay.

MS. GREENBERGER: The fourth plan to the fifth plan. In the next plan we anticipate

that of the total 30,000 seats, which includes 8,400 that were rolled over but of those 30,000 seats, 2,200 will be funded for design over the next five years and constructed in the next plan.

CHAIRPERSON JACKSON: And the next plan begins in 2015?

MS. GREENBERGER: Actually begins
July 1, 2014.

CHAIRPERSON JACKSON: 2014, that's
plan number six. Is that correct?

MS. GREENBERGER: If I could just go, if you would just go--

COUNCIL MEMBER FIDLER:

[interposing] Before you go, I just want to be sure I understand. So we all understand what the numbers are and that was really part of the purpose of this hearing. We have 30,377 in the plan, 8,300 of them are from the old plan so now we're down to 22,000. And in that 22,000, 2,300 aren't going to be--

MS. GREENBERGER: [interposing] Are
designed--

COUNCIL MEMBER FIDLER:

[interposing] Anything more than designed before

2015 so we can take another 2,300 off. So the next five years in terms of what this plan represents in terms of new seats, the number is really significantly lower.

MS. GREENBERGER: Let me just for a minute go to the--if you can just go--

COUNCIL MEMBER FIDLER:
[interposing] I don't want to be double counting. Let's not take credit for 55,000...

MS. GREENBERGER: I'm not double counting.

COUNCIL MEMBER FIDLER: ...and now we're doing 30,000.

MS. GREENBERGER: Yes, you're absolutely right. It's not a question of double counting, it's a question of timing. If you go to the chart. No, the chart with all the...

MS. GRIMM: Nine.

MS. GREENBERGER: The graph. There. Okay. If you look at the '09 and '10 seats; 12,700 seats that opened in '09 and 13,000 that opened in '10. The plan actually ended, the last plan ended between September '08 and September '09. They come online in the next plan

1 but they were funded completely in the last plan.

2 And that's what you're seeing going
3 forward as well. And that is a historical fact
4 because let's say we identify a site in year three
5 of the plan. We design for one year, it starts
6 construction. It's a large school, it takes three
7 years to complete. It opens after this plan ends.

8 COUNCIL MEMBER FIDLER: I
9 understand and I'm not suggesting that you're
10 slipping me a mickey by saying that something
11 shouldn't be designed in one plan and built in
12 another. We all know that time goes on in the
13 plan.

14 MS. GREENBERGER: I think the big
15 number is 85,000 seats. It's 85,000 discreet
16 seats funded in two plans, the last plan and this
17 plan. 55,000 plus--

18 COUNCIL MEMBER FIDLER:
19 [interposing] I'm sure that there are sub-
20 categories to that that we just went through so
21 I'm not going to go through them and ask you to
22 break out the 85 any differently than you just
23 did. I just wanted to get a handle on what this
24 plan was proposing for the first time, that we
25

1
2 could expect to actually see in service by the
3 time we got to the commitment in the video tape.
4 I just wanted to get to that.

5 MS. GRIMM: Which is up there.

6 COUNCIL MEMBER FIDLER: Right, we
7 got it now. Can I do one more or...?

8 CHAIRPERSON JACKSON: Let me do one
9 if you don't mind.

10 COUNCIL MEMBER FIDLER: Okay, sure.

11 CHAIRPERSON JACKSON: Deputy
12 Chancellor I remember going back when I think the
13 2005-2000 plan was being adopted by the PEP and I
14 stood up and testified that our district would not
15 be what was projected to be and if it was, I would
16 shred my coat and eat it. Yes, I did.

17 Because when they presented the
18 five year capital plan 2005-2009 they said that
19 class size in all grades K through three would be
20 down to 20. They said that all cluster rooms that
21 are currently being used for classrooms would be
22 put back to where they were. And that all
23 transportables would be eliminated in the proposed
24 five year capital plan and that's not the case.
25 So I didn't have to shred my coat and I'm glad I

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didn't have to do that.

MS. GRIMM: And I have to go get the video tape.

CHAIRPERSON JACKSON: Let me tell you, that's clearly if there's a video tape, that's what I said.

MS. GRIMM: I know it's what you said. It's what I said that I wanted to check.

CHAIRPERSON JACKSON: But I have a question that was given to me by a parent and this has to do with the Greer report and the projections, basically. Because they said basically and I'm reading the notes. Are you aware that in two-thirds of the districts enrollment grew at the elementary school level between 2007-2008 and 2008-2009 by I think it was how many seats? 5,000 or there's been a growth in elementary school level.

Are you aware that the kindergarten enrollment jumped by 5,000 this fall, more than any time in at least ten years. This is what was reported to me by, where's Leonie? Leonie Haimson, Class Size Matters. Is that true Deputy Chancellor? And if so, how come to the best of my

1
2 knowledge the Greer report or this other group are
3 not projecting that? That's really what the
4 bottom line is. How come it's not being projected
5 and where's the true needs assessment overall
6 because that should have been projected and that's
7 what I'm trying to ask, to get a realistic answer.

8 MS. GRIMM: It's why we're here
9 every year on this with a new amendment because we
10 monitor it every year. We have this year, seen an
11 increase and it is in elementary school and it is
12 in kindergarten. One of the things that
13 contributes to that increase is the fact that we
14 took over from ACS the fifth graders or the fourth
15 graders--

16 CHAIRPERSON JACKSON: [interposing]
17 We do know about. We discussed that in detail.
18 That was a Mayoral decision, that wasn't your
19 decision was it?

20 MS. GRIMM: That was several
21 thousand and then we have these children in these
22 schools...

23 CHAIRPERSON JACKSON: No answer, I
24 can understand that.

25 MS. GRIMM: ...and they're in good

1 learning environments. We haven't finished the
2 analysis. As you know, we draw the data on
3 October 31st so it takes us a few months to go all
4 through it. I'm sure you and many others who will
5 be very interested, as we are going to be in what
6 the data are telling us. And we just don't have
7 final answers yet.

8
9 CHAIRPERSON JACKSON: Okay.

10 Clearly, without a doubt the enrollment, you agree
11 that there is that enrollment and part of it was
12 due to the ACS situation.

13 MS. GRIMM: Yes, it was part of it.

14 CHAIRPERSON JACKSON: I know that
15 you guys are probably not very happy about that in
16 some respects.

17 MS. GRIMM: I'm a very happy
18 camper, Mr. Chair.

19 CHAIRPERSON JACKSON: I like your
20 answer and your smile.

21 COUNCIL MEMBER FIDLER: The miracle
22 of videotaping testimony.

23 CHAIRPERSON JACKSON: Let's go to
24 Letitia James, my colleague, for a question.

25 COUNCIL MEMBER JAMES: Two last

questions, in your document on page three it indicates that you obligated over \$450 million in mentor contracts. What's a mentor contract?

MS. GREENBERGER: We have a mentor program that supports MWBE firms. So CIP projects and Reso 8 projects that costs less than \$1 million to complete are allocated to the mentor program and completed by small emerging firms. So over the past five years in the last plan, \$450 million in awards went to those firms.

COUNCIL MEMBER JAMES: That's a good thing.

MS. GREENBERGER: Which is, I think a tremendous success and far exceeds what's being done in other places.

COUNCIL MEMBER JAMES: And I believe you stated earlier that schools that were in lease property, you have negotiated those leases.

MS. GREENBERGER: We have a number of leases that come due over the next three to five years. Where we can and we want to, we are trying to renew them. I think the market is good for us right now to try to do that. There's some

1 areas and there's some buildings where we may not
2 want to be continuing to be there or for whatever
3 reasons the landlords might not want us to
4 continue. It's that piece that the replacement
5 allocation will address.
6

7 COUNCIL MEMBER JAMES: Does that
8 include Benjamin Banneker and Bedford Academy?

9 MS. GREENBERGER: I believe that
10 both of those are going through lease renewals
11 right now that our real estate department is
12 handling.

13 COUNCIL MEMBER JAMES: As you know,
14 before I conclude, one of the best secrets in this
15 city is Medgar Evers Middle School, which the
16 President of the United States gave a shout out at
17 his speech at the NAACP. As you know, despite
18 this shout out, 98% of the children have Regents
19 diplomas. The valedictorian and salutatorian were
20 both men of color, both African American males.
21 One was accepted into med school, the other into
22 law school. That was not isolated; the entire
23 class, 99% of them went on to college, which is
24 fabulous. And they did it despite the fact, which
25 is my question, they have no auditorium and no

gymnasium. Any plans for a gymnasium or auditorium in one of the best kept secrets in Brooklyn.

MS. GREENBERGER: I don't know off hand. We can look at that. I know you put in a request but we will take a look.

COUNCIL MEMBER JAMES: Thank you.

CHAIRPERSON JACKSON: Lou then me? Go ahead Lou.

COUNCIL MEMBER FIDLER: Deputy Chancellor, I want to read you one sentence of your testimony from way, way back when.

MS. GRIMM: From my testimony?

COUNCIL MEMBER FIDLER: Your testimony.

MS. GRIMM: Do you have the videotape?

CHAIRPERSON JACKSON: Early way back when, you're talking about--

COUNCIL MEMBER FIDLER:
[interposing] I mean like this morning, yeah.

CHAIRPERSON JACKSON: Oh, okay.

COUNCIL MEMBER FIDLER: Or this afternoon. And it concerns me because I'm not

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CHAIRPERSON JACKSON: Can we have

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COUNCIL MEMBER FIDLER: Moreover,

MS. GRIMM: We put that reference

COUNCIL MEMBER FIDLER:

[interposing] But this plan is subsequent.

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COMMITTEE ON EDUCATION 110

MS. GRIMM: Yes, absolutely.

COUNCIL MEMBER FIDLER: Subsequent to that.

MS. GRIMM: Yes, that's all history.

COUNCIL MEMBER FIDLER: So this is kind of like, hey, we're doing all this in spite of that?

MS. GRIMM: Correct.

COUNCIL MEMBER FIDLER: Okay, all right. The other question I have, can you just tell me what you mean by facility restructuring because you have \$305 million for that and I kind of understand that as your conversion of large high schools to small high schools. Is that what it is?

MS. GREENBERGER: That's correct. In the last plan we had 25 schools that were converted from the large 3,500 to 4,000 seat campus schools into three or four smaller schools to create smaller, more intimate learning environments. So those projects take time because they are fully utilized schools, we have to do them in the summer. And it's a multi-year

1 project. And because we are creating new school
2 use and changing the use of buildings, there's a
3 lot of code issues that come with that. So part
4 of this funding is to make sure we complete those
5 code issues now so we are completely code
6 compliant.
7

8 CHAIRPERSON JACKSON: 20 schools
9 that are proposed to be closed part of this
10 funding here?

11 MS. GREENBERGER: I don't have the
12 exact breakdown. I think a portion of it may go to
13 that. A portion of it may go to other schools.
14 That we may also want to do the same, use the same
15 strategy.

16 MS. GRIMM: I would like to add
17 that with regard to these schools where we have
18 placed new small high schools. The average
19 graduation rate in our new high schools, small
20 schools is 74%--

21 COUNCIL MEMBER FIDLER:
22 [interposing] Deputy Chancellor, we've had another
23 hearing on that and there's also been an
24 independent report that says that there is
25 absolutely no evidence that children are being

1
2 better served by the small high schools. Those of
3 you who follow the Education Committee playbook
4 know that I think this is an extraordinarily
5 misguided policy. I noticed that the capital cost
6 of doing this over the next five years is about
7 the same amount of money that we're investing in
8 science labs, gyms, libraries and auditoriums
9 combined. So that would just be another reason
10 that I wouldn't be happy.

11 But the question I am asking is
12 when you are done with this facility
13 restructuring, how much less capacity do we have
14 in the buildings that you've restructured because
15 of the restructuring, since obviously we're
16 breaking it into smaller schools there is a
17 duplication for need for principals offices and
18 things like that, that previously had been more
19 efficient.

20 MS. GRIMM: You have to understand
21 these large high schools were incredibly
22 underutilized so there's a tremendous amount of
23 space. It's not like we're resting seats from
24 children who are sitting in the seats. But we
25 could give you some data on this but it's very

1
2 minimal. These schools all continue to share the
3 common spaces; libraries, cafeterias, that sort of
4 thing--

5 COUNCIL MEMBER FIDLER:

6 [interposing] I'm aware that the gymnasiums and
7 auditoriums. You're not building four auditoriums
8 when you put four high schools in one building.
9 We're not turning you into a quadraplex or
10 anything like that. I get that. But you are, in
11 fact, it's part of this in addition to my view of
12 wasting \$305 million of capital money. That might
13 better be spent improving the existing school
14 rather than abandoning the kids that are still in
15 them. You have certain duplications of services
16 and offices that are necessary because you've
17 created four infrastructures where there were one.

18 MS. GRIMM: Right. But--

19 COUNCIL MEMBER FIDLER:

20 [interposing] So I would like to know what the
21 capacity, the diminution in capacity is as a
22 result of this plan and I would appreciate that.

23 MS. GRIMM: Okay, we can do that
24 but I just want to make two points. One, what we
25 are taking is underutilized space. This is not

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COMMITTEE ON EDUCATION 114

space where people were choosing to go. And
secondly we--

COUNCIL MEMBER FIDLER:
[interposing] That's a self fulfilling prophecy,
Deputy Chancellor.

MS. GRIMM: We are not--

COUNCIL MEMBER FIDLER:
[interposing] With all due respect, when we've
abandoned the school, the space becomes
underutilized. When you send a message to the
world that Tilden is on the hit list, parents
don't send their kids. When you tell people that
Canarsie is next, parents don't send their kids
so--

MS. GRIMM: [interposing] But those
are--

COUNCIL MEMBER FIDLER:
[interposing] It's a self fulfilling prophecy. It
really is. Let's not--I don't want.

MS. GRIMM: I'm not go--

COUNCIL MEMBER FIDLER:
[interposing] In all fairness, you can't and I
don't want to--

MS. GRIMM: [interposing] I just

1
2 have to say--

3 COUNCIL MEMBER FIDLER:

4 [interposing] I don't want to re-debate this
5 issue.

6 MS. GRIMM: I'm not going to debate
7 it. I just have to make one point.

8 COUNCIL MEMBER FIDLER: But you are
9 never going to convince me.

10 CHAIRPERSON JACKSON: Okay.

11 MS. GRIMM: One more point.

12 CHAIRPERSON JACKSON: Good.

13 MS. GRIMM: And that is we do not
14 abandon these children. We make the decision
15 based on several years of data and then when we do
16 have a school we phase it out. There are
17 resources with those children who are able to go
18 through three years there.

19 CHAIRPERSON JACKSON: Okay. Well,
20 obviously you know there's people that disagree
21 with you.

22 MS. GRIMM: Obviously.

23 CHAIRPERSON JACKSON: And Lou
24 Fidler is one of them. Let me move on to an
25 environmental issue. The capital plan contains

1 funding for mandated programs, including
2 remediation for environmental hazards like
3 asbestos. Can this funding also be used for
4 removal and replacement of window caulking that
5 contains PCBs. And if so, do you remember the
6 situation I think a year, year and a half ago with
7 some Bronx schools and other schools. So to what
8 degree is this happening? And if not, why not?

10 MS. GRIMM: Well, right now we're
11 in conversations with the EPA on this issue. We
12 will hopefully work out some kind of approach with
13 them. We have no current plan. Do you have
14 anything to add on that?

15 CHAIRPERSON JACKSON: I'm sorry,
16 are you looking at somebody for...

17 MS. GREENBERGER: No, she was just
18 asking me.

19 CHAIRPERSON JACKSON: I'm sorry.

20 MS. GREENBERGER: It is true that
21 the allocation includes remediation and that's a
22 broad category. So it includes asbestos, mold,
23 PCBs, other categories. I think what she's saying
24 is we have guidelines and regulations in place on
25 asbestos and mold. We are working with the EPA

1
2 now on how to work with the PCB issues. Once we
3 have worked out an arrangement, then we will be
4 happy to share that.

5 CHAIRPERSON JACKSON: Okay, so
6 we'll follow up on that because obviously--is that
7 going to happen within six months, is it going to
8 happen within a year or is it going to take three
9 years.

10 MS. GREENBERGER: I know it's
11 something that the EPA is looking closely at, as
12 are we. It's hard to attach timelines to
13 something like that.

14 CHAIRPERSON JACKSON: Okay. I
15 know. I understand that. I appreciate that. The
16 SCA currently does not, to my understanding,
17 subject lease school sites to a full environmental
18 review and nor does it subject lease school sites
19 to the City Council for approval. What is the
20 process for determining that a school is
21 environmentally safe when it is a lease space?

22 MS. GREENBERGER: We go through the
23 exact same process in terms of doing our
24 environmental due diligence, whether it's a lease,
25 a new site, new school building. It's the same

1 exact process.

2
3 CHAIRPERSON JACKSON: Where is that
4 protocol in writing for me to follow?

5 MS. GREENBERGER: I'm not sure
6 what's online, honestly. We can take a look. We
7 do a phase one and phase two environmental review,
8 if necessary. We apply it to all school projects.

9 CHAIRPERSON JACKSON: whether or
10 not it's a new school or a lease site.

11 MS. GREENBERGER: A lease space,
12 it's the exact same process.

13 CHAIRPERSON JACKSON: Can you just,
14 if you don't mind, can you forward that over to us
15 with the protocol that you follow?

16 MS. GREENBERGER: Absolutely.

17 CHAIRPERSON JACKSON: Because
18 obviously Susan Ryan, who is a constituent of mine
19 and her kids and her situation up at the school.
20 I have a lot of questions and concerns up there
21 and especially that school is right next to a car
22 wash that is constantly going and the perk and
23 everything that is being used up there.

24 MS. GREENBERGER: If you could pass
25 me on the school name and the number, we'll take a

1 look at it. But that is the process that's
2 currently in place.

3
4 CHAIRPERSON JACKSON: Okay, then
5 I'm going to ask Susan to speak to you or your
6 government relations people right there,
7 afterwards. Okay? Let me thank you Jamie and
8 Kathleen Grimm and Sharon Greenberger, the
9 representative of the SCA and the Deputy
10 Chancellor and president of the School
11 Construction Capital--I'm sorry Jamie, I'm trying
12 to find the.

13 MS. GRIMM: ECF.

14 CHAIRPERSON JACKSON: What?

15 MS. GRIMM: ECF.

16 CHAIRPERSON JACKSON: School
17 Construction Fund, which I have a lot of questions
18 about but we won't get into now. Thank you for
19 coming in. We appreciate you and want to wish you
20 all a happy and safe holiday season.

21 ALL: Thank you.

22 CHAIRPERSON JACKSON: And I look
23 forward to working with you and doing battle with
24 you in 2010.

25 MS. GRIMM: Ever forward. Thank

1
2 you.

3 CHAIRPERSON JACKSON: Thank you.

4 Our next witness is from the United Federation of
5 Teachers. His name is Richard Farkas, Vice
6 President of Junior High Schools. So Richard,
7 while you come forward let me read into the
8 record. We've received testimony from Ernie
9 Logan, the president of SCA, the Council of
10 Supervisors and Administrators on the record. And
11 also we've received testimony from Robin Fontaine,
12 she is a PTA co-president at P.S. 9 in District 3.
13 Anything else?

14 RICHARD FARKAS: Good afternoon
15 Chairman.

16 CHAIRPERSON JACKSON: One second.
17 I did not announce that Domenic Recchia, our
18 colleague from Brooklyn was here earlier. Mr.
19 Farkas please identify yourself and you may begin
20 your testimony.

21 MR. FARKAS: Thank you. Good
22 afternoon Chairman Jackson and members of the
23 committee. My name is Rich Farkas and I'm the
24 Vice President of Middle Schools for the United
25 Federation of Teachers. I want to thank you for

1
2 the opportunity to talk on the proposed capital
3 plan amendment. But before I begin I just want to
4 add to the legend of Council Member James because
5 yesterday I was at M.S. 352, the Jackie Robinson
6 School and they showed me the Letitia James
7 Computer Lab.

8 COUNCIL MEMBER JAMES: Thank you.

9 MR. FARKAS: It goes to show you
10 when you have a small school and a well equipped
11 school, the school is really a turn around from
12 what it was. I just want to thank you for that
13 support.

14 As you know over crowded schools
15 and rising class sizes are a reality in
16 neighborhoods all across the city. It's no secret
17 that these conditions directly affect the quality
18 of a child's education. The collateral damage of
19 these conditions is clear, high absenteeism,
20 threats to student safety, educators having a
21 harder time controlling classrooms, less time for
22 kids who need help and ultimately lower student
23 performance.

24 The capital plan is the key to
25 solving a great many of these problems, which is

1 why the UFT is so passionate about getting it
2 right. To their credit, the DOE and the SCA did
3 the right thing by listening to the various
4 concerns expressed about the capital plan by our
5 CECs and at least attempting to address some of
6 them. The public review process is crucial in
7 these matters because school overcrowding and
8 class size are priorities for parents as well as
9 educators. However, while this proposed amendment
10 in some ways improves on the initial capital plan,
11 much more must be done before we're going to meet
12 the needs of our students.
13

14 There are major issues that still
15 need to be addressed and we once again want to
16 urge the Council to consider the proposed capital
17 plan in the context of three parallel goals. One,
18 we must alleviate the existing pervasive
19 overcrowding citywide that is hampering student
20 learning every day. To do so, we must provide
21 sufficient additional classroom space to
22 accommodate the additional classes that will be
23 created by the reduction of class sizes in
24 accordance with the Contract for Excellence
25 agreement, which Chairman Jackson talked about and

quizzed Chancellor Grimby for.

And three, we must provide appropriate space for specialized instruction such as art, physical education, science labs and libraries. It's clear that even if the amendment were to be adopted, a capital plan would still fall far short of the number of seats we need. Specifically, the amendment proposes that 30,377 seats be built, representing an increase of 5,183 elementary and middle school seats.

Now last year we worked together with parent groups, education advocates and elected officials in what was called a better capital plan. And our research, our analysis show that we would need approximately 167,000 new seats if we are to eliminate temporary trailers and other temporary spaces, eliminate overcrowding and reduce class size in the city CFE mandated class size reduction plan.

We should also note that out of the 5,183 seats this would be in only nine districts. Four districts, as Councilwoman James pointed out, 13, 14, 27 and 28 would actually receive fewer new seats in the amendments proposal. Another

1
2 important point to note, the amendment does
3 identify 16 sites for new schools as opposed to 7
4 in the original plan but there is only one high
5 school building planned for Brooklyn and only two
6 for Queens. Compounding the existing, it could be
7 another 20 or more school closures that the DOE
8 recently proposed.

9 If the DOE implements this plan,
10 nearby schools, and this has been the history,
11 will be even more overcrowded when they take on
12 the additional children displaced by the closures.
13 It is imperative that the DOE and others monitor
14 enrollment and utilization rates very carefully,
15 particularly in the chronically overcrowded parts
16 in our city. There are few districts where there
17 will be enrollment growth on top of existing
18 overcrowding; Districts 2 and 20 in particular,
19 have both and current and future problems.

20 There are three additional issues
21 for you to consider when you weigh this adoption.
22 One, the amendment proposes a \$79 million
23 reduction in funding the facility replacement
24 program. This funds new sites for lease school
25 space where leases have expired or where schools

1 must vacate current locations. However, both the
2 adopted plan and the amendment called for the
3 program to create 9,000 seats. How will that be
4 possible if a cut is made? In terms of the bigger
5 picture, what steps are being taken to reduce the
6 city's and the system's dependence on costly
7 leases?

8
9 Two; funding for the capital
10 improvement program to repair and maintain school
11 exteriors and interiors would be reduced by \$77
12 million under this amendment. And three, the \$35
13 million cut in the Children's First program
14 initiatives is relatively small. However, the cut
15 is targeted mostly at upgrades for libraries and
16 auditoriums where sad to say, too many classes are
17 now being held in schools struggling to cope with
18 severe overcrowding.

19 While the economy remains fragile,
20 we still have an opportunity to give our public
21 school children the school facilities they
22 deserve. We can work with the building trades on
23 project labor agreements and we could also
24 cultivate public/private partnerships in order to
25 keep the vital projects moving forward.

1
2 What we can't afford is to repeat
3 the mistakes of the 1970s fiscal crisis when
4 disinvestment in schools led to generations of
5 students and their families paying a much higher
6 price. We know that the DOE and the SCA are
7 trying to respond to some of the major concerns
8 about the adopted plan.

9 They have heard from the UFT,
10 parents, educators and education advocates.
11 They've begun moving in the right direction and we
12 could only hope they would continue to be mindful
13 of public concerns as they try to strike the right
14 balance in addressing the school systems' capital
15 needs in the months and years ahead. And we at
16 the UFT stand ready to work with them on these
17 important matters. Thank you.

18 CHAIRPERSON JACKSON: Thank you.
19 Let me turn to our colleague, Lou Fidler of
20 Brooklyn.

21 COUNCIL MEMBER FIDLER: Just
22 briefly, Mr. Farkas were you in the room when I
23 took Deputy Chancellor Grim through the gyrations
24 of does the plan meet the need to reduce class
25 size.

1
2 MR. FARKAS: Yes, I was.

3 COUNCIL MEMBER FIDLER: She's on
4 video tape now with 15 qualifications, ifs, ands,
5 or buts that the capital plan as amended, all
6 other things being equal would in fact meet the
7 class reduction needs that have been specified by
8 everybody. Obviously, it is fair to say that UFT
9 disagrees with that conclusion by over 100,000
10 seats?

11 MR. FARKAS: Absolutely. As I said
12 before, we were part of a group last year that did
13 a citywide analysis that basically said if we were
14 to comply with Contract for Excellence, which we
15 believe is the law. Eliminate temporary spaces,
16 trailers. I know Council Member Vacca was talking
17 about these trailers are 20 years old. There's
18 mold, there's mildew. Vermin comes through it.
19 The roofs are leaking. Eliminate the temporaries.
20 Eliminate overcrowding and give the kids the gyms
21 they need, the auditoriums they need, the cluster
22 spaces that they need. We estimate citywide we
23 would need 167,000 seats.

24 COUNCIL MEMBER FIDLER: I guess
25 that means that you were given the plan about 37

1 out of 160 something, that's a pretty failing
2 grade. I guess we'll find out whether or not
3 you're right and I suspect that you're a lot
4 closer to reality than the Deputy Chancellor is.
5 I don't know if we're all be here at the end of
6 the five year plan at one capacity or another but
7 we'll find out. As we revisit the plan annually,
8 we'll have your report and their report to compare
9 and look and see what kind of progress they're
10 making.
11

12 I also just want to add to your
13 comment and to Council Member Vacca's comments
14 about how they have a new fancy acronym now. What
15 is it, TCUs, Temporary Classroom Units. In my day
16 they were quansit [phonetic] huts. You can change
17 the name, it doesn't really matter. I don't care
18 whether they are 20 years old or whether they are
19 brand new. I think sending a child to a school in
20 a temporary structure sends the wrong message to
21 the child on the first day they walk in, even
22 without mold or vermin. I think it's just the
23 wrong, wrong message.

24 I do remember when Deputy
25 Chancellor Grim told Chairman Jackson at the end

1
2 of the last plan there would be no more temporary
3 classroom units. And instead of that being a
4 reality, all we got was a new acronym for them.

5 MR. FARKAS: You didn't have them
6 on video tape, though.

7 COUNCIL MEMBER FIDLER: We probably
8 do. But the fact of the matter is--I walked out
9 of the room and I said that's great. That's real
10 progress. It unfortunately wasn't real; that's
11 the problem so thank you.

12 MR. FARKAS: Thank you.

13 CHAIRPERSON JACKSON: Thank you.
14 Now the approximately 167,000 seats that testified
15 to, that's approximately the same number of seats
16 that Class Size Matters indicates what is needed.
17 Is that correct?

18 MR. FARKAS: Yeah, we work together
19 with Class Size Matters, borough president
20 Stringer, a whole variety of different groups.
21 There is maybe 20 or 30 different groups on that
22 task force.

23 CHAIRPERSON JACKSON: Now my
24 question to you is this. I'm sure that UFT, as a
25 union representing teachers and other staff

1
2 members of the system, that you've communicated to
3 the Department of Education that you feel and the
4 coalition feels that 167,000 seats are needed.

5 What type of response do you get from them? Is it
6 anything different than we received here?

7 MR. FARKAS: No. There is no
8 comment. There is mismanagement on their part. I
9 know we talked about smaller schools. They
10 absolutely the research that we've done shows that
11 there is no improvement. In fact, Bill Gates and
12 his foundation have walked away from the smaller
13 high school concept but the DOE continues to close
14 big, comprehensive high schools like Jamaica and
15 CTE, Roberson, yesterday that we had a rally,
16 Maxwell is CTE schools.

17 I haven't looked at the impact
18 statements, what they're planning to create in
19 their space. But if you have a small school, you
20 have two or three principal offices, AP offices,
21 they take up the space. So absolutely.

22 CHAIRPERSON JACKSON: Let me thank
23 you for coming in on behalf of your union, the
24 United Federation of Teachers. We look forward to
25 working with you in order to improve the plight of

our children and more specifically regarding class size reduction and capital improvement projects and new construction.

MR. FARKAS: I want to wish you a happy holiday. And also thank you very, very much for your advocacy, your continued advocacy. Thank you.

CHAIRPERSON JACKSON: Thank you. Happy holidays to you. Next we're going to hear from George Sweeting from the Independent Budget Office and Erin McGill from the Manhattan Borough President, Scott Stringer's office and Leonie Haimson from Class Size Matters and Sebastian Elanga from Community School District 11 in the Bronx. Please come forward. We hear from George Sweeting, the Assistant Director for the Independent Budget Office first.

GEORGE SWEETING: Good afternoon Chairman Jackson and other members of the Education Committee. My name is George Sweeting and I'm a Deputy Director of the New York City Independent Budget Office. I want to thank you for the invitation to testify at this oversight hearing on the Department of Education's proposed

1
2 annual amendment to the 2010-2014 school capital
3 plan.

4 As this is the first of what will
5 likely be multiple Council hearings on the
6 amendment. The fact that our own office is just
7 beginning to review the proposed amendment, my
8 comments today will emphasize issues that merit
9 further attention in the coming months rather than
10 findings or conclusions by IBO. Particular note,
11 the amendment pushes back the target date for when
12 all the new seats will come on line. And the plan
13 continues to count on the state to fund half of
14 the program at a time when the state is facing
15 severe fiscal difficulties.

16 Let me talk first about the size of
17 the plan. The overall plan has increased by about
18 \$400 million to a total of \$11.7 billion. With
19 the new funding coming from the City Council, the
20 borough presidents and other mayoral sources, most
21 of which come through Reso 8 appropriations as
22 well as what we think at least are some additional
23 state funds that have been recognized.

24 The proposed amendment does not
25 alter the overall structure of the plan, which is

1 divided into two board categories; capacity and
2 capital investment. The capacity program, which
3 includes three sub groups; new capacity, facility
4 replacement program and charter partnership, would
5 increase by \$169 million over the \$5.2 allocated
6 under the adopted plan. The capacity would grow
7 by almost \$250 million while the facility
8 replacement program would be reduced by \$79
9 million. Funding for the charter partnership
10 remains the same at \$210 million.
11

12 The overall allocation for the
13 capital investment program has grown thanks to
14 \$300 million in Reso 8 funds from the Council and
15 other officials. However, only one of the three
16 sub groups under capital investment would see an
17 increase. Mandated programs would grow by \$112
18 million to \$2.3 billion largely because the cost
19 of completing projects started in the prior plan
20 is now higher.

21 This increase has been offset by a
22 decrease of almost the exact same amount, \$113
23 million, in allocations for the capital
24 improvement program and Children's First
25 initiatives. One question to consider is whether

1
2 some of the Reso 8 projects, in essence replace
3 projects that were funded as part of the CIP and
4 Children First initiatives. There is no detail
5 provided on the Reso 8 projects which makes
6 answering this question difficult.

7 Turning to the funding, as was the
8 case in the previous capital plan, roughly half of
9 the funding for the capital plan I expected to
10 come from the city and the other half is expected
11 to come from the state. In the adopted plan, the
12 city contribution was expected to be \$5.66 billion
13 and the city contribution as expected to be \$5.62
14 billion. Under the proposed amendment, the city
15 portion would increase by \$320 million to \$5.98
16 billion and the state portion grows by \$70 million
17 to \$5.69 billion.

18 The assumption that the state can
19 provide substantial assistance may need further
20 consideration. It was only in the last plan, as
21 Albany was facing the resolution for the campaign
22 for fiscal equity case that the state enacted laws
23 to increase state assistance for the city's
24 capital plan. One form of the assistance came
25 from a one time initiative known as Excel funding,

1 which generated \$900 million in cash for the last
2 plan without incurring debt service obligations
3 for the city. But that was a one time project.
4

5 Second initiative, which is
6 ongoing, expanded the city's debt capacity for
7 educational capital projects and allowed the city
8 to pledge future state building aid to secure the
9 new bonds. While the state is obligated to
10 maintain sufficient building aid to cover all debt
11 obligations already undertaken, the state could
12 choose to limit the city's ability to issue new
13 debt that would qualify for building aid
14 reimbursement as a means of reducing state
15 obligations. Given that Governor Patterson just
16 announced his intention to withhold \$84 million in
17 school and municipal aid to the city, there may be
18 reason to consider whether the state will
19 contribute as much as the DOE is counting on.

20 New capacity; one of the headline
21 figures in the proposed amendment is the claim
22 that it is now adding about 5,000 seats to the
23 25,000 already included in the adopted plan.
24 These seats will be designed to accommodate pre K
25 through eighth grade, plans for high school seats

1 remain unchanged. On it, there are 12 more
2 projects listed in the proposed amendment, for a
3 total of 56 capacity projects. There were 18
4 projects, about 7,800 seats added in the amended
5 plan and while six others about 1,800 seats were
6 cut. Capacity targets for project that remain in
7 the plan also shrank by about 1,000 seats.
8

9 Although the number of seats the
10 amended plan will provide has increased, the
11 timing of construction and completion for many
12 projects has been pushed back from the dates used
13 in the adopted plan. By 2014, only 30% of new
14 seats will be completed, down from 50% in the
15 adopted plan. In June's adopted plan, the DOE
16 expected that all new seats would be available by
17 2017 but that target has also been pushed back to
18 2018. In the adopted plan, more than half of the
19 seats were expected to be in design phase in 2010,
20 that has been pushed back to 2011 in the proposed
21 amendment. Similarly, many construction start
22 dates have been pushed back so that only 20% of
23 the new seats will be open for 2010, down from 40%
24 in the adopted plan.

25 Questions have been raised about

whether the funds added to the capital plan will be sufficient to provide an additional 5,000 new seats. For some projects, the start of the design has been extended an additional year and construction starts have been extended to 2015. These extensions are mostly for projects that are funded only for design in this five year plan, with construction scheduled for the next plan. Such projects account for 21% of the seats provided by new projects in the proposed amendment.

Because only the design portion of these projects is covered in this plan, less than 2% of the sum of their estimated costs of about \$200 million has been included in the amended plan. This helps to explain why the additional 5,000 seats provided in the proposed amendment appear to cost a relatively modest \$250 million. IN reality, much of the cost for these projects will actually be incurred after 2014.

While additional resources have enabled the DOE to increase the scale of new capacity expected in the current capital plan, it appears that the seats are expected to come online

1
2 even later than expected in the adopted plan. If
3 state funding is halted or reduced, would probably
4 be a better choice of words there, this timeframe
5 for new seat design construction and completion is
6 likely to be pushed back even farther. Moreover,
7 even the delays already incorporate in the
8 amendment mean that the DOE will likely miss an
9 opportunity to attract contractors and bidders who
10 are currently facing limited demand from private
11 developers.

12 So I'd like to thank you and I'd be
13 happy to answer any questions you may have.

14 CHAIRPERSON JACKSON: Now, the
15 Independent Budget Office has looked at these
16 proposed amendments. Let me go back to a question
17 I asked the Department of Education. Obviously,
18 your office has more experience in dealing with
19 this. I believe you were sitting there when I
20 asked is there one document that a parent and
21 activists, a Council Member can look at and see
22 the changes as far as whether or not a school is
23 being changed and pushed back. Whether or not
24 there are new seats or eliminating seats. Can
25 you, the Independent Office, look at one document

1
2 and show the changes in the proposed five year
3 capital plan compared to the proposed amendment or
4 do you have to look through the whole book in
5 order to determine that?

6 MR. SWEETING: Well, if a parent is
7 concerned about say a change at a particular
8 school, which means it's an existing school, it's
9 going to be in the CIP program, not in the
10 capacity program. And those projects are itemized
11 in the back of the amendment. It's a big, long
12 list and it's sorted and actually online, they've
13 improved the way you can look up some of that
14 information.

15 CHAIRPERSON JACKSON: So you just
16 have to look for your school number to see?

17 MR. SWEETING: You have to look by
18 school and they have it sorted by district and
19 borough, I believe. But some of that, you also at
20 least to answer some of your questions, you would
21 probably have to look at the adopted plan and the
22 amended plan next to search other to actually see
23 some of the timing changes that have occurred.

24 CHAIRPERSON JACKSON: And as far as
25 a parent looking to see, for example, their school

1
2 and then their district or their district compared
3 to other districts in Manhattan or the City of New
4 York to see whether or not they're getting in
5 their opinion the short end of the stick versus
6 other districts. Is that easy to read for a
7 parent or anyone else that is not involved every
8 day in looking at this information, in your
9 opinion?

10 MR. SWEETING: I'm not sure how
11 easy it is to use. You have to come in with a
12 fair amount of knowledge about how to interpret
13 those documents but no doubt, there are parents
14 who have learned how to do this. But I wouldn't
15 say it's easy but I don't think it's impossible.

16 CHAIRPERSON JACKSON: Now with the
17 new role of the Independent Budget Office, in your
18 opinion if you have one, do you think that it's
19 very difficult to do so that there's one document
20 that shows the changes by school or by school
21 district or by borough or by citywide on one
22 document so someone can see that? Is that very,
23 very difficult to do?

24 MR. SWEETING: Well, I think if
25 you're actually talking about itemizing the

1 individual changes for every school that is going
2 to occur plan by plan by plan, there's no way to
3 do that without it being a big, long document,
4 which can be somewhat intimidating to people. But
5 I think if you want one thing and I would actually
6 want to go back and check. They may present it
7 this way, I don't recall if they do.

8 One thing that would help in
9 looking at how things are changing plan by plan by
10 plan is to in a sense provide all of the
11 information from the previous plan or the previous
12 amendment and then update it on one page so you
13 don't have to look at two pages to get that
14 information. They may do that some place. I'm
15 not familiar with whether they do.

16 CHAIRPERSON JACKSON: It clearly
17 appears, as you said, this is a preliminary look
18 see and based on the next couple of months you
19 will have a closer look at this particular matter.
20 But the conclusion that I gathered from your
21 testimony is that based on all things considered,
22 everything is being pushed out more. Is that a
23 safe conclusion to reach?

24 MR. SWEETING: Well certainly on
25

1 the capacity projects there's been a push out.
2 Not every single project but a substantial number
3 have had adjustments made to them so that you are
4 going out at least another year.

5
6 CHAIRPERSON JACKSON: Deputy
7 Director Sweeting, let me thank you for coming in.
8 We appreciate it. I'm sorry. Let me turn to the
9 next panelist. You don't have to stay if you
10 don't want to. It is up to you.

11 MR. SWEETING: I'd like to listen.

12 CHAIRPERSON JACKSON: I think you
13 had Erin McGill from the Manhattan Borough
14 President's office and then we'll hear from Leonie
15 Haimson.

16 ERIN MCGILL: Good afternoon. My
17 name is Erin McGill, I'm the Education Policy
18 Analyst at the Manhattan Borough President's
19 office and I will be reading a summary of
20 Manhattan Borough President's Scott Stringer's
21 testimony. We've submitted full text.

22 I'd like to thank City Council
23 Speaker Christine Quinn and Education Committee
24 Chair Robert Jackson for holding this important
25 oversight hearing on the city's amended capital

1
2 plan for schools. As we all well know, our
3 teachers and students continue to face significant
4 challenges associated with overcrowded conditions
5 in our public schools. Alongside advocates and
6 other elected officials, I've expressed by
7 concerns about these conditions in the past two
8 years.

9 I've convened the Manhattan School
10 Overcrowding Task Force, chaired by Leonie
11 Haimson, Executive Director of Class Size Matters
12 and Patrick Sullivan, our PEP appointee, which has
13 done outstanding work in analyzing crucial
14 enrollment and class size data and making critical
15 forward thinking recommendations.

16 In addition to joining a coalition
17 to fight for a better capital plan for new school
18 construction, I've chaired regular war rooms with
19 the DOE elected officials and parents to address
20 overcrowding on a neighborhood by neighborhood
21 basis. Finally my office has produced three
22 reports documenting the DOE's inadequate approach
23 to assessing school capacity issues, flawed
24 methodology in estimating enrollment trends and
25 failure to plan proactively to resolve future

overcrowding issues.

Despite these efforts, the response from DOE has fallen short of our expectations.

I'm extremely concerned about the few seats being created in Manhattan given projected increases in enrollment. The amended plan calls for the creation of 370 additional seats in Manhattan's District 2 through new building construction but the DOE has not increased the number of school buildings that it plans to construct in District 2. So we're confused as to how the 370 seats being created through new building construction are not actually being created and yet that's where our 370 seats are going to go.

When you look closely at the amended plan problems that many of us has pointed to for years, including fundamentals flaws in DOE's methodology and issues of transparency are still present. I do applaud DOE for agreeing to analyze overcrowding and capacity at the neighborhood rather than district level but there's limited evidence to suggest that DOE has used this strategy in the manner intended in its amended plan.

The rationale for how and why seats are being distributed where they are throughout the five boroughs is unclear. Districts 20 and 24 for example are slated to receive over 100% of their actual need in seats while other districts in greater distress will receive far below their need.

Moving forward, here is what I believe must happen so that our students have access to the quality education to which they are entitled. Number one DOE should make public the needs analysis it conducted for the amended capital plan, which informed the decision to reduce the total number of new and realigned seats in Manhattan and to distribute new seats throughout the five boroughs in the manner it did.

Number two, the City Comptroller should periodically conduct an independent needs analysis of the school seats that will be required five and ten years down the line. Three, DOE should submit to the City Comptroller and borough presidents, a written justification of its use of student enrollment forecasts so long as they continue to employ forecasts that differ from

1
2 those of the Department of City Planning. We
3 think that this is particularly important because
4 DOE's enrollment numbers are frequently
5 inaccurate. We believe that this information
6 should be made available to the public.

7 Finally, the Manhattan Borough
8 President's office and City Comptroller should
9 conduct periodic audits to assess assumptions,
10 methodology and conclusions that DOE makes about
11 student enrollment levels, which informs school
12 construction plans.

13 I look forward to working with you
14 to ensure the public school children get the
15 education they deserve and thank you very much for
16 your time.

17 CHAIRPERSON JACKSON: Let me thank
18 you for coming in on behalf of our borough
19 president and I look forward to working with you
20 and the coalition. Next we're going to hear from
21 Leonie Haimson from Class Size Matters.

22 LEONIE HAIMSON: Thank you very
23 much Chair Robert Jackson for your continued
24 attention and advocacy on this issue. I'm not
25 going to read my testimony because luckily a lot

1
2 of other people have said things that I was going
3 to say. But I'm glad that Council Member Fidler
4 came back because I wanted to clarify something
5 that Kathleen Grimm said.

6 In my testimony, Chart B you will
7 see that they were referring to the target class
8 sizes in the Blue Book as the targets they were
9 going to achieve through their capital plan. I
10 think Sharon Greenberger listed those targets at
11 20 in K through three, 28 in middle school and 30
12 in high school. You will see that Chart B on the
13 right is the Contract for Excellence goals, which
14 are quite different from the targets in the Blue
15 Book. So I'm very happy to hear that we have them
16 on the record saying, for once, that this Blue
17 Book is not designed to achieve their Contract for
18 Excellence goals. I'm sad to say that they're not
19 but at least they're admitting it publicly for the
20 first time.

21 I'd also like to draw your
22 attention to the Seek charts which are something
23 on the order of what Council Member Gale Brewer
24 was asking for. We've done an analysis, district
25 by district, as to what we think the unmet need is

1
2 and what this capital plan and the previous one
3 will provide. I don't think it's a perfect needs
4 estimate. In fact, I know it's not perfect but I
5 can honestly say it's the best needs estimate
6 that's ever been publicly released because it's
7 the only one to my knowledge that's ever been
8 publicly released for New York City schools.

9 So now I'm going to go and make a
10 couple extra points. The 5,000 seats are very
11 much needed and very much appreciated but they're
12 only going to provide about one-third of this
13 unmet need. At the same time, we're going to be
14 losing a lot of high school seats with the
15 closings of all these new large schools. As
16 Council Member Fidler points out, that leads to
17 overflow and overcrowding elsewhere.

18 I'd like to point out that the high
19 school, Paul Roberson High School that they're
20 closing. They have no plan to put any other
21 students or any other schools in that building.
22 Because they say we see no immediate need for high
23 school seats in Brooklyn. Meanwhile an analysis
24 of their Blue Book figures show that there are
25 43,000 high school students in Brooklyn attending

severely overcrowded schools.

In fact, our analysis of their data shows that 50% of elementary schools students and 57% of high school students attend overcrowded schools. As Ernie Logan's testimony said, those estimates are an underestimate of the actual level of overcrowding schools according to many principals and other objective observers.

For many years, the DOE has claimed that they didn't need to construct a lot of new seats at any level because this Greer projection showed continuing enrollment declines citywide. And if you look at the latest Greer report, still it says citywide enrollment is going to continue decreasing at all levels until at least 2016. Well, we've looked at the Blue Book data and we've seen that enrollment is already growing in our elementary and middle schools.

Whatever enrollment decline existed has already reversed itself. From the 2006-2007 to the 2008-2009 school year, so this is two years of data, nearly half of all school districts saw growth at the elementary school level. The last year we have data, 2007-2008 to 2008-2009 school

1
2 year, more than two-thirds of our school
3 districts, 21 out of 31, experienced growth at the
4 elementary school level.

5 While we don't have Blue Book data
6 for last year and they don't separate out by
7 grades, we do have kindergarten enrollment numbers
8 for this year from the class size reports. What
9 the data shows that kindergarten general ed.
10 enrollments took a huge jump this year by nearly
11 5,000 students, which is the biggest jump since
12 I've been looking at the data since we have data
13 from the IBO which is at least ten years old.
14 Every school district in the city except for three
15 saw substantial increases in kindergarten
16 enrollment and 14 districts saw increases of 8% or
17 more, nine saw double digit increases.

18 Now some of this may be due to the
19 closing of ACS centers. But as Kathleen Grimm
20 said today, they are seeing increased enrollment
21 from birth rate increases. We think birth rates
22 are going up in many areas. There's been
23 obviously a lot of increased development and we
24 believe that more families are trying to stay in
25 the city when their kids reach school age years

1 because they perceive it as a safer city to live
2 in. Also, parochial schools are still closing.

3 We believe the crisis that angered
4 voters last spring of kindergarten wait lists, the
5 bussing of students, the increases in class sizes
6 and the loss of pre K classrooms will soon erupt
7 throughout the city without an expanded and
8 accelerated capital plan.

9 Just a little bit about class size.
10 A 26% of our kindergarten students this year are
11 in classes of 25 or more. This is a big increase
12 from the previous year and I have a chart in my
13 testimony showing you this borough by borough.
14 The worst borough affected is in the Bronx and the
15 worst district is District 11 in the Bronx where
16 more than 50% of kindergarten students are in
17 classes of 25 or more. We are now at an average
18 level for kindergarten that we have not seen since
19 the 1999-2000 school year.

20 So what's the conclusion? The
21 conclusion is we have a growing crisis in front of
22 us, which the DOE does not seem either capable of
23 dealing with honestly or even admitting. That's
24 why we need independent, transparent and more
25

1
2 reliable enrollment projections; not even
3 projections. They haven't even told us what's
4 already happened last year and the year before.
5 They're not reflected anywhere that I know of in
6 any DOE document.

7 So we need honest data. We need an
8 independent need assessment from the city agency
9 like the City Comptroller's office. We need
10 independent enrollment projections and we need to
11 start discussing in an open and transparent way,
12 what we need to build in terms of our schools
13 capacity.

14 Just one more note. Where is the
15 money coming from? We think there is a lot of
16 unnecessary spending in the city's overall capital
17 spending and I have a chart showing the city's
18 spending on education as percentage of its total
19 capital commitments has gone radically over the
20 last ten years. Right now we want to put \$1
21 billion as a city into new and expanded prisons in
22 the Bronx and in Brooklyn. That the communities
23 in those areas don't need. We're seeing decline
24 in prison enrollment and Rikers is under capacity.
25 We also believe that the Police Academy in Queens

1
2 that's going to cost over \$1 billion has 35 acres
3 and 250 classrooms with a hotel for visiting
4 scholars and replicas of subway station, bank and
5 bodegas should be downsized.

6 We only have 250 police recruits
7 this fall and 0 planned for January. 250 police
8 recruits and 250 classrooms. I just don't believe
9 that we can, as a city, afford that and we don't
10 need it. If you put that money and the money from
11 the expanded prisons that we don't need into
12 school construction, you can double your bang for
13 the buck because there is matching funds from the
14 state. We can provide nearly \$3 billion more for
15 school construction and that would nearly double
16 the number of seats in the capital plan. Thank
17 you very much.

18 COUNCIL MEMBER FIDLER: First I
19 want to thank you for pointing out something that
20 I hadn't even realized, which actually was not
21 quoting the CFE contractually agreed to class size
22 targets. I didn't realize that. I wish I could
23 sit here and take credit for having tricked her
24 into it but I can't.

25 MS. HAIMSON: It was very useful

1
2 testimony from very many different points of view
3 so I thank you very much for being so persistent
4 on that.

5 COUNCIL MEMBER FIDLER: And it is
6 on video tape so it can be useful in any court of
7 law. I would say to you and I don't want to get
8 far field from the topic. That while I disagree
9 with your conclusions about the police academy,
10 which by the way when moved should open up school
11 space in lower Manhattan as Council Member Mendez
12 is asking that that facility be used for that
13 purpose. It is a different crisis in this city
14 that we only have 250 police cadets and that none
15 are planned for the class after that, that is a
16 trend that we also can't abide by. I agree with
17 you whole heartedly about the spending on prisons.
18 I think that's something that this council is
19 going to continue to battle with the mayor on, on
20 the capital plan.

21 CHAIRPERSON JACKSON: You know I've
22 advocated even last year that they not spend \$1
23 billion to build a prison in the South Bronx in
24 which to the best of my knowledge, all the elected
25 officials along with community activists said they

1
2 oppose the building of the prison. And also to
3 the best of my knowledge, the elected officials in
4 downtown Brooklyn and community activists said do
5 not spend the money on expanding the Brooklyn
6 House of Detention.

7 Mainly because one, besides the
8 communities feel that they don't want it. And
9 two, statistics show that prison population is
10 down. The fact that advocates felt that that \$1
11 billion could be spent to build and reduce class
12 size and build new schools so that kids would get
13 a good education. Obviously, they did not listen
14 and as you know, I've said to the Department of
15 Education. I know it's not your decision. That's
16 a mayoral decision, not a DOE decision.

17 And in my opinion, you know I ask
18 the questions. I don't think that they wanted or
19 they had different opinions about the ACS move.
20 As you indicated, as I gave you reference that
21 that's part of the increasing enrollment in
22 elementary school. So what it boils down to me is
23 that the executive decisions that are being made
24 are not, in my opinion, priority of I guess the
25 people of New York City. As far as spending \$1

1 billion on prisons when community activists and
2 all of the elected officials representing the area
3 say it's not needed and statistics show that
4 prison population is down, both in New York City
5 and in New York State.

6
7 Let me thank you for continuing to
8 advocate. Let me go to our next, Sebastian Elanga
9 from Community School District 11 in the Bronx,
10 more specifically regarding P.S. 106. I
11 understand that you have a couple of advocates,
12 parents that were here or that are still here
13 regarding that, is that correct?

14 SEBASTIAN ELANGA: They were here
15 Mr. Chair in person but they had to leave.

16 CHAIRPERSON JACKSON: I'm sure,
17 yeah. Go ahead please. So I know that you're
18 representing them well.

19 MR. ELANGA: Yes, sir. Thank you.
20 Once again, my name is Sebastian Elanga. I am the
21 PTA President of P.S. 116 in Section 5 of Co-Op
22 City and I'm also the Community School District
23 11's President's Council president.

24 I'm here to advocate for two
25 issues. One, more seats for our children and

1 second, class room environment. I represent 59
2 parent association and Community School District
3 11 and the message from the parents is that they
4 want smaller class size. Community School
5 District 11 has more overcrowded schools than any
6 other district in the Bronx. All of our children
7 deserve to have smaller class size.
8

9 Christopher Columbus Angelo is
10 being phased out after receiving a grade of D.
11 However, the grade of D was issued after Columbus
12 has pleaded for help of not making the grade. Now
13 on the issue of classroom environment, I know that
14 you spoke generously on the issue of PCBs. I am
15 part of the coalition and I am working
16 collaboratively with the New York Lawyers for
17 Public Interest as well. I'm one of those parents
18 on that lawsuit.

19 There is an emerging public threat
20 about PCBs and caulks in schools. The major
21 concern is that there is no amendments mentioning
22 a devotion to testing or remediation in schools
23 found by the SCA to have higher levels of PCBs as
24 per federal mandate. That's a real big issue.
25 And I'd like to stress I'm here more as a father

1
2 than any other title. I have four children who
3 attend three different schools in the school
4 district. When we, as parents, send our children
5 to schools we send them to learn not to have their
6 health compromised. So this is a big issue and I
7 know that the Chairperson is working on this issue
8 and I thank him for that and the committee as
9 well.

10 Second, there is an immediate
11 threat of mold in some of the TCUs in my school
12 district, P.S. 106. The Daily News wrote a story
13 and it's in yesterday's paper. Channel 12 News
14 has been covering the story as well from the
15 start. We have sick children with respiratory
16 illness and conjunctivitis. The president of the
17 Parent Association for P.S. 106 has respiratory
18 problems that has resulted from having the office
19 in the TCUs and can not go back into the TCUs
20 because it will compromise her health. She has
21 even said that she smells the mold from outside of
22 the TCUs and ends up gasping for air when she
23 enters the TCUs.

24 The TCUs at P.S. 106 must be
25 retired. And I'll repeat again, please, these

1 TCUs must be retired. They have been in service
2 for more than 11 years and the research that that
3 parents have done on this is that the TCUs are
4 temporary. For what we found in our research is
5 that they're only supposed to be used for seven
6 years. The ones at P.S. 106 have been used for
7 more than 11 years so there's an issue with that,
8 with these TCUs.

10 The parents have formed a
11 partnership with the New York Lawyers for Public
12 Interest, the NAACP, the Community Board and the
13 local elected officials to make sure that the
14 children at P.S. 106 do not enter these TCUs.
15 Thank you.

16 CHAIRPERSON JACKSON: What has the
17 Department of Education said to you in reference
18 to these issues as far as TCUs.

19 MR. ELANGA: When I was called in
20 for the issue at hand, I really didn't know there
21 was an issue of mold. When I went to the school I
22 saw there were people, the contracting companies
23 and pretty much in white suits cleaning out the
24 TCUs. I forgot to also mention that there were 50
25 cats found under these TCUs, not including their

1
2 litters. So once we were able to organize, we
3 spoke to the DOE and told them that we're
4 demanding a town hall meeting and we want answers.

5 At the town hall meeting it was
6 said pretty much it was facilitated by the DOE but
7 basically the responsibility and weight was on the
8 contractor, any contractor that they hired to do
9 the remediation and the removal of the cats. The
10 DOE came into this meeting pretty much thinking
11 that they're going to be speaking to a bunch a
12 parents that don't know nothing. A lot of my
13 parents did a lot of research and asked questions
14 that they really could not answer.

15 When they asked the right
16 questions, the DOE did their fancy ballet around
17 the questions and did not answer the questions
18 appropriately so parents could get what was going
19 to be done. The one question that concerned me a
20 lot was that when the contractor stated in one of
21 their reports that there was seepage or leakage
22 going into these TCUs and they weren't able to
23 address that issue. Me doing my research and not
24 even my research, it doesn't take a brainiac to
25 know that water and moisture is a catalyst for

1 mold.

2
3 You can do as much remediation as
4 you want but unless you address the issue of
5 moisture it's going to be a reoccurring issue. I
6 don't know how or why the contracting company and
7 the DOE came before these parents and said, yes,
8 we did clean these TCUs but we weren't able to
9 address the moisture issue. So they're safe for
10 right now and we'll have the janitor pretty much
11 do inspections. If we see it, we can address it
12 again.

13 That was another strike and the
14 audience just erupted because mold is not only
15 visible but you can't see it as well. So when
16 mold is starting, it's been in a spore like state.
17 So by the time the janitor is able to see the
18 problem, the children are already in the hospital
19 with respiratory illness. So this is a very
20 serious issue. We have made recommendations. We
21 know that there's a problem. We, the parents, are
22 not pointing problems because we know when you're
23 pointing fingers there are three fingers pointing
24 right back at you.

25 So we made recommendations to the

DOE that there is underutilized space in P.S. 127, which is right across the street from the school. The underutilized space I think is a little over 200 seats. There are, I think 160 plus students in these TCUs so that space could accommodate these children. If we work together with the DOE to make that happen, it could happen.

CHAIRPERSON JACKSON: And did it happen?

MR. ELANGA: It hasn't happened yet.

CHAIRPERSON JACKSON: Where are the kids at? You said the kids are not in the portables?

MR. ELANGA: They're not in the portables. Right now they're back in 106 and the school right now is crowded. All the cluster spaces are being utilized, the music room, the science, the art.

CHAIRPERSON JACKSON: And you're saying the other school is right across the street.

MR. ELANGA: Basically right across the street, yes, sir. So what we asked is that

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2 we're going to work with the principal to include
3 in her five year capital plan and submit a letter
4 to the CEC to just dismantle those TCUs and build
5 a building there.

6 CHAIRPERSON JACKSON: But you're on
7 the CEC, aren't you?

8 MR. ELANGA: No, I'm on President's
9 Council, sir.

10 CHAIRPERSON JACKSON: President's
11 Council.

12 MR. ELANGA: Yes, sir. Yes. I
13 work very closely with Monica Majors. She's the
14 president of the Community Education Council and
15 that was the recommendations of the CEC as well.
16 That for temporary reasons, let's put these
17 children in 127 and let's find a permanent
18 solution and build a building and put these kids
19 back in a classroom and not in a tin can.

20 CHAIRPERSON JACKSON: How many
21 transportables do you have in that yard at the
22 school that's cited?

23 MR. ELANGA: I believe it's 10.

24 CHAIRPERSON JACKSON: 10
25 transportables?

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MR. ELANGA: Yes, sir.

CHAIRPERSON JACKSON: In that school you just cited?

MR. ELANGA: Right behind 106, yes, sir.

CHAIRPERSON JACKSON: So in essence there's 10 transportables. You said to build a new building or to build an annex. It's large enough to build an annex right next to it, I would assume.

MR. ELANGA: No, if we were to get rid of those TCUs, where they're at right now we could build an annex there. Yes, sir. There's enough space to build an annex there.

COUNCIL MEMBER FIDLER: This is mind boggling even for the Department of Education. I'm trying to understand this. Right across the street there is another elementary school and there are 200 empty seats there and you have how many kids in the TCUs at 106?

MR. ELANGA: A little over 160, sir.

COUNCIL MEMBER FIDLER: What's their response to--forget about building an annex.

1
2 What's their response to moving 160 kids across
3 the street?

4 MR. ELANGA: This is the
5 communication we're trying to come across to the
6 DOE. From the last communication I received, the
7 kids were supposed to go back into these TCUs
8 November 30th and with the constant fighting that
9 we've been doing in the streets. The kids are
10 still in the school. So from my understanding, I
11 think they do understand that there is a serious
12 issue going on but why aren't they--

13 COUNCIL MEMBER FIDLER:
14 [interposing] I'm sorry. Let me ratchet it back
15 for a second. You were probably in the room that
16 I made the point that I think it's inappropriate
17 for a kid to be in a TCU even if it's brand
18 spanking new and there is no mold.

19 MR. ELANGA: Yes, sir.

20 COUNCIL MEMBER FIDLER: They
21 haven't responded yet to the request to move the
22 kids into actual real live classrooms in a
23 permanent building? They haven't responded?

24 MR. ELANGA: Well this is the
25 communication we are reiterating to them. We

1 haven't received a reply. Our Councilwoman
2 Annabel Palma is helping us on this issue as well
3 because this is in her district. We've been in
4 constant communication with the Councilwoman and
5 we have her full support on this issue. But once
6 again, this is a conversation that we're trying to
7 have with the DOE and we haven't had any answer
8 yet.

10 COUNCIL MEMBER FIDLER: Mr. Chair,
11 this is mind boggling stupid. I know I'm going to
12 speak to Councilwoman Palma and offer whatever
13 support I can. This just makes absolutely no
14 sense as a short term or a long term solution. I
15 don't understand this.

16 CHAIRPERSON JACKSON: That's what
17 we were talking about as far as the delegation
18 meetings, Council Member Fidler. I'm glad that he
19 mentioned that Annabel Palma, whose district it's
20 in, is involved with it because clearly I'm sure
21 that she's discussing this with them as the chair
22 of the delegation. But also I'm sure this will
23 come up in the delegation meetings so we will be
24 reaching out to your Council Member to communicate
25 any help we can give overall in this particular

1
2 matter.

3 MR. ELANGA: Thank you. I also
4 want to thank Council Member Jimmy Vacca for
5 posing those questions earlier to the DOE.

6 CHAIRPERSON JACKSON: Sure. Let me
7 thank all of you for coming in on behalf of Scott
8 Stringer and yourself and the parents at 106 and
9 Jessica Levin and Leonie Haimson, on behalf of all
10 the people of New York City.

11 MR. ELANGA: Thank you.

12 CHAIRPERSON JACKSON: Next we're
13 going to hear from Joseph Seaneck from the
14 Northwest Bronx Clergy Coalition, Edwin Valle from
15 the P.S. 8 Bridges Academy, Allison Manuel, Bonnie
16 Katz from Leadership Institute and Frieda Tai from
17 the Leadership Institute High School and Joseph
18 Stargill from the Leadership Institute. Are they
19 here? Okay. If at all possible, since we have
20 another panel, since many of you may be from the
21 same Leadership Institute, if you can consolidate
22 your testimony that would be helpful because we
23 have several individuals from the Leadership
24 Institute, is that correct? We have Joseph from
25 Northwest Bronx Clergy. You're Joseph.

JOSEPH SEANECK: We're actually all from the Northwest Bronx, just different schools.

CHAIRPERSON JACKSON: Okay, if you could just give your testimony and try not to just duplicate what is being said, that would be great. Okay? Please go ahead. Identify yourself and you may begin.

MR. SEANECK: thank you Mr. Chairman. Good afternoon Chairman Jackson and members of the Education Committee. Good afternoon to all the persons here. My name is Joseph Seaneck and I'm a member of the Education Committee of the Northwest Bronx Community and Clergy Coalition. We appreciate the addition of the 94 seats to the 2010-2014 capital plan from 1,154 to 1,248 seats but this amount still falls short on our severe overcrowding in District 10.

District 10 accommodates more students than any other district in temporary classroom units and annexes. The music, science laboratory space has been converted into regular classroom space as part of the capacity. Enrichment classes, libraries and playgrounds are where trailers and schools are constructed are

1
2 vital to our children's education and health. We
3 need 2,00 seats at the armory. 1,700 seats were
4 slashed from the last capital plan 2005-2009 and
5 1,248 seats in the current capital plan 2010-2014
6 is not sufficient in a borough whose population is
7 growing at a higher rate than city average. Our
8 students need those seats back.

9 Based upon the little knowledge
10 that I gained from all the people that spoke
11 before me here, it struck my attention the comment
12 that Councilman from Brooklyn. She says that she
13 was mentioned in the different schools that they
14 have surveillance cameras. I have not researched
15 about how many surveillance cameras have been
16 installed in our District 10 but we need class
17 size reductions to improve the quality of our
18 children's education besides the 2000 long overdue
19 seats.

20 I will close my comment with this
21 statement made recently a couple of days ago by
22 Mrs. Tate Perry, the president and founder of the
23 Capital Prep Magnet School. On CNN he said when
24 we don't educate our young people, we make them
25 dangerous; meaning that if we put in jeopardy the

1 education of our children, they will become
2 criminals. That's why the people who really are
3 advocating for building more prisons that's what
4 they are basically expecting from our children.
5 Thank you very much.

6 CHAIRPERSON JACKSON: Thank you.

7 Let's here from the young people next please.

8 JOSEPH STARGILL: Hi, good evening.

9 I'm Joseph Stargill from the Leadership Institute
10 in the Bronx. As school president, I see that the
11 major problem with my school is the size of the
12 school. We only have two hallways for both
13 floors. It's just one hallway for one, that's the
14 second floor and then another hallway for the
15 third floor. When kids come out of the class,
16 there's already kids that came from another class.
17 The class size is about 20, maybe more. It crowds
18 the hallways and the hallways are not big enough
19 for every single person to be in there on the same
20 floor, moving from one class to another class at
21 the same time.

22 Another problem that we have is the
23 size of the classes in the school. One of the
24 freshman classes actually there are 35 kids in one
25

1
2 class but there are only 28 seats in the entire
3 room. So they will have to borrow different desks
4 and chairs from other classes that aren't being
5 used at that time just to have their class with
6 nobody standing up. That's two of the major
7 problems at my school based on size.

8 CHAIRPERSON JACKSON: Is your
9 school a regular school building or is it in a
10 leased space?

11 MR. STARGILL: I actually do not
12 know that but I do know that the school we
13 actually share a building with the middle school.
14 We share--

15 CHAIRPERSON JACKSON: [interposing]
16 But does it look like a school or does it look
17 like an office building. Does anyone know?

18 MR. STARGILL: it does not look
19 like a school.

20 CHAIRPERSON JACKSON: Just identify
21 yourself and speak into the mic.

22 EDWIN VALLE: My name is Edwin
23 Valle and I'm with the Northwest Bronx. From my
24 knowledge the Leadership Institute are sharing a
25 public school with an elementary school. So it's-

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CHAIRPERSON JACKSON: [interposing]

It's a regular school? Okay.

MR. VALLE: It's a regular school
but these kids are...

CHAIRPERSON JACKSON: Only in one
section of the school or one floor.

MR. VALLE: Right and they have to
use little kids bathrooms, elementary school
bathrooms and these are older kids that we're
talking about, 13, 14 year old kids using 6, 7
year old bathrooms.

CHAIRPERSON JACKSON: I hear you
loud and clear. The next young person, please.

FREIDA TAI: I'm Frieda Tai from
the Leadership Institute and I'm the Vice
President of the student government.

CHAIRPERSON JACKSON: and what
grade are you in?

MS. TAI: The tenth grade.

CHAIRPERSON JACKSON: Okay, go
ahead please.

MS. TAI: In our school we have to
share the gym with the middle school and I think

1
2 that if we have more classrooms and more seats we
3 can have different subjects and different courses
4 that people can do and express themselves like
5 music or something else. Also, sometimes we have
6 two hallways and they just come out and sometimes
7 people get into a fight because somebody pushed
8 them or something like that.

9 I think that if we have a library
10 too we can have a place that we can go and learn.
11 Not everybody can go to Barnes and Nobles and get
12 a book. Thank you.

13 CHAIRPERSON JACKSON: Do you know
14 if the Leadership Academy is scheduled to have its
15 own location. Does anyone know? Does anyone
16 know?

17 MALE VOICE: No.

18 CHAIRPERSON JACKSON: Because
19 clearly based on the testimony of two students
20 that when there are changing classrooms in a
21 hallway so crowded that basically you're bumping
22 into each other. I've been into schools where the
23 stairwells and the hallways are just so crowded
24 because the schools are overcrowded, which causes
25 conflicts as you indicated when it gets so

crowded. I was just asking since that district, District 11 is scheduled under the original plan. District 11, right? District 10, you're scheduled to have under the original plan 1,154 seats and under the proposed November amendment plan, 1,248 seats, an increase of 94 from the original plan.

But the question is, are you included in that; those are questions that you need to be asking, your principal needs to be asking, your parents association and your City Council Members. So do you know for example your school, where it's located, do you know who the City Council Member is? Anybody know? You're not the City Council Member. So you should talk to your City Council Member because the Bronx delegation will be meeting with the Department of Education to discuss the amendment to the five year capital plan. That's what we're discussing now. That's important to reach out to your Council Member. If you don't know who they are, go to the City Council's web site and key in your school address and it will tell you once you key in the school address who your City Council Member is for that particular school, that address.

1
2 Okay? All right. Thank you. Who's next please?
3 Go ahead.

4 MR. VALLE: I kind of wrote it down
5 because I...

6 CHAIRPERSON JACKSON: Go ahead.

7 MR. VALLE: I'm speaking on behalf
8 of P.S. 8 in District 10 in the Northwest Bronx.
9 My name is Edwin Valle and I'm the President of
10 the Parents Association at P.S. 8 and a member of
11 the Northwest Bronx. I would like to talk about
12 P.S. 8 and the presence of our overcrowding
13 situation in our school.

14 Our physical therapy are conducted
15 in stairways. Speech therapies are conducted in
16 closets and classes are being conducted in
17 projector rooms and cafeterias. Our school has a
18 capacity of 850 and at this moment has 1,183
19 students. We want to stress is for you to build a
20 new school and not add on to already overcrowded
21 schools.

22 We are ecstatic in hearing that
23 P.S. 177 will be built in Webster in the Bronx but
24 we can not wait until 2013. We need the school
25 built now in District 10. It's one of the most

1 overcrowded districts in the city. District 10
2 needs more new schools like P.S. 77 and are
3 therefore on sites and that's why we're asking for
4 200 seats at the Kingsbridge Armory.
5

6 In 2004-2009 capital plan, 1,700
7 seats were taken from us. Our children still need
8 them back and the Kingsbridge Armory would be the
9 ideal place to put them. The Northwest Bronx
10 Coalition have been working for years to get the
11 2,000 seats at the armory. Thank you.

12 CHAIRPERSON JACKSON: Let me thank
13 you for coming in. Obviously, with the armory
14 situation, you've been following that. There is a
15 plan to build basically, a shopping mall so my
16 understanding the plan to build schools in there,
17 that was discussed several years ago and that went
18 by the wayside.

19 MR. VALLE: That had to do with the
20 National Guard. We've been talking to Council
21 Member Koppell and we're getting a site up in
22 Wakefield, we're working on that. We're getting
23 the National Guard moved over to Wakefield so then
24 we can take the armory and build--

25 COUNCIL MEMBER FIDLER:

1 [interposing] Is this the Kingsbridge Armory
2 you're talking about?
3

4 MR. VALLE: Yes, sir.

5 CHAIRPERSON JACKSON: Yes, they're
6 talking about the Kingsbridge Armory. That's what
7 I was saying.

8 MR. VALLE: The mall was going to
9 be built on the inside of the armory but there's
10 on the north part of the armory an empty space
11 where the National Guard is actually there and
12 that's where we can put the 2,000 seats.

13 CHAIRPERSON JACKSON: 2,000 or 200.

14 MR. VALLE: 2,000.

15 CHAIRPERSON JACKSON: 2,000 seat
16 school.

17 MR. VALLE: Yeah, it's a pretty big
18 area.

19 CHAIRPERSON JACKSON: All right.
20 Listen, pursue it. Obviously, with respect to
21 your particular school, P.S. 8 when the capacity
22 is 850 something and you have 1,180 something
23 you're 330 over capacity. You probably have
24 lunches starting at 10:00 in the morning. It's
25 ridiculous.

1
2 MR. VALLE: We do. The
3 kindergarten starts at 10:00.

4 CHAIRPERSON JACKSON: That's
5 ridiculous so keep advocating, keep pushing
6 knowing you have people like Lou Fidler and myself
7 that are advocating along with many others to
8 build more schools, to reduce class size and set
9 the priorities not on prisons but on education.

10 MR. VALLE: I want to thank you
11 all. This is my first time here. I was really
12 proud of you guys really sticking for the people.
13 Thank you very much.

14 CHAIRPERSON JACKSON: That's our
15 job. That's what we're supposed to do. Anyone
16 else or that's it? Did you?

17 ALLISON MANUEL: I was going to
18 read a testimony written by Bonnie Katz a physical
19 education teacher at the Leadership Institute but
20 in the interest of time.

21 CHAIRPERSON JACKSON: Do we have it
22 on the record?

23 MS. MANUEL: He's going to email
24 it.

25 CHAIRPERSON JACKSON: Okay, good.

1
2 So just Jan, get the email and you can submit it
3 as part of the record. Okay? Thank you all for
4 coming in and staying the course. I hope as you
5 indicated this was the first time you've come to a
6 hearing, I don't know about the young people. But
7 come more often, get more involved because you do
8 learn a lot that will help you grow as an activist
9 in the community. And especially the Northwest
10 Bronx Clergy Coalition, which you're doing overall
11 in my opinion a good job.

12 MR. VALLE: Thank you very much and
13 happy holidays.

14 CHAIRPERSON JACKSON: Thank you.
15 Happy holidays to you. Our last panel Ben,
16 where's my intern, my constituent Ben Shanihan
17 from the New York City Student Union so come on
18 Ben. And Joan Hoffman from P.S. 11, the
19 Constituent Education Advisory Committee, and
20 Robin Goldstein Fontaine from P.S. 9 PTA and Noah
21 Gotbaum from P.S. 87, CEC 3. I'm going to ask. I
22 hope the adults don't mind if we hear from the
23 students first. Okay, good. Is anyone else here
24 to testify that did not have the opportunity?
25 Which one?

COUNCIL MEMBER FIDLER: Somebody left their Blackberry.

CHAIRPERSON JACKSON: Mark Diller, is that correct? Mark, come on in. Did somebody leave their Blackberry here? Check with that lady. Okay, so Ben, go ahead please. Identify yourself and you may begin.

BEN SHANIHAN: My name is Ben Shanihan and I'm here representing the New York City Student Union.

CHAIRPERSON JACKSON: And you have two people back there that are smiling so they must be with you, is that true?

MR. SHANIHAN: yes, one of them is actually a former member. She's a graduate. She now goes to Tulane University, that's Emily and Tony goes to LaGuardia. I want to start by thanking you, Chairman Jackson and Councilman Fidler who stayed through all of this and other members of the committee who were present today. As I've done in the past for inviting students to come. I think it's really important. I think too often student voice is suppressed when discussing education issues and definitely hearing from the

1
2 last two students who just testified. It's
3 disgusting I think sometimes the way the students
4 are ignored in this type of thing. That they have
5 to come to a City Council hearing to tell people
6 that they're getting pushed around in their
7 hallways because the school is too crowded.

8 I also want to say that the student
9 body's needs are looked out for others like
10 yourself while there are forces occasionally
11 working against us. We are often looked out for
12 others like yourself. We will continue to fight
13 for more of a voice. I want to thank everyone who
14 has made progress towards improving our schools.
15 Not just by improving test scores but by making
16 real changes with regards to funding and class
17 size.

18 Reading through the capital plan I
19 feel it's a step in the right direction and I
20 thank everyone who helped take the first step.
21 But I don't think it's enough. While the document
22 shows a reduction in class size in high schools
23 over the last few years, the reported number of
24 high school classes that were still considered
25 over populated by the DOE was 40% and that's far

1 too many. The number in new seats in buildings
2 opening up for high schools is nearly ten times
3 less than the number of buildings and schools
4 opening up for middle schools and elementary
5 schools.
6

7 I know, I remember being at that
8 young age and how much it's difficult to focus in
9 elementary school even as someone who is
10 privileged to be in a school with a small class
11 size. But again, just hearing from those last two
12 students, it's really important that high schools
13 be looked at to in terms of lowering class size.

14 Finally, I'm going to change a
15 little bit here. I was happy when I originally
16 read through the packet to see that the DOE was
17 reporting that the smaller schools, breaking down
18 the larger schools into smaller schools. I was
19 happy to see that they reported that was working.
20 After hearing testimony from other people who have
21 come here today and after hearing what Councilman
22 Fidler had to say, it sounds like it's not working
23 as well as the DOE is reporting, this breaking
24 down of smaller schools.

25 I'd like to see more than three new

1 buildings open up for high schools so that
2 students will have a place other than the TCUs and
3 other than these schools that are clearly
4 overcrowded and being shared with elementary and
5 middle schools, for high school students to
6 attend. Thank you for your time.
7

8 CHAIRPERSON JACKSON: Thank you,
9 Ben. You're an excellent example and the other
10 students of representing yourselves and your
11 classmates that attend the New York City public
12 schools. We're very proud of you and the other
13 students who testified.

14 MR. SHANIHAN: Thank you.

15 JOAN HOFFMAN: Hi, I'm Joan Hoffman
16 and I want to thank you for inviting us to voice
17 our concerns about the proposed five year capital
18 plan and the amendment. I'm a parent of a first
19 grader at P.S. 11 in Chelsea and I'm going to read
20 a statement from the Constituent Education
21 Advocacy Committee

22 CHAIRPERSON JACKSON: Is that
23 District 2?

24 MS. HOFFMAN: It's in District 2 in
25 Manhattan.

CHAIRPERSON JACKSON: Okay, go ahead.

MS. HOFFMAN: And we are an organization that was created in P.S. 11, part of the PTA. The Constituent Education Advocacy Committee of P.S. 11 is a group of parents at P.S. 11 that organized to ensure that the best interests of our children are not overlooked. And to work with our neighbors as an integral part of the Educational District 2, along with our friend and family at P.S. 3, P.S. 41, P.S. 33 and P.S. 40, which are all schools right in our neighboring area as well as the other schools throughout Manhattan that we work with.

P.S. 11 is a Title I community school. We support children attending zoned schools which are walking distance from their homes but more importantly we support reduced or small class sizes and a multi-tracked arts rich curriculum. Children learn better in small class sizes and we urge the DOE and the City Council to adhere to the state mandated plan, which limits lower class size to 20 in grades K through three and 23 in all other grades.

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whole thing, from the beginning.

CHAIRPERSON JACKSON: I said it's like you have a car that's out of alignment. You pay for it and all of a sudden you go and it's still out of alignment. You take it back. You want it fixed. Obviously they don't want to fix the alignment and I don't know why.

MS. HOFFMAN: I think also that I noticed that they didn't talk about. What happens is they sacrifice cluster rooms to make space for the kids so now the kids are stuck in one room all day. They didn't even bring that up when they talked about how they're trying to accommodate.

CHAIRPERSON JACKSON: Yeah, I know. I definitely know and that's why part of the plan was to eliminate transportables, eliminate classrooms that were once formerly cluster rooms and turn them back to art rooms, to music rooms, to computer labs, libraries that our children rightfully deserve. That's the plan. But whether or not it's going to happen is another question. Next, please.

NOAH GOTBAUM: Thank you, Chairman Jackson, assistant majority leader Fidler and

committee members for the opportunity to speak.

Thank you for hanging in there. My name is Noah Gotbaum. I'm the president of Community Education Council 3. I'm also a parent of three public school kids and I've had more than my fair share of experience with special education here in New York City.

In District 3, which encompasses Northern Hell's Kitchen, the upper west side and west and central Harlem to 125th Street we have a real need for new capacity. And we're grateful to borough president Stringer that he's convened a war room to look at the hisses of overcrowding and shared space utilization. However, no movement can be made without the DOE acknowledgement of the problem.

Currently in District 3 there are zero dollars allocated for increasing capacity in D3 and zero acknowledgement of the problem. The problems we do have, seven of our eight upper west side schools are over capacity. Based on the DOE's current plans to accommodate zoned schools in the district, these schools will move to over 110% and 120% capacity. Class sizes by their own

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multiple schools. Where seats are available, they give them away to charter schools. Which in turn are crowding out our public school kids.

In D3 five of our facilities accommodate five charter schools as well as two District 75 schools and seven public schools. It's no wonder that the DOE doesn't have a handle on the real problems in these "underutilized" schools since charter schools aren't required to provide the DOE grade by grade enrollment numbers. Yet they're occupying DOE buildings.

We therefore, again, ask how does the DOE determine utilization of space in schools that charters are occupying without getting the information and without the schools being required to give them the information? It's difficult, if not impossible to get a true capacity measure without physical walk throughs, without the detailed numbers and however these calculations aren't correlated to reality.

Finally, even if the numbers are "correct" the results are usually wrong. Since the DOE makes no differentiation in terms of the type of students and organizations going into a

1 building. They said so themselves. Kids become
2 numbers. Four elementary schools in one building
3 may look good on paper but it doesn't work well
4 for the kids. The reality is the shared space
5 preference is being given to charter school
6 children, not even looked at. Now capital money
7 is being given while our public schools crumble.
8 Class sizes grow, enrollment gets capped and
9 parents are sent out of their zones.

11 In short, the overall planning
12 process behind the five year capital plan is
13 severely flawed. We need a transparent and
14 realistic process which assesses our schools and
15 our kids, not as numbers but as students of
16 learning environments. We need the DOE to be a
17 steward of our taxpayer assets and ensure that our
18 public school kids are being taken care of. We
19 appreciate the opportunity to express our views
20 and look forward to working with you to bring new
21 seats and maintain a great learning environment
22 for the students of D3 and the entire city. Thank
23 you very much.

24 CHAIRPERSON JACKSON: Noah, please
25 can you email that to us. We'll give you the

1 email address. Email your testimony in. I think
2 you're too smart and too intelligent and too
3 articulate in order to express yourselves with
4 respects to and do too much research as to what
5 the needs are in your district. Maybe that's why
6 you're not getting any answers.
7

8 MR. GOTBAUM: Well, maybe we're
9 Polly Annish, or maybe we're crazy but we think
10 that frankly we're very grateful that we have the
11 war room set up and Deputy Chancellor Grim coming
12 to those war rooms.

13 CHAIRPERSON JACKSON: That's good.

14 MR. GOTBAUM: We feel that if we
15 can actually show the situation as it is and get
16 them in a room to acknowledge. Because there are
17 parents talking, parents providing information
18 both uptown in terms of the experiences in the
19 schools which are "failing", which they are not.
20 And southern part of the district where we have
21 really bad overcrowding. The DOE will have to
22 act.

23 CHAIRPERSON JACKSON: You know the
24 projection is that no seats in District 3 in the
25 proposed five year capital plan. And in the

1
2 amendment, no seats. I've expressed my opinion
3 over and over and Gale Brewer has also as I think
4 Gale represents the majority of your area. I
5 think Inez Dickens represents another part, the
6 most northern part. I don't know. It leaves so
7 much to be desired. Let me just tell you that.
8 Let me turn to my colleague, Council Member Lou
9 Fidler.

10 COUNCIL MEMBER FIDLER: Mr. Gotbaum
11 I hope you get the answers that you seek. I think
12 the problem is you're flying in the face of DOE's
13 unspoken policy in favor of charter schools over
14 public schools and the Bloomberg administration's
15 policy. I don't believe that DOE measures
16 capacity utilization figures in charter schools.
17 I don't think that's done. You're absolutely
18 right that they'll throw together kids of
19 different age groups in the name of promoting the
20 policy of charter schools.

21 In District 22 just defeated a
22 proposal to move a charter school into an
23 intermediate school. We know there's space there.
24 We've been asking for five years that they make
25 that school into a junior high school/high school

1 with a single theme. They kept on telling us
2 there was no space then they want to put a charter
3 school in. They found the space even though the
4 age groups were disparate. Because that's what
5 they want to do. It was only by the confluence of
6 the fact that there was a general election coming
7 and that we were able to put 600 parents into a
8 room that they saw the light.

9 I just hope that now that this
10 mayor is--

11 CHAIRPERSON JACKSON: [interposing]
12 Council Member, they don't bend by political
13 persuasion.

14 COUNCIL MEMBER FIDLER: No?

15 CHAIRPERSON JACKSON: Everything is
16 objective and transparent and based on need.

17 COUNCIL MEMBER FIDLER: Yeah, I
18 know. I'll maintain my cynical view which is that
19 I just hope that now that he's there for another
20 four years and they continue to do what they want
21 to do without any regard to what you think that
22 you get the remedy that you're seeking. Because I
23 think they are going to be even more intractable
24 than they've been in the past. Good luck.

1
2 MR. GOTBAUM: Thank you. I wanted
3 to say two quick things if I might. One, in
4 District 3 we are not anti-charter school. We
5 just want to make sure that there's a level
6 playing field and the public school kids get taken
7 care of. It's very important point to make.
8 We're not anti-charter but you got to have the
9 same terms be played on and that's not happening.

10 Secondly, what we're trying to do
11 and Mark is a major part of this. We have a great
12 team of parents up and down the district. We're
13 simply taking their own numbers and showing them.

14 CHAIRPERSON JACKSON: That there's
15 a need.

16 MR. GOTBAUM: Exactly.

17 CHAIRPERSON JACKSON: That's pretty
18 simple to me.

19 MR. GOTBAUM: And I think we're
20 getting some movement.

21 CHAIRPERSON JACKSON: Good. Keep
22 pushing.

23 MR. GOTBAUM: So we'll see.

24 COUNCIL MEMBER FIDLER: I just want
25 to say. I guess we have a different philosophy

1 about charter schools. But when they take public
2 school space for charter schools, you need to be
3 anti-charter school because they are, in fact,
4 deflecting recourses from public education to a
5 private entity, really. And that doesn't even get
6 to the fact that the school that the kids are
7 coming from are losing per capita spending in
8 dollars as well. So you may not see it as a
9 choice but it really is and they are
10 systematically privatizing your public schools and
11 that is why you need to be maybe a little bit more
12 cogent on that.

14 MR. GOTBAUM: Forgive me if I
15 wasn't clear. We are first and foremost, you got
16 to take care of the situation and the schools, the
17 public school kids. And we have major problems.
18 We're fighting it. That's why we have convened
19 and that's why borough president Stringer has been
20 forefront of convening a war room not just an
21 issue of overcrowding based on over enrollment.
22 But overcrowding based on shared space problems
23 and capacity utilization problems. And problems
24 where when you put two or three schools, including
25 a charter in, which gets preference into a school.

Those kids, generally the public school kids, are squeezed and they are overcrowded.

CHAIRPERSON JACKSON: You said it right there and I'm going to go to Mark. Where charter schools get the preference, you said it right there. Because that's what they're, in my opinion, in Lou's opinion, where their priorities are.

COUNCIL MEMBER FIDLER: I guarantee you their class size is smaller too.

MR. GOTBAUM: Yes, but there are issues as you know. Even putting four or five schools into a facility that's meant to hold one, that doesn't work.

CHAIRPERSON JACKSON: Right. Let's go to Mark, our last person to testify this afternoon.

MARK DILLER: I'm closing the joint, am I?

CHAIRPERSON JACKSON: Closing the house down.

MR DILLER: Thank you very much. My name is Mark Diller. I am the Chair of the Youth Education and Libraries Committee of

1
2 Community Board 7 and its secretary. I thank you
3 all for sticking it out so long to hear my
4 testimony.

5 As Chairman correctly pointed out,
6 there are no new seats offered in the 2010-2014
7 capital plan but that's no news to us on the upper
8 west side because there were no new seats in the
9 previous capital plan for us either. In fact, the
10 School Construction Authority turned down the
11 offer of land for a public school in the Riverside
12 South Development, which they were required to
13 offer to the Department of Education under the
14 1992 restrictive declaration signed by Mr. Trump
15 because they didn't need it.

16 The result was the immense
17 overcrowding of one public school. Obviously, the
18 one adjacent to it, in which saw its kindergarten
19 enrollment go from 60 children to 160 children in
20 four years. The current developer for the last
21 portion of Riverside South wisely is proposing a
22 school. And obviously we're keep the pressure on
23 to make sure that's a complete school and not just
24 a box in which to put one and so forth. We're
25 grateful for Council Member Brewer's leadership on

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that as well.

Noah spoke eloquently so I won't repeat about the conditions which right now in just two of the schools in the southern part of our district have enough excess kindergarten enrollment to populate a pretty good sized school. We have five extra kindergartens. More than those schools can handle. Five extra kindergartens, that's a school.

Where does this come from? And this is something that the Council, I hope, will be hearing more about as the years go on. A huge portion of this comes from as of right development. Obviously Riverside South, at least the last portion of it is something that will require permits and variances and therefore will give us some leverage both in the community board and in the community at large to say to the developer that there's a need that needs to be filled.

The developer probably will say why am I the lucky soul that has to provide all of the needs of your District 3. And the answer is because he's the poor schmuck that has the need

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2 for a variance. As of right development is
3 overwhelming the school that Noah's children goes
4 to. It's overwhelming the school that is already
5 swamped by Riverside South. It will probably
6 overwhelm P.S. 191, a school that now has turned
7 itself around from being a school that was under
8 review I think only six or eight years ago. To
9 now being a school that's actually becoming a
10 destination. It's a little bit under enrolled
11 right now but that's going to change as soon as
12 parents get the word out.

13 But if you look at Riverside South
14 to its west and those huge buildings that Fordham
15 wants to build just to its east. It doesn't take
16 a great deal of forethought to figure out what's
17 going to happen to them. And what will happen to
18 the quality of education in that building once
19 that occurs.

20 The same thing can be said of the
21 as of right development around Park West Village
22 up on 97th Street, between 97th and 100th Street,
23 P.S. 163 is sitting right there. It's holding its
24 own right now with the expansion of buildings in
25 this neighborhood. But there are five buildings

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2 with large family friendly apartments that are
3 going to move in there.

4 By the way, the DOE's way of
5 converting residential apartments into projected
6 enrollment ignores one bedroom apartments. Some
7 of us have had children in one bedroom apartments
8 and those children go to public school.

9 What do we need? We need new seats
10 now, obviously. And I have with me Resolutions
11 passed by the Community Board both calling for the
12 incubation of a new school now and for new seats
13 in the capital plan. I am a little bit humbled to
14 say that I brought the same resolution that I
15 offered when this capital plan was first initiated
16 because nothing's changed for us in the upper west
17 side.

18 We can't wait for overcrowding to
19 arrive at our door before we put shovels in the
20 ground but that seems to be the DOE's way of
21 approaching these issues. If you do that and if
22 you work out the lag phase it takes for the DOE to
23 create a school, even if a developer is going to
24 build it for you. It takes four, five, six years.
25 That's a whole generation of elementary school

1 children. That's not acceptable.

2 Projections should be based on
3 transparent means and must be based on actual
4 experience. The Secra, the environmental quality
5 review statute that provides a conversion factor
6 for residential units to projected enrollment,
7 should be amended or looked at based on actual
8 experience. I gave you the actual experience of
9 P.S. 199, 100 additional kindergarten children
10 where the DOE said that there would be none.

11 Building capacity must focus on
12 classrooms not on head counts. Educators will
13 tell you that the same room can't be looked at for
14 the same number of children; it depends on the use
15 of the room. It is vitally important for special
16 education.

17 I think someone earlier today
18 testified about OT and PT, physical therapy and
19 occupational therapy taking place in hallways and
20 stairwells. First of all, that's obviously
21 educationally inappropriate for privacy reasons if
22 nothing else. But more so, the rooms that are
23 needed for that can't be looked at as if they
24 would also occupy 32 children or 28 children or
25

1
2 what have you. These are vital services and they
3 must be provided. And they must be provided in a
4 way that acknowledges that need.

5 With respect to cluster rooms.
6 There was a lot of testimony earlier today about
7 cluster rooms. One of the dirty secrets is that
8 once you sacrifice your cluster room, it becomes
9 part of your capacity. So you can't ever get it
10 back. So one of the schools in the upper west
11 side actually agreed to enlarge its class sizes
12 well beyond what is reasonable simply to be able
13 to keep those cluster rooms. Keep the science
14 lab, keep the art room where you can have more
15 than just a 25 minute lesson on a science
16 experiment or an art project without having to
17 clean up for the next thing.

18 Finally, we're talking a lot about
19 elementary school enrollment. Given the gestation
20 period for new schools and given the baby boom
21 that came in 2007 and will hit our elementary
22 schools in 2012, it's not too early to start
23 talking about the need to build middle school
24 capacity. In fact, part of the problem in
25 District 3 is that we're mortgaging a bit of our

1 middle school space in order to create room for
2 elementary school over enrollment. Obviously,
3 that's not sustainable because in four to six
4 years those kids are going to go to middle school
5 as well.

6
7 I'll stop there but thank you very
8 much for the opportunity to present this
9 testimony. There are significant needs and we
10 hope that we can work towards a solution.

11 CHAIRPERSON JACKSON: Let me thank
12 you mark on behalf of your community board, which
13 I believe is in District 3, is that correct?

14 MR. DILLER: Most of it, yes, sir.

15 CHAIRPERSON JACKSON: All of you,
16 all three of you District 2 and District 3, you
17 sound like reasonable people. You sound like you
18 know what you're talking about based on the
19 experiences that you are experiencing every single
20 day, that other parents are communicating to you,
21 from what you're seeing from yourself. And you
22 can realistically project what it's going to be
23 like based on what you're seeing going up. Like
24 on Amsterdam, what is it? Not Amsterdam, Columbus
25 Avenue between 97th and what, 99th Street.

MR. DILLER: 97th and 100th between
Columbus and Amsterdam.

CHAIRPERSON JACKSON: Yeah, I drive
by it myself and I say oh my gosh. This is going
to be huge, whatever it is.

MR. GOTBAUM: That's Columbus
Square.

CHAIRPERSON JACKSON: That's five
buildings you say?

MR. DILLER: Yes, sir.

CHAIRPERSON JACKSON: They're not
going to be one story buildings.

MR. DILLER: One of them is going
to come online this year, this coming year.

MR. GOTBAUM: And the school right
there already has five trailers.

CHAIRPERSON JACKSON: But it says
here in District 3, original 05-09 plan, zero.
Original 2010-2014 plan, zero. Where you here
when I said I testified at the original 05-09 plan
and that they said District 6 will be back to
having 20 kids in a class in K through three and
no overcrowding. All of the cluster rooms will be
put back to art, music, whatever they were and all

1 transportables will be gone. I said if you do
2 that, all of the parents that are sending their
3 kids to parochial school are coming back. Some of
4 the parents that are sending their kids to private
5 school are coming back. You agree or disagree
6 with that? Does it take a rocket scientist to
7 know that, if in fact that does happen?

8
9 I said I would shred my coat and
10 eat it. Well, I haven't shredded my coat yet and
11 I haven't ate it. Kathleen Grimm said let's see
12 the videotape as to what she said. Obviously,
13 that was the plan. You know what happened? It's
14 not like at that time we were in a deficit like we
15 are now. Money was pouring in so question is did
16 they lie to us or how come they didn't reach their
17 goal when they had all of the money coming in?
18 That's a good question.

19 Quite frankly, I don't know if I--I
20 can't get a direct answer from them. We're not
21 even talking about the true book versus the Blue
22 Book as far as utilization and capacity
23 statistics. You know what I mean? I don't know.
24 We're beating our heads it seems like. But I want
25 all of you to keep your energy, to stay focused

1 and to organize with other parents and keep
2 pushing and pushing and pushing. Because if you
3 don't, you'll get nothing. Lou, last words.

4 COUNCIL MEMBER FIDLER: Mr.
5 Chairman, we're talking to each other here
6 unfortunately. The truth of the lesson for today
7 you asked whether they were lying to us. They're
8 able to articulate the goal. They're able to say
9 the words. I think they're able to articulate it
10 in part because they're bound to it by statute.
11 But if you can't meet the goals, fudge the data to
12 make it look like you're meeting the goals. I
13 think that's what we're hearing here today.

14 You put blinders on so that you
15 don't see the reality that's going on around you
16 so that the false data looks more viable. I think
17 that's what we're seeing here and that's what
18 we're seeing here in this plan, this amendment.

19 MR. GOTBAUM: Before you put it all
20 off.

21 COUNCIL MEMBER FIDLER: That's what
22 they're doing. I can't tell you how many times
23 I've had to come to this cinematic analogy but
24 it's kind of like at the end of Animal House.
25

2 When the Kevin Bacon character is standing in the
3 middle of the riot in the street screaming, all is
4 well, all is well. And here we are again, all is
5 well.

6 CHAIRPERSON JACKSON: Well, thank
7 you all for coming and let me wish all of you and
8 everyone here a happy and a safe holiday and the
9 struggle continues every single day. With that,
10 it is now 5:25 and this hearing on the amendment
11 to the five year capital plan is hereby adjourned.

C E R T I F I C A T E

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

Signature Amber Gibson

Date December 28, 2009