

CITY COUNCIL  
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

JOINT COMMITTEE ON EDUCATION; LANDMARKS, PUBLIC SITING  
& MARITIME USES

-----X

October 24, 2008  
Start: 10:23 am  
Recess: 1:48 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
  
ROBERT JACKSON  
JESSICA S. LAPPIN  
Chairperson

COUNCIL MEMBERS:  
Bill de Blasio  
Simcha Felder  
Helen D. Foster  
Melinda R. Katz  
G. Oliver Koppell  
John C. Liu  
Domenic M. Recchia, Jr.  
Peter F. Vallone, Jr.  
Albert Vann  
David Yassky  
Maria del Carmen Arroyo  
Daniel R. Garodnick  
James Vacca

## A P P E A R A N C E S

## COUNCIL MEMBERS:

Vincent Ignizio  
Charles Barron  
Leroy G. Comrie, Jr.  
Annabel Palma  
Rosie Mendez  
James S. Oddo

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

Garth Harries  
Chief Executive for Portfolio Development  
NYC Department of Education

Lorraine Grillo  
Executive Director/Chief of Staff  
NYC School Construction Authority

Helen Marshall  
President  
Queens Borough

Irene Kaufman  
Public School Parent Advocacy Committee

Rebecca Daniels  
Parent Activist CEC District 2

Robert Ely  
PS 3

Chauncy Young  
United Parents of Highbridge

Gloria Quinones  
United Parents of Highbridge

Tarrell Childs  
For Joanne Smitherman

Lilly Tejada  
For Lesandra Tejada

Keen Berger  
Chair  
Community Board 2

Mary Silver  
PS 116 and CEC District 2

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

Magda Abouldfadl  
Co-chair  
Manhattan Community Board 5

Matt Borden  
Assemblymember Deborah Glick

Debra Freeman  
Lower Lab School PTA

Dawn Philip  
Staff Attorney  
New York Lawyers for Public Interest

Leonie Haimson  
Class Size Matters

Neal Tepel  
District Council 1707

Layla Law-Gisiko  
PS 116

Ann Kjellberg  
Founding Member  
Public School Parent Advocacy Committee

Tricia Joyce  
PS 234 Overcrowding Committee

2 [Off mic]

3 CHAIRPERSON JACKSON: Yeah. Good  
4 morning, sorry for running late this morning. A  
5 little logistics we had to get squared away, we  
6 were supposed to move to the 16<sup>th</sup> floor and then we  
7 moved back over here. And as you know, we've had  
8 a very busy day yesterday and some people are  
9 still recovering or trying to recover. But let me  
10 welcome all of you to today's joint oversight  
11 hearing of the education committee and the  
12 Subcommittee on Landmarks, Public Siting and  
13 Maritime Uses on addressing school overcrowding in  
14 the New York City public schools and this is part  
15 two. This is the second of the two oversight  
16 hearings addressing school overcrowding. The  
17 first hearing was held on October 3rd, 2008, and  
18 focused on school capacity, utilization, and the  
19 planning process for the Five-Year Capital Plan.  
20 The focus of today's hearing will be on the  
21 process to find and acquire sites for schools,  
22 whether for new construction, lease space, or  
23 space in existing school buildings for charter  
24 schools and new small schools. At the last  
25 hearing, I talked about the magnitude of the

2 overcrowding problem that according to the data  
3 from the 2006 and 2007 school year, 38% of New  
4 York City public school students attended  
5 overcrowded schools, including 47% of elementary  
6 school students, 19% of middle school students,  
7 and 51% of high school students. That's so many  
8 of our children struggle to learn in overcrowded  
9 classrooms, as I said before and I say again, is  
10 unacceptable. School siting is important to the  
11 issue of overcrowding because it's a long and  
12 complex process that adds considerably to the time  
13 needed for creating new seats regardless of  
14 whether the seats are added by new construction,  
15 leasing, or using space in existing schools.  
16 According to the School Construction Authority,  
17 commonly known as SCA, one of the greatest  
18 challenges in building new schools in New York  
19 City is finding appropriate sites. Land is scarce  
20 in New York City, making the search for sites for  
21 new construction extremely difficult and time-  
22 consuming. But finding a site is only the first  
23 stage in this very lengthy process. After finding  
24 a site comes the scope and design phases, each of  
25 which can take several months and are followed by

2 a gap of this much as several months to a year  
3 before the actual construction phase begins.

4 Regarding the placement of new schools or charter  
5 schools in existing quote unquote underutilized  
6 school buildings, a major issue has been the lack  
7 of consultation with parents, teachers,

8 administrators, and other stakeholders of the  
9 whole school, as well is the failure to notify

10 elected officials until very late in the siting  
11 process. In response to criticism from Council

12 members and others, the Department of Education  
13 maintains that they're now doing more to solicit

14 community input. We hope to hear more about those  
15 efforts today. Another concern is that placement

16 of new schools in existing buildings can actually  
17 add to overcrowding. In the case where large low-

18 performing high schools have been closed and

19 replaced with new small schools, for instance,

20 displacement of students from the school begin

21 phase out can lead to overcrowding of surrounding

22 schools. I'll be remiss if I didn't point out

23 that leasing, while providing short-term relief

24 and flexibility, also has drawbacks. Besides

25 offering only a temporary solution, lease sites do

2 not go through the same environmental quality  
3 review process which increases the risks of  
4 contaminated sites being approved for use. In  
5 early November of 2008, just a few short weeks  
6 away, the Department of Education and School  
7 Construction Authority plan to issue a proposed  
8 new Five-Year Capital Plan for 2010 through 2014.  
9 In anticipation of the new capital plan, several  
10 reports have been released over the past six  
11 months that document current overcrowding in the  
12 New York City public schools. Manhattan Borough  
13 President Scott Stringer issued two reports on  
14 overcrowding in Manhattan, Controller Bill  
15 Thompson released a report on school overcrowding  
16 citywide, and Professor Emily Horowitz of St.  
17 Francis College and Leonie Haimson of Class Size  
18 Matters released results of a survey of New York  
19 City public school principals that suggest the  
20 Department of Education data on school capacity is  
21 inaccurate. In addition to these reports, several  
22 working groups were formed recently to address  
23 school overcrowding, such as the Manhattan Task  
24 Force on School Overcrowding, a coalition of  
25 elected officials to address overcrowding in

2 Community School District 2, and the Campaign for  
3 a Better Capital Plan consisting of elected  
4 officials, advocates, parents, unions, and other  
5 stakeholders. I understand that some additional  
6 reports addressing school overcrowding will soon  
7 be released. The Campaign for a Better Capital  
8 Plan is expected to release a report offering new  
9 goals and recommendations to improve the Five-Year  
10 Capital Plan. The Campaign for Fiscal Equity,  
11 commonly known as CFE, is also working on a report  
12 that will identify all of the overcrowded school  
13 buildings, where they are located, where the worst  
14 overcrowding is, and the number of students  
15 affected, as well as where the overcrowding has  
16 persisted for a decade, where is the worst and  
17 where it has been the worst and where it has  
18 improved. Since the City Council has to approve  
19 the Five-Year Capital Plan, all of these reports  
20 and other efforts, the Council will be provided--  
21 excuse me, since the City Council has to approve  
22 the Five-Year Capital Plan, all of these reports  
23 and other efforts provide the Council with  
24 additional information and guidance that is most  
25 welcome. Today's hearing gives us an opportunity

2 to examine what the Department of Education and  
3 the School Construction Authority are currently  
4 doing to address overcrowding in the school siting  
5 process, as well as to get valuable input from  
6 other stakeholders. I would now like to turn to  
7 our chairperson of the Subcommittee on Landmarks,  
8 Public Siting and Maritime Uses, Jessica Lappin,  
9 for her opening statement, Jessica?

10 CHAIRPERSON LAPPIN: Thank you, Mr.  
11 Chair. I'm not going to get a lengthy opening  
12 statement because I have many questions and I  
13 really want to have a discussion and a dialogue.  
14 I wanted to acknowledge the two members of the  
15 Land Use Subcommittee that are here: Councilwoman  
16 Maria Arroyo and Council Member Jimmy Oddo, and  
17 Council Member John Liu and Council Member Rosie  
18 Mendez who are all members of the Land Use--

19 MALE VOICE: [Off mic] Jessica.

20 CHAIRPERSON LAPPIN: Oh, I'm sorry.  
21 How could I forget Charles? Council Member  
22 Charles Barron. And, you know, I think we know  
23 that there are certain neighborhoods in certain  
24 districts that are facing massive overcrowding and  
25 in advance of the new capital plan, we wanted to

2 have a real discussion about how we're going to  
3 fix that. And once we identify that there is a  
4 problem, and I think we have jumped that hurdle,  
5 then how do we practically speaking find the sites  
6 and the locations and where we're even looking  
7 within a district which is a pretty large  
8 geographic area, although I know that now we're  
9 going to start to look on a more neighborhood-  
10 based level, which is great and I think a product  
11 of some of our discussions over the last couple  
12 months. But my questions today are really going  
13 to be about how you find those locations and how  
14 you decide where the schools within the  
15 overcrowded area should be.

16 [Pause]

17 CHAIRPERSON JACKSON: Thank you.

18 Members of the Education Committee that are here  
19 are Simcha Felder, in front of me to my right, of  
20 Brooklyn; Helen Diane Foster, who is next door  
21 chairing the Parks Committee meeting; John Liu, of  
22 course, to my left; Maria del Carmen Arroyo is  
23 right--she's looking at me, right to my right;  
24 Vincent Ignizio from Staten Island; and Minority  
25 Leader Jimmy Oddo; and, as I said, Oliver Koppell

2 of the Bronx. Anyone else? Okay?

3 FEMALE VOICE: Jimmy Vacca.

4 CHAIRPERSON JACKSON: The one whose  
5 mother said, you mean I can't vote for them? And  
6 Jimmy Vacca of the Bronx. I'd now like to turn to  
7 the representatives from the Department of  
8 Education and School Construction Authority and  
9 have them to introduce themselves and their  
10 titles and begin their testimony.

11 GARTH HARRIES: Thank you, Chair  
12 Jackson, and good morning. Good morning to you,  
13 good morning, Chair Lappin and members of the  
14 Committee on Education and the Subcommittee on  
15 Public Siting. My name is Garth Harries, I'm the  
16 Chief Executive for Portfolio Developments at the  
17 Department of Education. I am joined by Lorraine  
18 Grillo who is Chief of Staff at the School  
19 Construction Authority. As you'll remember, on  
20 October 3<sup>rd</sup>, I joined Deputy Mayor Dennis Walcott  
21 and Deputy Chancellor Kathleen Grimm as they  
22 testified before the Council regarding issues of  
23 school facilities, student enrollment, and the  
24 department's work to address instances of  
25 overcrowding. Our testimony emphasized the

2 progress we have made over the last six years, the  
3 ongoing work we have to do, particularly, as Chair  
4 Lappin mentioned, at the neighborhood level, and  
5 the multifaceted planning process necessary to  
6 ensure reduction of overcrowding and the operation  
7 of successful schools. I am pleased to be here  
8 this morning to expand on these issues by  
9 discussing the internal and external processes the  
10 DOE undertakes as part of the school and program  
11 siting process. Let me begin by defining siting  
12 so we're speaking in common terms. A siting, as I  
13 will use the term today, involves creating and or  
14 changing the instructional program in Department  
15 of Education instructional space. The creation of  
16 additional pre-kindergarten class in a particular  
17 elementary school, for instance, we would call  
18 part of the siting process. Likewise, the  
19 replacement of a closing school with one or more  
20 new schools is part of the siting process. I  
21 think of siting as the pairing of instructional  
22 options with the department's physical  
23 infrastructure; the pairing of schools and  
24 programs, which are the fundamental units of the  
25 school system, with the bricks and mortars in

2 which they can operate. As such, siting of  
3 different programs and schools is a starting point  
4 in our goal of creating a system of great schools.  
5 From this perspective, it is crucial to understand  
6 siting as I use the word, not as a simple  
7 operational exercise, but instead a deeply complex  
8 and multifaceted process that creates the  
9 opportunities for teachers to teach and students  
10 to learn. In this context, our work in siting  
11 instructional programs is deeply entwined with our  
12 children first goals of student achievement and  
13 equity. To pursue these goals, our processes--our  
14 process is designed to highlight three  
15 interconnected ingredients, which I will discuss:  
16 the best possible information about the needs of  
17 students and the available physical resources in  
18 the system to meet those needs, consultation with  
19 local communities to inform our decisions, and an  
20 emphasis on school and instructional quality. On  
21 the first, we work hard to ensure we have the best  
22 possible information the DOEs and onsite  
23 exploration can give us about the DOE school  
24 buildings and we watch closely any information we  
25 have about choices and desires of parents. On the

2 second, we have worked hard as a department to  
3 develop productive ways to involve local  
4 communities, including elected officials, in our  
5 assessments and in the difficult trade-offs that  
6 are often involved. And on the third, we strive  
7 always to maintain a lens of school quality, to  
8 understand how siting decisions can improve the  
9 quality of schools and schools' options. In the  
10 end, parents and students do not send their  
11 students to face the brick walls of our schools,  
12 they send them to schools and to teachers and the  
13 effectiveness of the many individual schools in  
14 our portfolio is what will drive our overall  
15 success as a system. With this introduction, I'd  
16 like to turn to the details about how we carry  
17 about the process for siting instructional  
18 programs. It is important to understand at the  
19 outset that the siting process that I describe  
20 applies to all manners of instructional programs.  
21 We believe firmly that we need to apply the same  
22 standards across the city as we manage our  
23 facilities. So the process I'm about to describe  
24 applies to the assessment of space in existing  
25 schools, the siting of new schools in excess

2 space, the movement of existing schools that need  
3 to change their locations for whatever reason, and  
4 the siting of school programs like Gifted and  
5 Talented and D-75. It also applies when we create  
6 schools to inhabit new buildings--something the  
7 existing capital plan has allowed and will  
8 continue to allow exciting opportunities for.

9 While different types of siting decisions attract  
10 different levels of public attention, they're all  
11 subject to the same internal standards and, as  
12 such, are made using the same criteria. A  
13 starting point for our decisions about how to pair  
14 instructional programs with the DOE's physical  
15 infrastructure is to look at the best possible  
16 information about the facts and conditions in our  
17 school buildings. This assessment always includes  
18 the enrollment capacity utilization report,  
19 otherwise known as the Blue Book, to understand  
20 fundamental indicators regarding capacity and  
21 facility usage. Since 2003, as we discussed at  
22 the last hearing, we have made significant  
23 improvements to the Blue Book so that it more  
24 accurately reflects the actual school conditions  
25 and the ways physical capacity intersects with

2 instructional experience. For example, working  
3 with the School Construction Authority, we changed  
4 the way that art and music room space is  
5 calculated so that schools don't lose credit for  
6 these quote cluster rooms if they are converted  
7 into traditional classrooms--a change urged by  
8 many on the Council and the Council's education  
9 staff. While the Blue Book is a starting point,  
10 we also bring many other points of information to  
11 bear in understanding the conditions in DOE  
12 facilities. Where it appears that a building is  
13 underutilized we will also conduct what we call a  
14 quote footprint analysis which uses DOE systems to  
15 assess the number of student sections or classes  
16 in any given school and compare that data to the  
17 number of different instructional spaces those  
18 student classes need. This is important because  
19 if a school has reduced class size, we will see  
20 this when we do the footprint assessment and know  
21 that the space is being productively used.

22 [Pause] All of the data we use for these initial  
23 assessments are reported and form--reported and  
24 informed by the principals and schools, including  
25 the room survey and the sectioning of students.

2 Beginning last school year, if our paper analysis  
3 showed that there was space in the building, we  
4 informed the principal or principals of the  
5 building of our assessment and asked them for  
6 their direct commentary on the space calculation.  
7 We are in the process right now of doing that  
8 again this year, and I should note that we keep  
9 the CECs involved in those communications and you  
10 can all expect to hear from Aaron about the  
11 outreach we're doing in your particular districts  
12 about schools where we may have identified space.  
13 The goals are both to correct any misinformation  
14 that may exist in the DOE systems and to gather  
15 any relevant further information about how a  
16 school is using its space. These on-paper reviews  
17 are only the start of our space assessment, even  
18 if it is the principal him or herself who is  
19 supplying the underlying facts. For our analysis  
20 continues to indicate that potential excess space  
21 exists in the building and there is some potential  
22 that we will use the space for some other major  
23 use, we often conduct a walk-through space survey  
24 of the building, together with the building's  
25 principal or principals. The principals further

2 are encouraged to involve his or her or their  
3 school leadership teams. The walk-through let's  
4 all involved assess whether the paper review  
5 accurately reflects the building's use and whether  
6 there are facts or factors the review failed to  
7 take account for. It is important to note that  
8 the available space sometimes evidenced as  
9 instructional rooms that are left empty all the  
10 time, but they also evidence as instructional  
11 rooms that are only used for a handful of periods  
12 a day. The purpose of the walk-through is to  
13 understand the details of this usage. Part of the  
14 fact-base we monitor closely in the Office of  
15 Portfolio Development is the new construction that  
16 our colleagues at the School Construction  
17 Authority are bringing online to serve the  
18 students and families of the city. Thankfully for  
19 our work, this administration has presided over an  
20 unprecedented investment in school construction,  
21 as we discussed at the last hearing. The current  
22 capital plan is on track to introduce 63,000 new  
23 seats across every borough by 2012. Once a site  
24 is identified, a due diligent process is  
25 undertaken that can take six months to a year.

2 This is followed by a year to design the school  
3 and two to three years for construction. As a  
4 result, we are just now beginning to see the  
5 fruits of the investment from the early years of  
6 the capital plan. This includes more than 11,000  
7 seats that were opened at the start of the current  
8 school year, 12,000 new seats set to open in  
9 September 2009, and over 15,000 new seats set to  
10 open in September 2010. In my office, we watch  
11 these openings closely and work with local  
12 communities to ensure the schools that fill these  
13 wonderful new buildings are as high quality as  
14 possible. Lorraine Grillo from the SCA will be  
15 happy to answer your questions about the school  
16 construction process after my comments. As we  
17 assess the conditions in our school buildings, we  
18 pay particular acute attention not only to the  
19 conditions in individual buildings, but to the  
20 ways enrollment instructional programs in  
21 different buildings may intersect and interact.  
22 For example, there are pockets of over-enrollment  
23 in the city--excuse me for example, while there  
24 are pockets of over-enrollment in the city, there  
25 are also facilities whose enrollment is under

2 their stated capacities by hundreds of students.

3 Often these capacities are in proximity to over-

4 enrolled facilities and the creation of new

5 attractive schools in the unused space will draw

6 students and help reduce this over-enrollment.

7 Similarly when we close schools, we work hard to

8 ensure that we have planned enough new schools to

9 accommodate the enrollment originally served by

10 the closing school, whether in that facility or in

11 another facility that has space. By focusing on

12 these kinds of opportunities, we can ensure that

13 investments of new construction like those

14 discussed by Deputy Chancellor Grimm in the last

15 hearing can be focused on communities and

16 neighborhoods that need them most. Information

17 about the conditions of our buildings is only one

18 part of the equation in our siting process. Since

19 our goal is provide higher-quality options for all

20 families and students, we work hard to understand

21 the needs and demand for programs and school

22 organizations, as well as the communities views of

23 local schools. The Office of Student Enrollment,

24 the Office of Portfolio Development, the office of

25 Deputy Chancellor Grimm all work together and

2 separately to assess school quality, school  
3 enrollment projections, and indicators of family  
4 demand for services to learn where new options  
5 should be offered. The full-day pre-kindergarten  
6 sections in a given area the city might be fully  
7 enrolled with evidence that other sections would  
8 fill if we make them available. High schools or  
9 middle schools may see rising or falling demand in  
10 their enrollment processes. Our recent decision  
11 to expand G&T admission to kindergarten in  
12 Brooklyn and Queens, where this was not an option  
13 previously, was based in monitoring the sort of  
14 demand. We also look to deepen and refine our  
15 understanding of community demand through  
16 engagement with community and the parent leaders,  
17 as well as elected officials. The Community  
18 Education Councils and the District Leadership  
19 Teams which include the leadership of each  
20 educational leadership group in the district are  
21 our most important conduit for this information.  
22 Over the past three months alone, my office has  
23 held ongoing conversations with 25 CECs and DLTs  
24 across all five boroughs in order to reflect a  
25 thorough understanding of community will and local

2 factors. We have discussed issues as far ranging  
3 as pre-kindergarten in Washington Heights to high  
4 school design in Sunset Park to elementary school  
5 grade levels on the north shore of Staten Island.  
6 As portfolio issues arise, we intend to work with  
7 every DLT. In Far Rockaway we commit, for  
8 example, we committed to opening a health career  
9 theme school after the District Leadership Team  
10 expressed that this type of school would meet the  
11 needs of local students and the local economy  
12 better than a traditional high school. In most  
13 instances, even if there is verified space  
14 availability in a DOE building, the DOE will take  
15 no action. However, if our analysis indicates  
16 that children will be served by creating a new  
17 option or adjusting the programmatic structure, we  
18 will propose an alternate use. We make this  
19 proposal in order to get the feedback of the  
20 affected school communities, the CEC, and DLT,  
21 elected officials, and other impacted groups. It  
22 is in this context that I and my team have met  
23 with you and your staff. Often there is a  
24 consensus around the best course of actions, which  
25 schools should house expanded pre-K options, G&T

2 options, and or what kinds of school should  
3 replace a phasing [off mic] school. Sometimes too  
4 these are very difficult decisions involving  
5 complex trade-offs and different points of view. I  
6 hope you will agree that we bring to those  
7 discussions the seriousness of purpose and a  
8 consideration that reflects the importance of the  
9 underlying goal: to provide good school options  
10 for all students. We have and will continue to  
11 appreciate your input as we pursue the best  
12 possible instructional quality and most effective  
13 possible use of our facilities. [Pause] A word  
14 on some of our newest efforts to improve our  
15 consultation process. We recently began posting  
16 proposals on some of our more complicated  
17 portfolio situations online. Currently, postings  
18 are up regarding upper Westside rezoning, a new  
19 elementary school facility in Cypress Hills, and  
20 potential changes in the grade levels of some  
21 Harlem elementary schools. We suggest--we invite  
22 you to visit the DOE website's facilities section  
23 to view these proposals. We also make decisions  
24 to site charter schools using the same standards  
25 we make other siting decisions. Charter schools

2 do not receive an allocation to support their  
3 facilities under state law, so where we have space  
4 available in our buildings, we make it available  
5 to charter schools, which are public schools. The  
6 thousands of parents on charter wait lists around  
7 the city reflect the popularity of the options  
8 created as a result. In 2007, the state  
9 legislature passed a new law that formalized the  
10 public engagement process for the siting of  
11 charter schools. This law, which required formal  
12 hearings at the impacted facility, was consistent  
13 with our long-standing informal process for school  
14 siting. We have welcomed the opportunity to  
15 formally share our charter school siting plans  
16 with the public and my staff has held over 80 of  
17 these charter school hearings since last January.  
18 As I said at the outset, our top priority in the  
19 school siting is to ensure that we are offering  
20 students in every neighborhood excellent school  
21 options. Siting decisions are often guided by the  
22 knowledge that for a given set of students this is  
23 not a reality and that they need new or additional  
24 options to choose from or change conditions in the  
25 school they are in. This means ensuring that

2 schools are sited in buildings where students can  
3 learn effectively and without disruption, it means  
4 creating rigorous new schools where there is  
5 demand, and it also means closing schools that  
6 have failed to provide students with satisfactory  
7 education. We recognize that closing a school is  
8 a profoundly significant decision with serious  
9 consequences, but we also believe that no student  
10 should be denied a good education because his or  
11 her school has failed. Maintaining a portfolio of  
12 great schools requires that we sometimes make  
13 tough, unpopular decisions, but we cannot and have  
14 not shrunk from making those decisions when they  
15 are in the best interests of kids. The results  
16 are encouraging. Over the course of this  
17 administration the graduation rate has increased  
18 by 11 points, up to 62% in 2007 from 51% in 2002.  
19 Since 2002, the percentage of students meeting or  
20 exceeding state standards is up by more than 20  
21 points in both fourth and eighth grade math. In  
22 ELA, the percentage of students meeting or  
23 exceeding standards is up more than 10 points in  
24 both fourth and eighth grade. Today, fewer  
25 students are dropping out of school, more are

2 meeting standards, and we're steadily closing the  
3 achievement gaps. Our new small schools which  
4 serve more challenging students in the city as a  
5 whole have exceeded citywide graduation rates by a  
6 substantial margins in their first two graduating  
7 classes and we are confident that we'll see those  
8 results this year and into the future as well.

9 This year we increased pre-K offerings by 684  
10 additional seats because we knew that this was a  
11 top parent priority and because we know that a  
12 pre-K investment is an investment in long-term  
13 results for our students. We have much more work  
14 to do before all students are receiving the  
15 education they deserve, but we're firmly on the  
16 right track. Before I close, I should note that  
17 one corollary to our siting process is the way  
18 that we manage buildings where there are multiple  
19 principals--the so-called Building Councils.

20 Schools in New York shared space longer before the  
21 tenure of this Mayor and Chancellor, whether it  
22 was multiple schools, schools of different grade  
23 levels, or D-75 special education programs sharing  
24 space with general education schools. As we have  
25 worked to site schools in DOE buildings over

2 recent years, we have also developed the policy to  
3 help principal manage the complications that  
4 sharing space can create. Where multiple schools  
5 occupy one building, there is now a policy  
6 requiring principals to form a Building Council,  
7 essentially a regular meeting of all principals in  
8 the building. Building Councils facilitate  
9 collaboration among principals, ensure that  
10 resources such as classroom space and students'  
11 hours in the cafeteria and gym are allocated  
12 fairly, and the decisions are made collectively  
13 based on the best interests of all students.

14 Where conflicts arise between schools that they  
15 cannot constructively resolve, we have created  
16 escalation procedures, which can both resolve the  
17 underlying issues and ensure that principals  
18 behave collaboratively. While the Building  
19 Council does not usually involve parents or  
20 teachers, many of our most successful campuses do  
21 have parent councils and other groups that work  
22 across the schools when necessary. We encourage  
23 the formation of these kind of groups so  
24 stakeholders from different schools in one  
25 building can collaborate. [Pause] I opened by

2 saying that our goal in making these siting  
3 decisions is to ensure the highest possible  
4 achievement and equity in the system of public  
5 schools in New York City. Though the decisions  
6 are often difficult and controversial and we have  
7 much work to do, we are proud of the progress we  
8 have made in recent years. We have used siting of  
9 instructional programs to improve school  
10 conditions. As we discussed with the Deputy Mayor  
11 and Deputy Chancellor at the last hearing,  
12 overcrowding, while absolutely still an issue in  
13 many schools, has reduced across the city. At the  
14 high school level where our efforts to be  
15 effective in the use of existing buildings has  
16 been particularly active, 59% of our high schools  
17 were overcrowded--that is, above 100% utilization  
18 when this administration started in 2002--by  
19 siting secondary schools in underutilized  
20 buildings as well as building new facilities, only  
21 42% of schools remain overcrowded. There's  
22 clearly more work to do, but it is worth noting  
23 that of the 107 buildings that were overcrowded in  
24 2002, 75 have seen their utilization fall to a  
25 lower half decile bracket, i.e., going from a

2 utilization of between 105 and 110% to 100 to 105%  
3 now. This improvement has been particularly stark  
4 in the Bronx--an area of the city that was long  
5 neglected in high schools. Two-thirds of Bronx  
6 buildings were overcrowded in 2002; today, only  
7 one-third are. We have accomplished similar  
8 things at the elementary and middle school level.  
9 For example, in Hunts Point, we sited high charter  
10 school in an under-enrolled middle school. This  
11 helped to reduce the enrollment at substantially  
12 over-enrolled elementary school nearby. Perhaps  
13 more importantly, we have used siting of  
14 instructional programs to improve school quality--  
15 I discussed those results above. Rising test  
16 scores and graduation rates are the ultimate  
17 measure of all of our efforts, whether it's  
18 operational or instructional, but I would  
19 underscore them here in my conclusion and thank  
20 you, the council members, for your support in the  
21 many siting decisions that have helped make these  
22 improvements possible. I look forward to working  
23 with you further to make sure we are ensuring our  
24 buildings are occupied by high-quality, exciting  
25 schools and programs. We have much work left to

2 do, but our progress thus far has clearly been  
3 helped by the thoughtful feedback of parents,  
4 school leaders, and elected officials and I hope  
5 that that collaboration will continue. Thank you.

6 CHAIRPERSON LAPPIN: Thank you very  
7 much. Am I on here? Okay. I'm going to just  
8 jump right in and start asking my questions. And  
9 you talked about working in consultation with  
10 communities and including elected officials and I  
11 wanted to start by saying--and speaking only for  
12 myself--I do feel like we've had a good working  
13 relationship, and in terms of District 2, have had  
14 a lot of discussion and collaboration and I hope  
15 we'll be able to find some positive solutions. On  
16 a community side, I think sometimes they don't  
17 feel exactly the same way and I guess I wanted to  
18 ask, one, what's your process for responding to  
19 community suggestions for sites? Is there a  
20 formal process, an informal process?

21 GARTH HARRIES: And you're referring  
22 there to siting--

23 CHAIRPERSON LAPPIN: To [crosstalk]  
24 calls and says on behalf of the 77th Street  
25 Neighborhood Association we think that you should

2 investigate 307 East 78th Street as a site for a  
3 school.

4 GARTH HARRIES: The reason I ask to  
5 clarify is we use siting in two ways--and let me  
6 first say, I mean we oftentimes get feedback from  
7 community groups in the kinds of siting that I'm  
8 referring to. We're going to place the Jessica  
9 Lappin school in the following building and in  
10 those instances we are consistently go to the  
11 school, hold a discussion with the school, and  
12 issue, whenever the final decision is made, a  
13 letter about what that siting is so that folks  
14 understand what the decision is and they may agree  
15 or disagree, but understand the basis of the  
16 decision. I think your question is focused on the  
17 real estate definition of siting--

18 CHAIRPERSON LAPPIN: Right, we have  
19 overcrowded schools, parent says my school is  
20 overcrowded, look at this site.

21 GARTH HARRIES: So I'm going to  
22 defer to Lorraine to answer that question.

23 LORRAINE GRILLO: Sure. Thank you,  
24 Chair Lappin. We investigate every single  
25 suggestion that comes through from various sources

2 and, in most cases, unless we are actively  
3 involved in pursuing a site, we will get back to  
4 that person and give them the reasons why it's not  
5 a suitable site. If, in fact, we do engage in  
6 that dialogue, we do not want to jeopardize our  
7 position in the negotiations by encouraging people  
8 to get too involved and to push too hard against  
9 the landlord or whomever's selling the property.  
10 We want to do that, we'll get back, we'll say  
11 that, in fact, we are interested in the site, we  
12 are pursuing it, but we're not going to get into  
13 the details of the negotiation.

14 CHAIRPERSON LAPPIN: But not getting  
15 into the details of the negotiation I think is a  
16 separate thing from people feeling like they  
17 suggest sites and you dismiss them out of hand or  
18 you say it won't work, it's not big enough or... So  
19 I guess my question is, do you have a real process  
20 in that, say, like, if you want to have a landmark  
21 investigated, you fill out a request for  
22 evaluation proposal that the Landmarks Commission  
23 makes available and then you have some  
24 acknowledgment as the member of the public that  
25 this has been received and maybe you would have a

2 timeframe as to responding and categories of  
3 things that you're looking at, so that people do  
4 understand maybe you have a minimum square footage  
5 that you look at and the site doesn't meet that.  
6 But so, I guess, my question is do you have a real  
7 formal process and formal criteria and, if not,  
8 would you think about changing that?

9 LORRAINE GRILLO: We do not have the  
10 formal process that you described, we do have a  
11 very informal process, but we do in fact get back  
12 to anyone who's interested in suggesting a site.  
13 In some cases, I have been invited to various  
14 community boards and so on bringing along with me  
15 the criteria that we use when we are looking for a  
16 site. But in fact, we would entertain something  
17 like that.

18 CHAIRPERSON LAPPIN: I think that  
19 would be helpful in terms of people feeling like  
20 you're actually really doing the work that you're  
21 doing.

22 LORRAINE GRILLO: Right.

23 CHAIRPERSON LAPPIN: Which brings me  
24 to parochial schools, because I know there was one  
25 that I had suggested a while back to Terrence

2 Tolbert and ended up being scooped up by, I think,  
3 the Ramaz School, but, you know, there was an  
4 example of maybe you decided you didn't want it,  
5 maybe you just didn't act quickly enough--I don't  
6 really know, whatever, we've lost the site, but--  
7 so I think the process would have been helpful,  
8 but it also brought to my mind there are a number  
9 of parochial schools around the city that are  
10 shutting down.

11 LORRAINE GRILLO: Right.

12 CHAIRPERSON LAPPIN: Do you--are you  
13 systematically approaching the archdiocese or not  
14 and how do you sort of deal with that piece?

15 'Cause those could obviously be potentially good  
16 sites and neighborhood families are already using  
17 them.

18 LORRAINE GRILLO: Yes, in fact over  
19 the last several years we have leased over, I  
20 think, 17 parochial schools across the city  
21 because of exactly what you're talking about.

22 [Pause] In--there are a couple of things, the  
23 archdiocese obviously are the folks that we  
24 negotiate with in the New York City, Manhattan,  
25 and the Bronx and in Brooklyn and Queens we are

2 dealing with the Diocese of Brooklyn. We not only  
3 deal with the archdiocese, we also have to deal  
4 with the individual parish priest, the Monsignor  
5 of the diocese--of the individual school. In any  
6 case, sometimes the individual parish is unwilling  
7 to have that discussion with us. Oftentimes,  
8 there a number of restrictions that are put on to  
9 us. For example, in a lot of the parochial  
10 schools, in Manhattan in particular, they will  
11 only lease K to 3 to allow us to have K to 3 in  
12 the building, for a variety of reasons, one of  
13 them having to do with our family living  
14 curriculum. In other sections of the city, they  
15 are perhaps more liberal in their discussions with  
16 us. So yes, in fact, we have an ongoing dialogue  
17 with both the archdiocese, as well as the Diocese  
18 of Brooklyn and Queens and when a site becomes  
19 available in an area of need, we will immediately  
20 be in contact with them.

21 GARTH HARRIES: And I think it's  
22 important to understand--underscore what Lorraine  
23 said at the end there, which is it does need to be  
24 consistent with our underlying need, you know, we  
25 have had parochial school sites open in

2 communities where there are lots of underutilized  
3 facilities and we don't have an overcrowding  
4 issue, and that's obviously not a situation in  
5 which we would pursue that facility. But there  
6 are, as you observed, some, including in  
7 Manhattan, that have opened up in areas that do  
8 have need and the--from--as a bystander I've  
9 watched the School Construction Authority pursue  
10 those.

11 CHAIRPERSON LAPPIN: So you're  
12 saying that in Manhattan in particular, because of  
13 the curriculum there's a problem getting them to  
14 go past--now that's an excellent reason not to  
15 lease the site that Ramaz picked up and that was  
16 never articulated to me. So I--just going back to  
17 the other piece of process and criteria, you know,  
18 I think we should be teaching tolerance and sex  
19 education and other things to our children, so I  
20 wouldn't want a site if that meant we couldn't do  
21 those things. So you do approach them on a  
22 regular--

23 LORRAINE GRILLO: Absolutely.

24 CHAIRPERSON LAPPIN: --basis  
25 whenever sites become available. I'm only going

2 to ask one more question right now, although I  
3 have quite a few more, because I know some of my  
4 colleagues want to jump in and then I'll come  
5 back, but I wanted to ask about making a list  
6 available. You know, I hear a lot from parents  
7 that they would love to have a list of city or  
8 state owned properties that are either vacant or  
9 will soon be vacant or could potentially be leased  
10 to the Department of Education and yet they can't  
11 get that despite requests. Does such a list  
12 exist? Is it something that you would be willing  
13 to make available?

14 LORRAINE GRILLO: Well, we don't  
15 have a list of that kind. We work with DCAS and  
16 they give us information, they share information  
17 about city properties that become available that  
18 we could potentially use. We do not--we are not  
19 the keepers of that list. [Pause] As properties  
20 --

21 CHAIRPERSON LAPPIN: Right, I hear,  
22 okay, what you're saying DCAS would be the place--

23 LORRAINE GRILLO: Right.

24 CHAIRPERSON LAPPIN: --that would  
25 keep the list, except that you do have your

2 criteria--

3 LORRAINE GRILLO: Mm-hmm.

4 CHAIRPERSON LAPPIN: --that make a  
5 site potentially eligible or ineligible, so just  
6 getting a list from DCAS wouldn't be that helpful.  
7 I mean, I would assume that you would be  
8 continually working with DCAS to develop your own  
9 list so that you say, okay, you're not going to  
10 have the police academy there anymore, that's a  
11 potential one for us.

12 LORRAINE GRILLO: Right.

13 CHAIRPERSON LAPPIN: So do you  
14 internally have a list of sites that are city or  
15 state owned that you're monitoring?

16 LORRAINE GRILLO: We have ongoing  
17 dialogue with DCAS. [Pause] I cannot say that  
18 there's a physical list of properties, but we work  
19 that closely with them that they are in fact aware  
20 of the areas in which we have a need and when a  
21 property becomes available or is soon to become  
22 available, they'll contact us and we'll contact  
23 them regularly, but we don't keep a formal list.

24 [Pause]

25 CHAIRPERSON LAPPIN: Okay. Council

2 Member Arroyo.

3 COUNCIL MEMBER ARROYO: Thank you,  
4 Madame Chair. Good morning. Thank you for your  
5 testimony, nice to see both of you again. I'm  
6 always concerned about the number of new schools  
7 that continue to come up. In my district in  
8 particular, there's a significant amount of  
9 activity happening with new schools coming in,  
10 charter schools--and I recognize the charter  
11 schools have to go through a process of applying,  
12 being chartered by the state and--does the  
13 Department of Education, School Construction  
14 Authority have a projected number of schools for  
15 which you need to make space available? Do you  
16 provide for charter schools or do they do their  
17 own search for space? The ones that are in  
18 existing buildings or growing out of the space has  
19 been allocated to them and the issue of co-  
20 locating programs and the problems that principals  
21 have. I want you to explain to me what this, on  
22 page 6 of your testimony of the--you say you've  
23 created escalation procedures to deal with the  
24 resolution of underlying conflict in schools that  
25 are in shared space, and I know that that's a lot

2 in one--

3 GARTH HARRIES: Mm-hmm.

4 COUNCIL MEMBER ARROYO: --statement,  
5 but first and--do you know what, or have a  
6 projection on the number of new schools, both DOE  
7 sanctioned programs and charter schools that you  
8 must accommodate?

9 GARTH HARRIES: Thank you and please  
10 remind me if I forget any aspect of your question.

11 COUNCIL MEMBER ARROYO: Mm-hmm.

12 GARTH HARRIES: On the first issue,  
13 in terms of projections of sites needed for new  
14 schools and site needed for charter schools, DOE  
15 public schools, we open directly in response to  
16 need and that may be new construction, where we  
17 know we need to open a school or organization  
18 that's going to fill one of the new buildings. It  
19 may be responsive to a school closure where we  
20 need--we know we need to replace or if it's an  
21 underutilized facility, it's one that can draw  
22 down enrollments in another place and we'd map out  
23 and have, particularly in recent years, worked  
24 very hard to map out to long-term space  
25 arrangements as best we can where schools are

2 phasing in. On the charter school side, the  
3 charter schools, I think as the Council knows, are  
4 independent public schools essentially--

5 COUNCIL MEMBER ARROYO: Mm-hmm.

6 GARTH HARRIES: --they are public  
7 schools that are managed by an independent board  
8 of directors, that board of directors is  
9 responsible for their location, it is not our  
10 responsibility. That said, because charter  
11 schools do not receive funding for facilities we  
12 do work to site them in our facilities wherever we  
13 can and the Council knows we have done that in  
14 many instances around the city and particularly--  
15 and many in your district. We monitor closely  
16 those situations where charter schools are in our  
17 facilities and we do track which schools are going  
18 to outgrow whatever space they're in at what point  
19 and we do not have an, to be clear, we do not have  
20 an absolute commitment to support those schools  
21 once they no longer fit in a DOE space, but we do  
22 do everything we can to try and help them, and so  
23 if there is additional space available in another  
24 building, then we will work with them around that  
25 as well as the impacted school. So in essence,

2 we--for the new DOE public schools, yes, we  
3 monitor very closely the site facility since the  
4 location of those are our responsibility. On the  
5 charter schools, we try very hard to monitor when  
6 they will outgrow space and help as best we can.

7 COUNCIL MEMBER ARROYO: So the  
8 selection for the site for the charter school is  
9 based on the applicant's desire to site their  
10 school in a particular community, the Council has  
11 no say on whether that's appropriate or even  
12 necessary? How do you manage--

13 GARTH HARRIES: Mm-hmm.

14 COUNCIL MEMBER ARROYO: --that--or  
15 how do you prevent an excessive number of schools  
16 to pop up in one community, which seems to be  
17 happening in the district I represent.

18 GARTH HARRIES: We--when schools  
19 come to us and, as you know, not all the schools  
20 are authorized by the Department of Education, but  
21 regardless many of the other authorizers will come  
22 to us. We will give them--

23 COUNCIL MEMBER ARROYO:  
24 [Interposing] explain the difference, please.

25 GARTH HARRIES: Yes, there are three

2 authorizers of charter schools in New York state:  
3 the SUNY, the State University of New York, the  
4 Board of Regents directly, and the Department of  
5 Education. We are actually in a little bit of a  
6 different position in that our charter proposals  
7 need to be approved again by the Board of Regents.  
8 So charter applicants can apply to any one of  
9 those three organizations to receive their  
10 charter. Regardless, in this city, it is not  
11 formally, but informally each of the charter  
12 schools tends to reach out to us about their plans  
13 to locate and we at that point give them feedback  
14 on, you know, what the needs are around the city,  
15 what are communities that, as you say, do have a  
16 lot of schools, what are communities that do have  
17 a lot of need, what--you know, if they are hoping  
18 to have a DOE facility, and some of them do, some  
19 of them don't, we give them feedback on where we  
20 think we might be able to help them with that and  
21 where not.

22 COUNCIL MEMBER ARROYO: So you may  
23 not have control of where they end up locating  
24 their program.

25 GARTH HARRIES: That is correct.

2 COUNCIL MEMBER ARROYO: Okay.

3 GARTH HARRIES: We, just as the  
4 Council doesn't have control, we don't have  
5 control. It is important to note, so two things  
6 and we think these are two important and good  
7 changes in the charter law in 2007. One of them I  
8 refer to in my testimony, which is whenever a  
9 charter school is located in a district facility,  
10 we as the district are obligated to hold a formal  
11 hearing at that location and, as I said, we've  
12 done many of those hearings over the last year.  
13 The second change in the law, which I did not  
14 refer to in my hearing that's relevant to your  
15 question, is that every charter applicant has to--  
16 in the consideration, not of the site, but just of  
17 whether the school will be granted a charter or  
18 not, needs to hold a hearing in the district in  
19 which it is targeted and we have done that and,  
20 frankly, we have heard from some districts that,  
21 you know, they are not interested in charter  
22 schools. There was one instance this year where a  
23 charter school wasn't supported in part because of  
24 that feedback from the Community Education Council  
25 in that case.

2 COUNCIL MEMBER ARROYO: Thank you,  
3 that helps. There--do you have any examples of  
4 an--a facility that was deemed underutilized and  
5 use that opportunity to reduce class size in that  
6 facility as opposed to bringing in a new program?

7 GARTH HARRIES: Yes, there are many  
8 examples of that and let me just say so when I  
9 discussed in my testimony the siting process part  
10 of--and it's important that the Council understand  
11 this--the first step is that we look at the Blue  
12 Book which shows underutilization and--but is  
13 based on class size assumptions about what the  
14 maximum class size can be. It's important for the  
15 Council to understand that we then, when we think  
16 about siting a new school or a new program, we  
17 then look at what we call the footprint analysis,  
18 which essentially looks at the number of sections  
19 that a school has which is independent of its  
20 class size. So if you have a hundred kids, they  
21 could be in four sections of 25 or they could be  
22 in five sections of 20 with reduced class size at  
23 the middle school level. So if a school is in  
24 reduced class size, we see that and we take that  
25 into account. We know that that space is being

2 productively used for reduced class size and it is  
3 not something that we then pursue in terms of  
4 siting.

5 COUNCIL MEMBER ARROYO: Does your  
6 office have a report that can give us an  
7 accounting of where and what facilities and what  
8 districts those opportunities were available and  
9 where were the facility or the class sizes before  
10 the exercise and after you used the other space or  
11 the additional space or the underutilized space  
12 for reduction in that school--

13 GARTH HARRIES: Mm-hmm.

14 COUNCIL MEMBER ARROYO: --without  
15 adding new programming to that facility? Is there  
16 something that you have available for us?

17 GARTH HARRIES: We don't have a  
18 formal report on that, we can absolutely think of  
19 some examples and get them to you. I also, as I  
20 said in my testimony, I would point the Council  
21 to--we are doing communications this week with  
22 different schools around the city, school  
23 buildings where we see potential underutilization  
24 and, as I say, a factor in that is reduced class  
25 size and that's part of the feedback that we get

2 from those schools.

3 COUNCIL MEMBER ARROYO: When you  
4 come before the Education Committee, the  
5 Department of Education comes and the Authority as  
6 well, reports aggregate numbers, and I have yet to  
7 see where those numbers or what communities have  
8 benefited from these exercise--I think that's  
9 important for us to understand.

10 GARTH HARRIES: Mm-hmm.

11 COUNCIL MEMBER ARROYO: Not that I  
12 don't trust what you're saying here, but I think  
13 it's, for me certainly, something that would be  
14 useful for me to have a better understanding to  
15 see what--that what you're testifying here is that  
16 in 2002 you were at X and in 2007 you were at Y--

17 GARTH HARRIES: Mm-hmm.

18 COUNCIL MEMBER ARROYO: --and what  
19 happened in between and where did those benefits  
20 happen, what communities you were able to do that  
21 successfully, and which ones are the ones that are  
22 still concerning you? So that we can, in our  
23 work, understand it and provide some feedback to  
24 you about some things that you may not know about  
25 specific communities, I think that's important.

2 So rather than come in with, you know, you have X  
3 number of seats, where are those seats sited, etc.  
4 The devil's in the details and I like to  
5 understand them. And I have a personal gripe with  
6 you and DOE and School Construction Authority. PS  
7 99 in my district and your commitment to work with  
8 community, keep elected officials informed, and  
9 you say that in your testimony, but I use PS 99 as  
10 the example of how you are not doing that.

11 [Pause] And we'll have a conversation separately,  
12 but I do not believe that there is any improvement  
13 in your collaboration with community, you  
14 continually fail to do so. We get a call the day  
15 before something's supposed to happen, after  
16 you've made the decision. That is what we  
17 continue to say to you, you must do differently.  
18 Thank you, Madame Chair.

19 [Pause]

20 GARTH HARRIES: Councilwoman, you  
21 also asked a question about Building Councils. Do  
22 you want me to touch on that or... Okay. And you  
23 asked about, I think, the escalation procedures  
24 and Building Councils, so when schools are not  
25 getting along and/or there are underlying issues

2 that they can't solve. There is a--we have a  
3 Building Council memo which is going to all  
4 principals last year, which I'm happy to make sure  
5 the Council sees those escalation procedures: call  
6 first for a school to go to their school support  
7 organization to seek support in the discussions  
8 with the other schools. If that is not  
9 productively resolved then they raise it to the  
10 central office, to my office, we will then  
11 delegate it to, whatever the issue is, we will  
12 delegate it to whoever the functional person is,  
13 it may be space use, in which case it's the  
14 Directors of Facilities and Space Planning; it may  
15 be security issues, in which case it's one of the  
16 Security Directors and also the superintendent so  
17 that they can be involved in the resolution.

18 CHAIRPERSON LAPPIN: Thank you. I  
19 wanted to note that we've been joined by Council  
20 Members Comrie and Palma of the Land Use  
21 Subcommittee and Council Members Vallone, Vann,  
22 Brewer, and Garodnick of the Education Committee.  
23 Council member Barron.

24 COUNCIL MEMBER BARRON: Thank you  
25 very much. I wanted to ask you a question

2 regarding underutilized districts with overcrowded  
3 classrooms and overcrowded schools, but before I  
4 do that, did I hear you say that you don't have  
5 control over charter schools that come in your  
6 schools?

7 GARTH HARRIES: No, that is not what  
8 I meant.

9 COUNCIL MEMBER BARRON: That's  
10 confusing to me because the school, although the  
11 charter schools are coming from the state, a lot  
12 of it is state regulated with the Board of the  
13 Regents and so on, but how could you--how could  
14 the Department of Education own the building and  
15 have no say so? Because we have a problem with  
16 charter schools in our districts, it'd be putting  
17 them in schools and then there's always a battle,  
18 you know, some of the schools are overcrowded and  
19 you say they're underutilized and then comes a  
20 charter school and then there's some conflicts  
21 between the two schools and they're forced on  
22 districts saying they have to come in. Why don't  
23 they just build new schools, the state should  
24 build new schools for charter schools instead of  
25 throwing them in our districts and then we got to

2 fight back and forth--it's not that you're not  
3 against a charter school that might be a solid  
4 school, but it's causing major problems in our  
5 districts and I just can't see how you can not  
6 have any--you know, I don't understand that. Help  
7 me on that one.

8 GARTH HARRIES: Yeah, and let me  
9 clarify and I apologize, we absolutely do have  
10 control--

11 COUNCIL MEMBER BARRON: You  
12 absolutely do.

13 GARTH HARRIES: --of charters that  
14 going into our buildings.

15 COUNCIL MEMBER BARRON: Yes.

16 GARTH HARRIES: --that is correct.

17 COUNCIL MEMBER BARRON: Yes.

18 GARTH HARRIES: What I meant earlier  
19 in response to Council member Arroyo is that  
20 charter schools may opt to target a particular  
21 district and if they do that in their application  
22 with the state board, we'd have--we can't direct  
23 that.

24 COUNCIL MEMBER BARRON: They can  
25 target anything they want to target--

2 GARTH HARRIES: Right.

3 COUNCIL MEMBER BARRON: --but the  
4 bottom line is you make the final decision.

5 GARTH HARRIES: If they're going to  
6 be in a DOE facility--

7 COUNCIL MEMBER BARRON: Right,  
8 exactly, exactly.

9 GARTH HARRIES: --correct, correct,  
10 that's right.

11 COUNCIL MEMBER BARRON: Okay. I  
12 just wanted to get clear on that--

13 GARTH HARRIES: That's right.

14 COUNCIL MEMBER BARRON: --'cause  
15 I'm--I get confused easily. The underutilized  
16 districts like some in my district, in district  
17 19, they say the north side of it is overcrowded,  
18 south side or vice versa is underutilized. So if  
19 we get declared an underutilized district and the  
20 parents don't want to bus their children to the  
21 other side of the district or whatever, then we're  
22 not going to get a new school because the  
23 overcrowding condition will not count because  
24 they're saying we're an underutilized district.  
25 How are you addressing that conflict?

2 GARTH HARRIES: At our last hearing  
3 we discussed some of this and it is a way that we  
4 have--we plan and we are improving our capital  
5 planning process where we are targeting and making  
6 assessments on a more of a neighborhood basis that  
7 goes beneath a district exactly to deal with the  
8 kinds of situations that you're talking about.

9 Now the solutions to those may be complex, and  
10 this is what I referred to earlier in my  
11 testimony, and there may be different ways to go.  
12 In some instances, you may be able to--we may be  
13 able to, working with the CEC, rezone schools so  
14 that we can shift between one facility that's  
15 over-utilized and one that is underutilized and  
16 where those opportunities exist, we believe that's  
17 important so that we use our existing facilities  
18 as well as possible. But, as you reference, in  
19 some instances, that may be too far--it may be too  
20 far--

21 COUNCIL MEMBER BARRON: Right.

22 GARTH HARRIES: --between those  
23 schools for--

24 COUNCIL MEMBER BARRON: Right.

25 GARTH HARRIES: -for parents to go

2 or for students to go and in those instances we  
3 have begun targeting capital resources to those  
4 kinds of questions. So I would urge you to watch  
5 closely the next capital plan for your district--

6 COUNCIL MEMBER BARRON: Oh, I will.  
7 I will.

8 GARTH HARRIES: --which I believe  
9 will help address the situation you're referring  
10 to.

11 COUNCIL MEMBER BARRON: [Crosstalk]  
12 Let me ask you this also, in terms of  
13 underutilization, what's the number in the  
14 classroom--22, 21? What is the number in a  
15 classroom that you would consider underutilized?

16 GARTH HARRIES: Again, I would refer  
17 you a little bit to our last testimony, it varies  
18 by grade level and at the K to 3 level we have a  
19 target class size, which I believe is 20; in  
20 middle school, it varies to some extent by whether  
21 it's--does it vary by title? It varies somewhat  
22 and it's around 28 and at high school, it is 34.  
23 Now--

24 COUNCIL MEMBER BARRON: That's kind  
25 of high. That's kind of high for high school, no

2 pun intended.

3 GARTH HARRIES: One important note,  
4 which I talked about at the last hearing  
5 extensively, is that those are maximum class sizes  
6 and part of what the--our capacity assumptions  
7 assume is that classrooms will be vacant for a  
8 certain portion of the day. So in fact, schools  
9 that would like to reduce class sizes below that,  
10 even if they are at 100% can do that. So--

11 COUNCIL MEMBER BARRON: If a class  
12 that has a capacity of 34 and it was reduced to  
13 28, would that be considered an underutilized  
14 classroom?

15 GARTH HARRIES: Not necessarily  
16 because they may be using the classroom more  
17 periods of the day. So if our--

18 COUNCIL MEMBER BARRON: Let's say  
19 they weren't.

20 GARTH HARRIES: If they weren't,  
21 then that would be--if they were at 28 and they  
22 were using it, I think it's the--only the 85%--

23 COUNCIL MEMBER BARRON: Right.

24 GARTH HARRIES: --of the day, then  
25 yes, that would show as underutilization in the

2 Blue Book calculation--

3 COUNCIL MEMBER BARRON: Right.

4 GARTH HARRIES: --but it is  
5 something that would show up in our footprint  
6 analysis.

7 COUNCIL MEMBER BARRON: [Crosstalk]  
8 because--

9 GARTH HARRIES: Which is why we do  
10 that analysis.

11 COUNCIL MEMBER BARRON: --Because  
12 we're trying--in our district, we're trying to  
13 determine what is the max amount--maximum amount  
14 of students that could be put in an education  
15 environment--

16 GARTH HARRIES: Mm-hmm.

17 COUNCIL MEMBER BARRON: --that would  
18 be considered a beneficial environment for  
19 reaching the--developing the fullest potential of  
20 that child and what should that number be and--

21 GARTH HARRIES: Mm-hmm.

22 COUNCIL MEMBER BARRON: --sometimes  
23 22, 21 is a decent number for that and not the 30s  
24 and, in some cases, even 40s.

25 GARTH HARRIES: Mm-hmm.

2 COUNCIL MEMBER BARRON: Thank you  
3 very much.

4 GARTH HARRIES: Thank you.  
5 Councilman.

6 CHAIRPERSON LAPPIN: Thank you,  
7 Council Member Barron. I wanted to note we've  
8 been joined by Council Member Katz and mini-Katz,  
9 Carter Katz, and by Council Member Domenic  
10 Recchia. Council Member Comrie.

11 [Pause]

12 COUNCIL MEMBER COMRIE: Thank you,  
13 good morning. I wanted to ask you a couple of  
14 questions. Number one, what do you consider  
15 unused space in the building? Is a building that-  
16 -and what do you consider needed space in a  
17 building? For instance, there's a building, it--  
18 should every school have an opportunity to have a  
19 recreational area in the building? Should every  
20 school have an opportunity to have a dance hall,  
21 dance room in the building? Should every school  
22 have an opportunity to have a secondary cafeteria?  
23 For what--because I'm getting complaints from my  
24 parents that all of these swing space, the  
25 opportune space to do project--so if they have to

2 do special projects for kids and pull them out,  
3 they have to try to set up dance rooms or other  
4 rooms. All those places are now being reclaimed  
5 as classroom space, is that true?

6 GARTH HARRIES: For the details of  
7 the calculation, I'd refer you to the Blue Book,  
8 but to answer your question, it for--

9 COUNCIL MEMBER COMRIE:  
10 [Interposing] Well how old is the Blue Book?  
11 Let's--how old is the--has the Blue Book been  
12 revised in this new plan, in the new assessment?

13 GARTH HARRIES: Yes, it--

14 COUNCIL MEMBER COMRIE: And who  
15 determines what goes in the Blue Book? That would  
16 be my basic question then.

17 GARTH HARRIES: Yes, it has been  
18 revised, the School Construction Authority and the  
19 DOE work on it collaboratively--

20 COUNCIL MEMBER COMRIE: With whom?

21 GARTH HARRIES: --on the issue that  
22 you're raising about swing space or what we call  
23 cluster rooms--

24 COUNCIL MEMBER COMRIE: Right.

25 GARTH HARRIES: --actually a change

2 that we made recently is that when this  
3 administration started, the cluster capacity--  
4 schools weren't given--we didn't necessarily in  
5 the Blue Book expect a school to have a certain  
6 amount of swing space or cluster capacity and--

7 COUNCIL MEMBER COMRIE:

8 [Interposing] So you're saying that there's--

9 GARTH HARRIES: --partially--

10 COUNCIL MEMBER COMRIE: --I don't  
11 understand that answer, I'm sorry.

12 GARTH HARRIES: So we have changed  
13 the Blue Book so that we--our expectation is that  
14 every school will have a certain amount of swing  
15 space or cluster capacity, so we have added that  
16 consideration so that it's clear in our capacity  
17 calculations.

18 COUNCIL MEMBER COMRIE: And what  
19 would be that per school? Ten percent of the  
20 space of the school, 20%? On average?

21 GARTH HARRIES: It varies by the  
22 number of students and the grade level of the  
23 students, all of that detail is in the Blue Book.

24 COUNCIL MEMBER COMRIE: Okay. So a  
25 junior high school would then have swing space to

2 do cooking or to do the dance, to do the arts and  
3 crafts, the need--the science manipulative, so  
4 that's built into the Blue Book calculations or...?

5 GARTH HARRIES: It depends on how  
6 they choose to use that cluster allocation, it  
7 includes science rooms, it includes art rooms. Of  
8 course, many schools would like to have more  
9 cluster space--

10 COUNCIL MEMBER COMRIE: Mm-hmm.

11 GARTH HARRIES: --than we may  
12 allocate for an and that is always a difficult  
13 decision and it becomes one about trading off our  
14 ability to reduce--have reduced class size, our  
15 ability to construct new facilities against how  
16 many cluster rooms schools get. It is important  
17 to note one of your questions had to do, I think,  
18 with sort of recreation space--

19 COUNCIL MEMBER COMRIE: Right.

20 GARTH HARRIES: --gym space--

21 COUNCIL MEMBER COMRIE: Right.

22 GARTH HARRIES: --auditorium space,  
23 that is something that we would like all schools  
24 to have, it is not the case, I think as the  
25 Council may know, that all schools do have that--

2 COUNCIL MEMBER COMRIE: Right.

3 GARTH HARRIES: --and that is,  
4 unfortunately, oftentimes the vagaries of a  
5 particular site, we may not have enough space to  
6 build a gym or an auditorium, those sorts of  
7 things. We have both in this capital plan, and I  
8 think our plan is in the next capital plan, to  
9 invest in those sorts of recreation facilities  
10 because we understand that they are important for  
11 students in the city.

12 COUNCIL MEMBER COMRIE: For the  
13 well-being of a child--

14 GARTH HARRIES: Mm-hmm.

15 COUNCIL MEMBER COMRIE: --and to the  
16 overall academic, they being holistic and, you  
17 know, dealing with the rise of obesity, you know,  
18 it's necessary to have recreational space and how  
19 does--then how does a principal request to get  
20 more cluster space or swing space, as you call it?

21 GARTH HARRIES: The, as I said in my  
22 testimony, we use a standard calculation across  
23 the city--

24 COUNCIL MEMBER COMRIE:

25 [Interposing] No, I understand that, but what if a

2 principal is trying to create new programming and  
3 has a desire to request more space? What's the  
4 process to make that happen or are they locked  
5 into whatever numbers they have?

6 GARTH HARRIES: Again, the  
7 calculation of capacity we think needs to be  
8 standard across the city. Now if they want to  
9 change the use of a particular room, so they may  
10 have a cluster room that's being used for one  
11 thing and to your point they may want to convert  
12 it into a dance studio or an art room, they--I  
13 don't know exactly the form is, but they submit a  
14 form to the facility staff--

15 COUNCIL MEMBER COMRIE:

16 [Interposing] So you're saying that what happens  
17 in Washington Heights should happen in Bayside as  
18 far as space utilization is concerned, that  
19 everything should be the same across the city and  
20 that a principal that has a creative idea to try  
21 to get more student participation can't make it  
22 happen because they're locked into the dimensions  
23 of a document that doesn't fit their educational  
24 needs?

25 GARTH HARRIES: No, sir, not at all.

2 Principals can decide--elect to use their space  
3 however they see fit and so when we apply our  
4 capacity calculations, we apply the same formula.  
5 So if a principal wants to take what was an  
6 instructional classroom and turn it into a cluster  
7 room, that's something that's important for us to  
8 keep track of as the use of our facility in a  
9 standard way, but the principal absolutely has the  
10 discretion to do that and we encourage it.

11 COUNCIL MEMBER COMRIE: And will you  
12 support that with the build-out necessary to make  
13 a classroom into a recreation room or a science  
14 room or how does that happen? They have to pay  
15 for it themselves?

16 GARTH HARRIES: It varies by the  
17 change and we are obviously then prioritizing our  
18 resources. So, for example, if we know, you know,  
19 we do have instances, I think as you refer, that--  
20 of schools that don't have gym space--

21 COUNCIL MEMBER COMRIE: Right.

22 GARTH HARRIES: --and what some  
23 schools will want to do in that case is convert a  
24 room to what we call a multipurpose room, which is  
25 not as good as a gym, but at least allows the kids

2 the opportunity for some activity. That would be  
3 a high priority for us to support that if they  
4 don't have instructional space. Sorry, if they  
5 don't have gym space.

6 COUNCIL MEMBER COMRIE: Okay. And  
7 if they--if two schools are in a building and  
8 neither school has access to recreation space or  
9 as you have a lot in the city where you have an  
10 elementary school in the same building as a new  
11 charter, junior to high school and how do you get  
12 to work out the issues of space as far as access  
13 to the common facilities and when--who has first  
14 preference on those decisions?

15 GARTH HARRIES: Thank you for the  
16 question. It refers, as the Councilwoman's  
17 question does, to our Building Council processes.  
18 The shared space--and this is part of what's  
19 covered in the memo--is we ask that principals  
20 allocate it according to their student  
21 populations. So if one school has 70% of the  
22 population that's in the building, they should get  
23 70% of the time in lunchrooms or gyms or libraries  
24 or other shared spaces. Now that is our guide  
25 point and if principals can't agree, that's what

2 we tell them they need to do. In many instances  
3 in different schools around the city, the  
4 principals work out their own arrangements because  
5 one school may prefer more time in the gym and  
6 less time in the cafeteria or whatever it is, and  
7 we absolutely support that degree of discretion--

8 COUNCIL MEMBER COMRIE: But do those

9 --

10 GARTH HARRIES: --and believe it's  
11 in the best interest of the schools.

12 COUNCIL MEMBER COMRIE: --do those  
13 guide points work when you have one population  
14 that may need to have more time to expel their  
15 energy than others? And I don't know that you  
16 would think that a junior high school kid needs  
17 more time burning off energy than an elementary  
18 school child. Does it necessarily fit with the  
19 guidelines of the recommended standards for--by, I  
20 would guess, the Department of Health for the  
21 amount of exercise or creativity that a child  
22 should have?

23 GARTH HARRIES: Right now our  
24 standards don't take into account different grade  
25 levels. I mean it--in the example you give, many

2 middle school principals would say that exercise  
3 is a particularly important for students at that  
4 age level, who's, are going through the changes in  
5 life that they're going through.

6 COUNCIL MEMBER COMRIE: Right.

7 GARTH HARRIES: So right now it is  
8 certainly any city standards or--sorry, any  
9 regulatory standards around access to space is a  
10 baseline, so--and that comes up most often for  
11 very young students in terms of their access to  
12 bathrooms and that sort of thing, and that's  
13 absolutely a baseline.

14 COUNCIL MEMBER COMRIE: Do you have  
15 a build-out plan or a relocation plan for all of  
16 the schools that are now in shared space to ensure  
17 that the schools can get permanent space? The  
18 ones that are in temporary space? And is that in  
19 your next capital plan?

20 GARTH HARRIES: Well for--as I think  
21 I answered the Councilman--for Department of  
22 Education schools, I believe we do have those  
23 plans. In some cases that may be a new facility,  
24 in some cases it's not, it may be a movement to  
25 another DOE facility. For charter schools, we

2 don't necessarily have that, although we are  
3 tracking closely when those schools will run out  
4 of space in their buildings.

5 COUNCIL MEMBER COMRIE: Okay. And  
6 one last question, as the Chair. I represent  
7 Council District 27, Hollis, St. Albans, Cambria  
8 Heights, Jamaica, Queens Village, Hollis. I have  
9 four District 75 schools that have been located in  
10 temporary facilities for over 15 years. One in PS  
11 136, one in PS 34, one in--oh, jeez, the--I'm  
12 blanking on my schools now, I'm getting--one in PS  
13 15, and another District 75 school, they've all  
14 been housed in temporary facilities for over 15  
15 years, they're starving for the permanent space  
16 and also better locations. Is there anything in  
17 the capital plan that addresses any of these  
18 District 75 schools that are locked in portables  
19 sometimes? And what is the plan to deal with  
20 that?

21 GARTH HARRIES: I don't know the  
22 particulars of those programs, we can get back to  
23 you on that. There is--and we started with this  
24 capital plan, when we do new construction above a  
25 certain size we include an allocation of space in

2 the new construction for D-75 programs exactly to  
3 deal with the kinds of issues you're talking  
4 about. I'm sorry, I don't know the particulars of  
5 those schools and we can get back to you on that.

6 COUNCIL MEMBER COMRIE: I hope that  
7 you can get back to us with some updates 'cause  
8 they've been suffering for a long time for needed  
9 space, they can't even do real upgrades 'cause  
10 they are in temporary portable space for almost--  
11 and locked into a permanent existence and--what's  
12 the life of a portable?

13 CHAIRPERSON LAPPIN: I thought that  
14 was your last question.

15 COUNCIL MEMBER COMRIE: I know, but  
16 there was--

17 CHAIRPERSON LAPPIN: Because there  
18 are a lot of people signed up to testify.

19 COUNCIL MEMBER COMRIE: I'm sorry,  
20 but, yes, okay, I forgot what the life of a  
21 portable was, maybe somebody else can ask that  
22 question.

23 CHAIRPERSON LAPPIN: Council Member  
24 Garodnick.

25 [Pause]

2 COUNCIL MEMBER GARODNICK: Thank  
3 you, Chair Lappin. And nice to see you both  
4 again. I had two specific areas that I wanted to  
5 touch on very briefly here. The first was on the  
6 subject of the use of brokers to help identify  
7 sites. I understand that both DOE and the School  
8 Construction Authority work with a number of  
9 brokers to help identify sites and obviously when  
10 we're looking at areas like mine and Council  
11 Member Lappin's where the sites are somewhat  
12 difficult to come by, the importance of using the  
13 folks who have the most expertise in real estate  
14 in our areas is additionally pronounced. I wanted  
15 to understand from you, how many brokers do you  
16 work with, what sort of turf do they cover, how  
17 are they compensated? If you could share with us  
18 how that process works.

19 LORRAINE GRILLO: Sure. Thank you,  
20 Council Member Garodnick, it's good to see you  
21 again. We have four real estate brokers under  
22 contract. This was--they were procured through an  
23 RFP process, three of the brokers are  
24 international and nationally known brokers with  
25 specific expertise in the Manhattan area, as well

2 as the other boroughs, and one of our brokers is a  
3 more boutique group that does the outer boroughs  
4 more closely. The way it works, they identify  
5 sites for us, we do an inspection of the sites, if  
6 in fact, we pursue it, they are paid through  
7 commission only.

8 [Pause]

9 COUNCIL MEMBER GARODNICK: Okay.

10 Let me just dig a little deeper, who are they?

11 LORRAINE GRILLO: Who are they.

12 COUNCIL MEMBER GARODNICK: And then  
13 what is their commission.

14 LORRAINE GRILLO: Sure. Cushman and  
15 Wakefield, Newmark [pause], Colliers, and  
16 Cornerstone. [Pause] Those are the four brokers  
17 that we have under contract. I don't have the  
18 details of the commission structure, I can get  
19 back to you on that.

20 COUNCIL MEMBER GARODNICK: Okay.

21 Please do. I'm interested in knowing, have they  
22 been able to identify actual sites that have come  
23 to be schools?

24 LORRAINE GRILLO: Absolutely.

25 COUNCIL MEMBER GARODNICK: In how

2 many situations has that happened?

3 LORRAINE GRILLO: Oh my goodness, I  
4 would say that they were involved in 90% of the  
5 siting that we've done in the last four years of  
6 the capital plan--that's over 55,000 seats. So  
7 yes, absolutely.

8 COUNCIL MEMBER GARODNICK: Okay.  
9 Well the reason I ask the question is, there was  
10 an Alternate Site Analysis that went along with  
11 the selection of the proposed site at 560 Avenue  
12 of the Americas, known, of course, as the  
13 Foundling Hospital site and it listed a few  
14 alternate locations--

15 LORRAINE GRILLO: Mm-hmm.

16 COUNCIL MEMBER GARODNICK: --listed  
17 the Police Academy and Touro College and the Solow  
18 [phonetic] site of course in my district, and 75  
19 Morton Street. Each one of those were sites that  
20 had been identified to the DOE or the School  
21 Construction Authority--

22 LORRAINE GRILLO: Mm-hmm.

23 COUNCIL MEMBER GARODNICK: --by  
24 elected officials or--

25 LORRAINE GRILLO: Right.

2 COUNCIL MEMBER GARODNICK: --

3 community members. We just wanted to know if  
4 there were other sites there that had been  
5 identified by brokers.

6 LORRAINE GRILLO: Maybe not on that  
7 particular alternate site analysis, however, we  
8 are constantly getting suggestions from our  
9 brokers in different sites throughout the city.  
10 In certain areas, locating sites is more difficult  
11 than others, but those were the most current sites  
12 that we had looked at in that particular area so  
13 that was the alternate site analysis that we used.  
14 That could go on for pages and pages.

15 [Pause]

16 COUNCIL MEMBER GARODNICK: I'm not  
17 sure I understand the relevance of the pages and  
18 pages part your--

19 LORRAINE GRILLO: [Interposing] What  
20 I'm saying is that in addition to those sites  
21 which were brought to us by a number of various  
22 different entities, our brokers continually bring  
23 us sites. We could have listed every one in that  
24 alternate site analysis, however, we chose to only  
25 list those most current.

2 COUNCIL MEMBER GARODNICK: I see,  
3 okay. Let me move to another point that I think I  
4 heard you all make before on the subject of city-  
5 owned properties in response to a question that  
6 was posed to you. I think if I heard you  
7 correctly, you said that the Department of  
8 Education doesn't itself keep a list of city-owned  
9 properties that you might explore for the purpose  
10 of putting schools in those buildings, is that  
11 accurate?

12 LORRAINE GRILLO: What I said was  
13 that we do not have an ongoing list. As a city-  
14 owned property become--because we have a dialogue  
15 with DCAS--as the city-owned property becomes  
16 available, we will explore it and investigate it.

17 COUNCIL MEMBER GARODNICK: Okay.  
18 But there is a list of city-owned property that is  
19 kept by DCAS of course and by the Department of  
20 City Planning--

21 LORRAINE GRILLO: Mm-hmm.

22 COUNCIL MEMBER GARODNICK: --which  
23 has all city-owned properties.

24 LORRAINE GRILLO: Mm-hmm.

25 COUNCIL MEMBER GARODNICK: My

2 question for you is, rather than waiting for sites  
3 to become available, has the DOE or School  
4 Construction Authority gone line by line through  
5 that list to consider whether there might be  
6 applicable or appropriate sites for consideration?

7 LORRAINE GRILLO: Sure, we have  
8 actually done a crosscheck of those sites and the  
9 areas of need based on our capital plan and where  
10 in fact we find something that is suitable, we'll  
11 pursue it.

12 COUNCIL MEMBER GARODNICK: So, for  
13 example, in my district--

14 LORRAINE GRILLO: Yep.

15 COUNCIL MEMBER GARODNICK: --you  
16 have taken a look at all--

17 LORRAINE GRILLO: Mm-hmm.

18 COUNCIL MEMBER GARODNICK: --city-  
19 owned sites--

20 LORRAINE GRILLO: Absolutely.

21 COUNCIL MEMBER GARODNICK: --in that  
22 area that are listed on this public list and you  
23 have come to the conclusion for each one that, for  
24 one reason or another, it was either suitable or  
25 unsuitable?

2 LORRAINE GRILLO: That's correct.

3 COUNCIL MEMBER GARODNICK: Do you  
4 have that--can I ask for that analysis, that  
5 report that was done by the DOE or by the School  
6 Construction Authority so that I could take a look  
7 at that and maybe could add my insights to that as  
8 well?

9 LORRAINE GRILLO: I'll get back to  
10 you on the--I'm not sure of the format of that  
11 particular report, but I will get back to you and  
12 I'll see if what we can provide for you.

13 COUNCIL MEMBER GARODNICK: Okay.  
14 Thank you. I mean obviously, you know, most  
15 recently we saw each other yesterday at the, you  
16 know, the school's already open, it's a school in  
17 my district, which comes to be as a result of a  
18 public-private partnership for a city-owned site  
19 and it was an easy city-owned site in that it was--  
20 -

21 LORRAINE GRILLO: Right.

22 COUNCIL MEMBER GARODNICK: --it was  
23 two schools, right?

24 LORRAINE GRILLO: Right.

25 COUNCIL MEMBER GARODNICK: Two

2 schools which will be rebuilt and will be rebuilt  
3 in the context of a private development and we're  
4 able to add new school seats in the immediate  
5 neighborhood as a result of that partnership. But  
6 we really want to make sure that all public sites  
7 are being considered and we want to feel the  
8 confidence that the School Construction Authority  
9 and DOE are going line by line and being able to  
10 tell us why certain sites were not appropriate or  
11 why certain sites may be appropriate if, you know,  
12 this thing needed to happen or that thing needed  
13 to happen because you know all too well the  
14 challenges that we have in our part of District 2.  
15 So we're trying to find every possible way to be  
16 able to add seats into the areas that are most  
17 struggling right now. So thank you very much.

18 [Pause]

19 CHAIRPERSON LAPPIN: Thank you. I  
20 note that our Queens Borough President has joined  
21 us, we're looking forward to hearing from you in a  
22 few minutes. Council Member Brewer.

23 COUNCIL MEMBER BREWER: Thank you  
24 very much and thank you for your colleague's help  
25 in District 3, it's not easy. Over and over

2 again, we talk about this pocket districting and  
3 I'm just wondering, is that really happening? In  
4 other words, where you have, as Council Member  
5 Barron talked about, district part overcrowded,  
6 district part under-crowded and so you're going to  
7 build or add seats in the overcrowded part of the  
8 district, but not in the part that's not  
9 overcrowded. Kathleen Grimm and I call it the  
10 park [phonetic] pocket district, we made up that  
11 term. So I'm wondering if it really exists and  
12 are we doing it? Is it a theory or is it actually  
13 practically happening?

14 GARTH HARRIES: I would say, and  
15 then, Lorraine, you should add, absolutely it is  
16 happening--

17 COUNCIL MEMBER BREWER: So it's a  
18 real term.

19 GARTH HARRIES: --we haven't adopted  
20 that name, but perhaps we should.

21 COUNCIL MEMBER BREWER: [Crosstalk]

22 CHAIRPERSON LAPPIN: Did you  
23 copyright it, Gale?

24 GARTH HARRIES: And as we discussed-

25 -

2 COUNCIL MEMBER BREWER: I

3 copyrighted NYC dot gov and then Giuliani had to  
4 get it from me, so I was pretty happy, go ahead.

5 GARTH HARRIES: We have--in--as we  
6 work on the next capital plan, we're absolutely  
7 taking that perspective, we've even begun to take  
8 some actions under this capital plan that are  
9 responsive to that issue and, as I said earlier,  
10 when you're dealing with, if it's pocket  
11 districts, you know, sometimes some, depending on  
12 the geography, depending on the age level of kids  
13 involved. It may be that a solution can be to  
14 expand the pocket, you may have a zoned school  
15 that you need to change the zone lines on, which  
16 is one way that those pocket overcrowding  
17 situations develop and we--it is important to  
18 underscore that we think the realignment of  
19 facilities where that and the responsible use of  
20 our existing buildings is a really important first  
21 step, but in those cases where that's not an  
22 alternative, we're absolutely looking on a  
23 neighborhood basis at construction.

24 COUNCIL MEMBER BREWER: Okay. That  
25 means Riverside South is going to happen. Thank

2 you very much and, Lorraine, what are we doing  
3 about Beacon [phonetic]? You'll tell me at some  
4 point?

5 LORRAINE GRILLO: Absolutely, I'll  
6 be happy to meet with you.

7 COUNCIL MEMBER BREWER: Okay. Thank  
8 you very much.

9 CHAIRPERSON LAPPIN: Thank you very  
10 much. Council Member Vallone.

11 COUNCIL MEMBER VALLONE: Thank you.  
12 I delved into this at the last hearing, so I  
13 won't--I want to ask one quick question 'cause I  
14 would like to hear from the borough president  
15 before I run back to Queens actually--getting  
16 honored at an event and that rarely happens, so I  
17 do need to leave. When you talk about ending  
18 overcrowding, I assume charter schools are a part  
19 of that equation. Now we've got a charter school  
20 in Northwestern Queens a little bit out of my  
21 district, but start [phonetic] with my district  
22 called Our World, by all reports it's doing great,  
23 it's above-average and everything. Sits on city-  
24 owned property and EDC is asking for a 400% rate  
25 increase. So my first question is, do you guys

2 even speak to other city agencies? How can we  
3 come here and talk about lowering class sizes and  
4 finding new schools, while the EDC is trying to  
5 basically shut down a charter school in  
6 Northwestern Queens?

7 GARTH HARRIES: In answer to your  
8 first observation, yes, absolutely, charter  
9 schools are a part of that and in this situation,  
10 we are working with the Mayor's office and trying  
11 to work with EDC to get to a constructive  
12 resolution on it. We're not there yet, but I'm  
13 happy to keep you abreast as we work on it.

14 COUNCIL MEMBER VALLONE: Okay. You  
15 guys do control the EDC, not you, but the Mayor,  
16 correct? Okay.

17 GARTH HARRIES: I believe so.

18 COUNCIL MEMBER VALLONE: Okay. So  
19 I'm going to redirect the letters I sent--well not  
20 redirect, but CC you on those letters and let me  
21 just voice my concern here that you are--this  
22 city, as it's speaking here about increasing class  
23 size, is taking an action or looking to take an  
24 action that may in fact decrease class size at the  
25 same time, which makes absolutely no sense to me,

2 it's that whole left hand, right hand thing. So  
3 hopefully we can work that out so that we can  
4 continue to have class--as low class size as  
5 possible out in Northwestern Queens. I'm sure the  
6 borough presidents is going to have something to  
7 say about that, so I do want to hear from her. So  
8 thank you for coming down today.

9 CHAIRPERSON LAPPIN: Thank you. We  
10 have 30 people signed up to testify so we should  
11 keep this moving. Council Member Recchia.

12 [Pause]

13 COUNCIL MEMBER RECCHIA: Yes. Good  
14 morning. I have--first, my first question's going  
15 to be about portables, okay? I have many schools  
16 with portables in them, some of them are starting  
17 to rot away and portables are supposed to be there  
18 temporarily--

19 LORRAINE GRILLO: Mm-hmm.

20 COUNCIL MEMBER RECCHIA: --not  
21 permanently. So my question is, what are you  
22 going to do in my district about--or all over New  
23 York City about getting rid of these portables?

24 LORRAINE GRILLO: Council member, as  
25 you know, and as we've stated a number of times in

2 the last several years, as all of the new seats in  
3 the current capital plan come online, the need for  
4 a temporary or a transportable classrooms will  
5 diminish. However, and I think you've heard this  
6 from the Deputy Chancellor, oftentimes, there are  
7 schools that would prefer to keep their portable  
8 classrooms. So as a result of that and that  
9 conflict and the aging stock of portables, we are  
10 compiling a list of portable classrooms that will,  
11 over the next several years, be removed, because  
12 when you--keep in mind that when you remove a  
13 portable classroom, then you must go back into  
14 that school yard and do a renovation of that yard  
15 and that's added cost. So obviously we have to do  
16 this in a methodical way.

17 COUNCIL MEMBER VALLONE: You know,  
18 I'm glad you brought up that point because in--  
19 with the 2030 plan, this administration is redoing  
20 a lot of playgrounds--

21 LORRAINE GRILLO: Mm-hmm.

22 COUNCIL MEMBER VALLONE: --okay?  
23 And they're working around these portables, so,  
24 you know, instead of killing two birds with one  
25 stone, you're doing double the work and triple the

2 work--

3 LORRAINE GRILLO: Mm-hmm.

4 COUNCIL MEMBER VALLONE: --and  
5 spending more money that maybe should not have  
6 been spent. See my whole question here is that,  
7 you know, portables in my district, you know, and  
8 my schools were there, you know, I can name you  
9 four schools right off the bat that portables went  
10 in 1995 and here we are in 2008--

11 LORRAINE GRILLO: Right.

12 COUNCIL MEMBER VALLONE: --and  
13 nobody's doing anything about it.

14 LORRAINE GRILLO: Again, we--where  
15 the portables are still needed, obviously, it's  
16 not as simple as just removing them. Where in  
17 fact there is no longer a need for these  
18 portables, we want to, A, make sure that the  
19 school--that the school doesn't want them and B  
20 have the funding available to not only remove  
21 them, but then redo the schoolyard. So where in  
22 fact, we can use the resources of the PlaNYC  
23 dollars to help in that effort, we certainly will.

24 GARTH HARRIES: And, Councilman, I  
25 think it's important to understand in this that in

2 the current capital plan, many of those projects  
3 are underway right now so many of the--

4 COUNCIL MEMBER VALLONE:

5 [Interposing] Not in my district. Not in my  
6 district, I can go down a list, PS 95, PS 97--

7 Count CHAIRPERSON LAPPIN: Please  
8 don't, please don't.

9 COUNCIL MEMBER VALLONE: I'm just  
10 saying, I'm just trying to make a point here,  
11 schools, but I'll move on, 'cause I'll talk to you  
12 about it more in person, my personal stuff. But  
13 talking about charter schools, the Department of  
14 Ed requested a charter school for Coney Island,  
15 okay? The community don't want a charter school,  
16 I do want a charter school, and you're trying to  
17 stick one in Coney Island, okay? Bad enough you  
18 put three new high schools in Coney island and I  
19 had to work with the Lorraine Grillo and staff to  
20 find places to put them. Now you want to come and  
21 put a charter school in Coney Island. We don't  
22 need one, let's focus on getting these three high  
23 schools their own building instead of being in  
24 middle schools, where they shouldn't be. See this  
25 is the problem that I have with your plan, you

2 know, keep going, just put more schools out there  
3 so we can say we put a school, but you want to put  
4 another charter school in Coney Island, there's no  
5 place to put it, okay? The community does not  
6 want it, the CEC doesn't want it, I don't want it,  
7 but yet you say you're getting it. Okay? And  
8 where are you going to put it? All the schools,  
9 okay, are filled to capacity, okay? And you have  
10 the racial [phonetic] cost of school which is  
11 still in IS 303, you got high school sports  
12 management, we had to move into Lafayette where  
13 that is booked up with five schools. There's no  
14 place else to put them in there, okay? In another  
15 building where a Catholic school was, you put a  
16 transfer school. [Pause] What are you going to  
17 do with this charter school? There's no place for  
18 it. And this is what you have to stop, you have  
19 to just stop putting schools in communities where  
20 there's no place to put them. [Pause] So what  
21 are you going to do about that?

22 GARTH HARRIES: As I answered one of  
23 the earlier questions, the--we only make space  
24 available in our facilities for charter schools  
25 when there is space available. And so in the case

2 of your district, I don't know the particulars,  
3 but if there is not excess space, than the charter  
4 school won't end up in our facility.

5 COUNCIL MEMBER VALLONE: The problem  
6 with that is that your definition of space  
7 available and my definition and the community and  
8 the parents' definition of space available are  
9 different and I'm telling you right now, I'm going  
10 on the record, you are not putting this charter  
11 school in Mark Twain School for the Gifted and  
12 Talented.

13 GARTH HARRIES: Mm-hmm.

14 COUNCIL MEMBER VALLONE: I'll tell  
15 you that right now 'cause you'll have thousand of  
16 parents. This is the best gifted and talented  
17 school in the country. Okay? It's bad enough  
18 you're cutting them, okay? Which the Chancellor  
19 says he wasn't going to cut. Thousands of  
20 children come across the city to take the test for  
21 Mark Twain, okay? The parents are scared of this-

22 -

23 GARTH HARRIES: Mm-hmm.

24 COUNCIL MEMBER VALLONE: --'cause no  
25 one's answering the community's question, where is

2 the charter school going to go and they don't want  
3 to hear, well it's up to the charter school to  
4 find their own space.

5 GARTH HARRIES: Mm-hmm.

6 COUNCIL MEMBER VALLONE: 'Cause  
7 there is no space and Lorraine Grillo could tell  
8 you, we went looking together for space for those  
9 high schools, there is no space. All right, thank  
10 you.

11 [Pause]

12 CHAIRPERSON LAPPIN: Council Member  
13 Arroyo has a very brief question.

14 COUNCIL MEMBER ARROYO: I promise.  
15 And I'm going to ask this question jointly with my  
16 colleague, Council Member Foster. We share a  
17 community in common, Highbridge, I know that there  
18 is a very strong community organizing effort  
19 around trying to get a middle school into that  
20 community. Children there are traveling more than  
21 an hour to get to class in the morning, great  
22 distances, very early hours of the morning and  
23 sometimes through very unsafe traveling areas. We  
24 hope that when the Five-Year Capital Plan is  
25 released that it contains a project for

2 Highbridge, a middle school for Highbridge.

3 [Pause]

4 GARTH HARRIES: Thank you,  
5 Councilwoman, that is a situation that we are well  
6 aware of and Highbridge is, I think, an example of  
7 a community where the kind of pocket district  
8 Council Member Brewer referred to has brought it  
9 to our--to light. So I would refer you to the  
10 capital plan when it comes out, but that is an  
11 intense area of focus for us is finding a middle  
12 school for that community.

13 COUNCIL MEMBER ARROYO: Very good.

14 Thank you.

15 CHAIRPERSON LAPPIN: Thank you. And  
16 I have two questions. One--and I hope they're  
17 straightforward, you know, Deputy Mayor Walcott as  
18 I recall has testified before this Subcommittee  
19 and said that you use eminent domain for schools.  
20 Could you give me some examples of when you've  
21 used eminent domain for schools?

22 LORRAINE GRILLO: Okay. You're  
23 putting me on a spot, I'm sorry. [Pause] We do  
24 use eminent domain, we have used it in the past,  
25 I'm just trying for the life of me to come up

2 with--I believe that MS 137 in Queens was one  
3 particular site where we used eminent domain. We  
4 used it when in fact we have exhausted our ability  
5 to negotiate with a particular seller and that's  
6 really when we use it. I can give you a list, I  
7 don't have it with me.

8 CHAIRPERSON LAPPIN: I would  
9 appreciate that--

10 LORRAINE GRILLO: Sure.

11 CHAIRPERSON LAPPIN: --because I  
12 know that you said--

13 LORRAINE GRILLO: Absolutely.

14 CHAIRPERSON LAPPIN: --you have, but  
15 I couldn't find any examples--

16 LORRAINE GRILLO: Absolutely.

17 CHAIRPERSON LAPPIN: --so that would  
18 be helpful. And then my last question before I  
19 turn it to Chair Jackson is, you know, and to sort  
20 of follow-up on Domenic Recchia's question and  
21 certainly something we see very often in  
22 Manhattan, I think one of the biggest challenges  
23 to siting seems to be the cost of real estate and  
24 that there aren't city-owned properties that are  
25 appropriate or even that exist. So that means

2 that then you have to turn to either private  
3 developers building new projects or acquiring  
4 land, even sort of as your own developer and what  
5 we see developers doing in Manhattan now is  
6 they're acquiring parcels collectively over long  
7 periods of time before they can even build. So,  
8 one, do you--have you thought about doing that?  
9 Buying properties and assembling parcels over  
10 time, even if they're expensive and, two, do you  
11 have a process for approaching private developers  
12 separate from ECF in areas where you know you have  
13 a need, but you don't have good options?

14 LORRAINE GRILLO: Yes, to answer  
15 your first question, we do engage in land banking  
16 in those areas where in fact we see--we anticipate  
17 future growth or, as you said, land banking  
18 assemblages slowly over time so that we can  
19 finally assemble a piece of property that's  
20 adequate. Yes, we do that, we do that often. And  
21 we think that potentially with the downturn in the  
22 economy that we may see some relief because,  
23 you're correct, the area in Manhattan is very,  
24 very difficult and very expensive. So we're  
25 hoping that, at least, we'll--some benefit will

2 come out of this downturn in the economy, which  
3 will be more sites available to us and we're  
4 pursuing that very actively. So that's in answer  
5 to one of your questions. The second part of your  
6 question has to do with our approach to these  
7 large developments and what we've done over the  
8 last couple of years, and I think for the first  
9 time, is sit down with city planning and make--and  
10 told them that what we want is a seat at the table  
11 at the very earliest stages of discussions with  
12 these large developers and we've been working very  
13 closely with them and it's starting to bear fruit.

14 CHAIRPERSON LAPPIN: I think that's  
15 great for the mega-developments like Hudson Yards  
16 or the Solow site, but, you know, there aren't  
17 even many of those left in Manhattan. It's very  
18 difficult to even just build one apartment  
19 building, so do you approach developers on smaller  
20 projects and sites? Separate from ECF, but  
21 basically the same concept.

22 LORRAINE GRILLO: Well, yes, in  
23 that--let me just say that the developers for the  
24 most part in those cases really approach us  
25 because it's the community that is crying out for

2 additional seats and have said to the developers,  
3 you know, you want this project to move forward,  
4 you have to do something about our need for new  
5 schools and we've been approached by a number of  
6 smaller developers. The question always goes to  
7 whether or not it's in an area of need. I have a  
8 developer in Queens who approached this in a very  
9 different way, he wanted to build a building,  
10 wanted it approved, he then donated certain amount  
11 of square footage in his new building for pre-K  
12 classrooms. [Pause] [Off mic] Worked out  
13 perfectly. Those are the kinds of things we  
14 encourage and we look forward to, but if a small  
15 developer comes to us and it's not an area of  
16 need, we can't invest scarce capital dollars.

17 CHAIRPERSON LAPPIN: But what about  
18 going to them proactively in areas of need?

19 LORRAINE GRILLO: Well in fact if  
20 [pause] I mean, certainly that's some thing we  
21 would have to deal with city planning, but  
22 certainly that would be a very good suggestion.

23 CHAIRPERSON LAPPIN: Okay. Thank  
24 you. Council Member Jackson, I'm turning it over  
25 to you.

2 CHAIRPERSON JACKSON: Thank you.

3 For the record, we have received testimony from  
4 state Assemblymember Jonathan Bing, representing  
5 the 73rd District of Manhattan, and also for the  
6 record, we received testimony from United  
7 Federation of Teachers. And also from [pause] we  
8 received information on the record from the Co-  
9 Presidents of PS 89 PTA and the Co-Chairs of the  
10 Overcrowding Committee. Okay? [Pause] My  
11 question is, how does the School Construction  
12 Authority report to the public on the status of  
13 the Environmental Impact Statements? And if, in  
14 fact, they are posted on the Internet or  
15 elsewhere.

16 [Pause]

17 LORRAINE GRILLO: The Environmental  
18 Impact Statements or Environmental Assessments are  
19 not posted on the Internet [pause] they are  
20 available to the public. The Environmental Impact  
21 Statements, I believe, go to the Community Boards  
22 and they are available for anyone who's  
23 interested.

24 CHAIRPERSON JACKSON: So you mean,  
25 so let me let me understand this, you said they go

2 to Community Boards, is that your answer in  
3 response to my question, how are they reported to  
4 the public?

5 LORRAINE GRILLO: Well, forgive me,  
6 Chair Jackson--

7 CHAIRPERSON JACKSON: Okay.

8 LORRAINE GRILLO: --are we  
9 specifically talking about the EIS or are we  
10 talking about environmental due diligence? I'm...

11 CHAIRPERSON JACKSON: The  
12 Environmental Impact Statements--

13 LORRAINE GRILLO: [Interposing] The  
14 Environmental Impact Statement, as is typical,  
15 they would go to the Community Board as part of  
16 the site selection package and they're available  
17 for anyone who's interested.

18 CHAIRPERSON JACKSON: And other than  
19 that?

20 LORRAINE GRILLO: No, that's it.

21 CHAIRPERSON JACKSON: Okay. And you  
22 say well, is it difficult for them to be online at  
23 the SCA website or the Department of Education's  
24 website so that anyone that wants to be able to  
25 review it online can have access to it?

2 LORRAINE GRILLO: I'm not sure if  
3 it's--if, as you must know, these Environmental  
4 Impact Statements are probably about 900 pages,  
5 but, in fact, maybe we could--I mean, there are  
6 various ways we could possibly approach it,  
7 perhaps the summary or something like that.

8 CHAIRPERSON JACKSON: And the reason  
9 why I'm saying that because I'm sure that the  
10 environmental impact consultant, whoever's doing  
11 it is not--they're not typing it on a manual  
12 typewriter, it's all on the computer, so they  
13 just--

14 LORRAINE GRILLO: I'm sure.

15 CHAIRPERSON JACKSON: --you know,  
16 zap it to you in a document and I'm sure that will  
17 be postable online for anyone to review. So I ask  
18 you whether or not, from a process point of view,  
19 can you look into that and get back to both  
20 committees or to the councils to the committee as  
21 to whether or not that is doable and if the answer  
22 is no, then why not?

23 LORRAINE GRILLO: Okay.

24 CHAIRPERSON JACKSON: Especially  
25 when everyone wants things to be transparent and

2 available and not to say well we sent it to the  
3 Community Board and it's 900 pages and you can go  
4 review it there, when today's technology most  
5 people involved in this will be able to just click  
6 a button on their computer and be--should be able  
7 to access it.

8 LORRAINE GRILLO: We will certainly  
9 look at that and get back to you.

10 CHAIRPERSON JACKSON: I appreciate  
11 that very much. And also with respects to how  
12 many responses have you received to the  
13 Educational Priority Survey that the Department of  
14 Education posted on the Internet? And does it  
15 appear to be an effective way of getting input on  
16 the school siting and rezoning plans?

17 GARTH HARRIES: What the Councilman  
18 is referring to is a document that we have both  
19 posted online and that we disseminate at different  
20 District Leadership Teams that I referred to in my  
21 testimony. Councilman, forgive me, I don't know  
22 the answer to how many we've received specifically  
23 from the online posting of it--

24 CHAIRPERSON JACKSON: Okay.

25 GARTH HARRIES: -it has been--I

2 would say we have also and, I think the primary  
3 use of it, rather than just posted online has been  
4 in the District Leadership Team discussions that I  
5 referred to, and my sense is in many districts it  
6 has been a useful vehicle in those districts to  
7 having those discussions. In some, it has not and  
8 we have not received the responses we hoped for,  
9 but in those instances it was at least a prompt to  
10 the discussion. And so it is one format we use to  
11 try and elicit the feedback of the districts, it's  
12 not the dispositive one, we think it is a fairly  
13 good process. In those districts where we haven't  
14 gotten enough responses, we need to think about  
15 how can we make sure the people understand that we  
16 are taking it seriously and want their input.

17 [Pause]

18 CHAIRPERSON JACKSON: Well then  
19 there's an assumption in your response that the  
20 information is broken down by district, so you can  
21 then give the appropriate responses to the CECs or  
22 the district, you know, the District Leadership  
23 Teams so that they can evaluate that overall with  
24 respects to a school siting in particular  
25 districts. So if you can provide this committee,

2 both council to the committee, the information I  
3 guess the breakdown by districts so that, you  
4 know, we can see--and, obviously, within the  
5 recent several months, a lot of activity  
6 concerning school siting and overcrowding has been  
7 more specifically in Manhattan, but I would like  
8 to see the breakdown over all from each district  
9 as to information that you have received with  
10 respects to responses to the survey from the  
11 Department of Education.

12 GARTH HARRIES: Absolutely, and I  
13 would underscore what I said in my testimony that  
14 in the last few months we have been in 25  
15 different districts around the city and many of  
16 those are not in Manhattan and some of those deal  
17 with overcrowding, some of them deal with school  
18 quality, we have gone to those District Leadership  
19 Teams to have exactly these kinds of discussions.  
20 I would commend that forum to Council or Council  
21 staff as a place where these discussions are going  
22 on and that the Council staff can be a part of at  
23 the district level.

24 [Pause]

25 CHAIRPERSON JACKSON: Okay. Well I

2 appreciate you coming in and responding to our  
3 questions and we clearly look forward to working  
4 with you and School Construction Authority on  
5 dealing with the issue of overcrowding and school  
6 siting and more specifically with the upcoming  
7 next Five-Year Capital Plan understanding the  
8 worldwide situation that we're in, but  
9 understanding that all of us, parents, City  
10 Council members, everyone is involved as a full  
11 partner in determining the goals and objectives of  
12 educating the 1.1 million school children of New  
13 York City and the--an environment that every child  
14 has a seat and every child is involved in a school  
15 that has all of their facilities that are  
16 necessary, for example, music rooms, art rooms,  
17 theater rooms, dance rooms, gymnasiums, football  
18 fields, and all the other things that they need in  
19 order to grow as young people, I mean, that's  
20 extremely important. I cannot underscore the  
21 importance of that and especially Joel Rivera, the  
22 Chair of the Health Committee talks about teen and  
23 young kids, the obesity problem that we have in  
24 New York City. And as someone that's running this  
25 upcoming New York City Marathon running with Team

2 for Kids and they're fighting, you know, obesity  
3 in the schools, it's extremely important that we  
4 have all of these programs in order to ensure that  
5 our children are healthy and strong and learning  
6 and the environment that is conducive to learning.  
7 And as you know, experts have said that the most  
8 important factor in a child's education is a  
9 qualified teacher in every classroom and the  
10 second cited factor is small class size. So I  
11 look forward to working with you on that. Thank  
12 you both for coming in.

13 GARTH HARRIES: Thank you and good  
14 luck on the marathon.

15 CHAIRPERSON JACKSON: Thank you.  
16 Our next witness is the Honorable Helen Marshall,  
17 the President of the Borough of Queens. [Pause]  
18 Good morning, Madame President, please press the  
19 little red button.

20 HELEN MARSHALL: Good morning, Chair  
21 Jackson and also Chair Lappin. I appreciate the  
22 opportunity to come before you today to talk about  
23 one of the most important issues in our entire  
24 city, and that's the education of our children. I  
25 would like to thank the City Council for holding

2 this oversight hearing and allowing me the  
3 opportunity to talk to you about providing the  
4 best education possible for every child in the  
5 city of New York. Today's hearing offers us the  
6 opportunity to speak about specific issues as it  
7 pertains to school overcrowding, the school siting  
8 process. I am a teacher by profession. During my  
9 tenure as Queens Borough President, it has been  
10 most rewarding for me to participate in this long,  
11 complex, and difficult process. I'm very happy to  
12 report that the current Five-Year Capital Plan  
13 allotted 22,944 seats for Queens and to date we  
14 have sited 19,671 of those seats. As I mentioned  
15 earlier, this has not been an easy process. The  
16 dense population of many Queens communities, the  
17 lack of available space, the numerous remediation  
18 issues that we have encountered have each posed  
19 serious obstacles along the way. During the  
20 creation of the capital plan, as well as the  
21 yearly amendments, I held borough-wide hearings  
22 back at Borough Hall, where I heard directly from  
23 the stakeholders themselves, the parents, the  
24 professionals, as well as numerous elected  
25 officials. They offered their personal insight as

2 to where we needed schools, where expected pockets  
3 of overcrowding had emerged and had to be  
4 addressed, and where new real estate developments  
5 and construction was taking place in their  
6 neighborhoods. [Pause] There are many steps that  
7 must be followed after the capital plan and the  
8 subsequent amendments are adopted. One,  
9 identifying each potential school and finding  
10 potential school location; two, carrying out  
11 mandated environmental impact studies; three, site  
12 acquisition, sometimes it's the most difficult  
13 part; four, public input; and five, the City  
14 Council ratification; six, design; seven, the  
15 shovel in the ground, and then finally the school  
16 opens. You might be wondering how do we do it.  
17 We follow the money. Every month I host what I  
18 lovingly call the war room. The war room on  
19 school construction consists of my education  
20 specialist right here, Rose Ann Darche, my planner  
21 Irvin Poy, who's with me, and the--a President of  
22 the School Construction Authority, and the  
23 Department of Education's School Portfolio,  
24 attorneys, experts on real estate, and numerous  
25 school superintendents. After the adoption of the

2 plan, we created a long spreadsheet--looks like  
3 this, okay. [Pause] On which potential schools  
4 and districts were identified and the most  
5 difficult process of siting schools was underway.  
6 There was no scientific way to site a school, only  
7 a long--a lot of long--a lot of legwork, smart  
8 people, and of course, a little bit of luck. In  
9 the war room, month after month, alternatives were  
10 presented and issues and ideas for school  
11 leadership were suggested. These suggestions were  
12 investigated and probed by real estate brokers and  
13 experts that were hired by the School Construction  
14 Authority. Questions were asked such as, was the  
15 site large enough? What was the previous site?  
16 Did we need remediation? Could we meet the needs  
17 of the high school students? There were almost  
18 10,000 high school seats in the plan and we wanted  
19 to site each seat. We have sited almost 8,500 of  
20 those seats. As the months and years progressed,  
21 the sheet started to fill in. Every month  
22 President Greenberger would update us on whether  
23 or not the SCA could get into a building and was  
24 the landlord willing to sell. Was the community  
25 welcoming it to their potential--as their

1 potential new neighbor? Did the Department of  
2 Education need my help in communicating with the  
3 local Community Boards? These frequent updates  
4 and questions were essential to the overall  
5 process of the plan. Ms. Greenberger, the  
6 Department of Education, and I have been partners  
7 in this process and I'm proud to say that we have  
8 sited most projects in the five-year plan that is  
9 concluding. As the schools are completed, we are  
10 pleased to report that every school is unique. It  
11 has not--it has been--it has been easy? No. Has  
12 it been easy? No, it certainly has not been. I  
13 would like to talk about the siting and common  
14 sense. The recent openings of PS 307 in Queens on  
15 100th Street and Corona was especially  
16 representative of this collaboration. PS 19 has,  
17 for the longest time, been the most overcrowded  
18 school in the entire city. In its schoolyard, was  
19 packed with temporary buildings, as well as  
20 transportable classrooms. There was money in the  
21 capital budget for a new building, but the  
22 overcrowded streets and neighborhoods were not  
23 suitable for new schools. A member of the war  
24 room mentioned one day that there was a rumor that  
25

2 the factory across the street was going up for  
3 sale and that one is right across the street from  
4 PS 19. He was trying to sell his business as well  
5 as the factory. The School Construction Authority  
6 quickly investigated and determined that it was  
7 true and the process of acquiring the property  
8 subsequently followed. The ground soil was  
9 relatively clean, and lo and behold PS 207 opened  
10 its doors this September. Another successful--and  
11 by the way, that school was overcrowded as long  
12 ago as when Congressman Rosenthal was alive, he  
13 wanted to show Mo Udall when he was running for  
14 president what an overcrowded school looked like.  
15 The children were in the hallway, some of them  
16 were in the hallway in little seats and a  
17 clipboard was their desk. Well another successful  
18 example that comes to mind is a few days ago when  
19 Sharon Greenberger and I presided a ribbon cutting  
20 for PS 303 Queens, an early Childhood Center  
21 located in the old PS 3 in Forest Hills, I pass by  
22 that building year after year, it was an old close  
23 school and it was just a joy. The smiles and  
24 excitement on the children's faces, the happiness  
25 that they bring to their parents is one of my

2 favorite things to see as a borough president.

3 The images of the children and what makes--are

4 what makes it all worthwhile. I want to thank the

5 Department of Education, especially Sharon and

6 Lorraine Grillo, who was just sitting here, who

7 have made this part of my job rewarding. When I

8 took office in 2002, overcrowding was a problem in

9 many schools in Queens. As the epicenter of

10 immigration, and don't forget the baby boomers, we

11 are still faced with a record number of new

12 families and there are still pockets of

13 overcrowding that need to be addressed. Our work

14 is certainly not done, but together with you, the

15 City Council, as well as the Mayor's office and

16 the School Construction Authority, I feel we can

17 succeed in meeting the needs of our children. Our

18 children--you know, while AIG [pause] is on the

19 verge of collapse, our children are America's

20 insurance policy for the future. Thank you very

21 much.

22 CHAIRPERSON LAPPIN: Thank you,

23 Madame Borough President, for coming, for all of

24 your work. You've been a model to us in Manhattan

25 where we have tried--

2 HELEN MARSHALL: Oh, good.

3 CHAIRPERSON LAPPIN: --to replicate  
4 your war room concept--

5 HELEN MARSHALL: Right.

6 CHAIRPERSON LAPPIN: --with our  
7 Borough President Scott Stringer and tackle some  
8 of our issues here and you've really done a great  
9 job.

10 HELEN MARSHALL: Yes, we--the  
11 borough presidents do meet periodically and we  
12 report on what we're doing in our boroughs and I  
13 did share this with him, some other ideas, too.  
14 Their very--thank you very much. If you have any  
15 questions?

16 CHAIRPERSON JACKSON: Madame Borough  
17 President, let me just say that it appears--and  
18 you and your presentation that you gave, that you  
19 are extremely happy with the collaboration and the  
20 siting of schools and the movement in the Five-  
21 Year Capital Plan for the borough of Queens, am I  
22 correct in that assumption?

23 HELEN MARSHALL: Yes, we work  
24 together.

25 CHAIRPERSON JACKSON: Okay. And I

2 do know as the Chair of the Education Committee  
3 and someone that has been involved in education  
4 for many years, I know that the borough of Queens  
5 is the most overcrowded borough out of the five  
6 boroughs, so is there anything that you can share  
7 with us--

8 HELEN MARSHALL: Mm-hmm.

9 CHAIRPERSON JACKSON: --as to what  
10 we should be doing in order to ensure that the  
11 goals and expectations from the other boroughs or  
12 specific districts are met as far as anything that  
13 over the past seven years as a borough president  
14 or any of things that your staff have done--

15 HELEN MARSHALL: Mm-hmm.

16 CHAIRPERSON JACKSON: --in order to  
17 ensure that the siting and the reduction of  
18 overcrowding in the borough has happened. Please  
19 share with us some insight that we need to take  
20 advantage of.

21 HELEN MARSHALL: Well there's an old  
22 saying, you don't stop until the shovel is in the  
23 ground and in order to prepare for that and be on  
24 the alert, when the five-year plans are proposed,  
25 we need to make sure that we have good input into

2 it, that would come from you and I think that you  
3 hold hearings around the city so that people can  
4 understand what's before them and you listen to  
5 the needs. And, of course, the School  
6 Construction Authority is a really unique body,  
7 when I was in the assembly we voted to relax Wicks  
8 [phonetic] and so that we could have one  
9 contractor for each school, the first one was  
10 General Williams and that happened in my district  
11 where I actually live, PS 92, and that was an eye  
12 opener and for the first time I saw schools, a  
13 design that, you know, every single school has its  
14 own design and that was the first one, it's  
15 absolutely beautiful and it's still standing 'til  
16 today. It was built in the schoolyard of PS 92  
17 and then once the new building was built, the  
18 schoolyard became what was once the old school.  
19 But I say staying on top of it and I think,  
20 Chairman Jackson, you are probably the epitome of  
21 a person who really cares about education, without  
22 you, we would have never had that school equity  
23 money that we--you walked to Albany for and I  
24 think things like that really highlighted the need  
25 for our children to have more schools and the best

2 education. But clearly working with it from the  
3 time that it starts, which I know your committee  
4 does, I sat on this Education Committee when I was  
5 here and knowing that and staying on top of it is  
6 very, very important. And then having hearings  
7 around, making sure that your attune to what's  
8 going on in the city and the borough presidents  
9 can be great help to that, they can be a great  
10 help to that because we're looking only at one  
11 part of it, but those parts together make up the  
12 whole. And so and, of course, your education  
13 persons in each of the borough presidents' offices  
14 and all of the Council people I know are  
15 interested in education, they all stay on that, we  
16 know the importance of our children's education.  
17 So... yes, it's true, we talked to developers, we  
18 talked to everybody to see what can happen and  
19 sometimes we actually can find places, too. We  
20 make recommendations and then they check it out,  
21 it either can be maybe an early childhood center,  
22 a school, or it can be a high school, and high  
23 schools are really necessary now because many of  
24 the children who came on with the original large  
25 thrust are now high school level age and we have--

2 I had--my education person wants me to talk about  
3 this, I'll be brief. We had someone come in who  
4 wanted to build condominiums, he had a big plant  
5 and a big factory and I turned around and looked  
6 at him and I said, you are not going to build  
7 condominiums, you are going to build a school.  
8 Well we just cut the ribbon on that school this  
9 year, okay? Let him know that, you know, we  
10 didn't need condominiums, we needed education and  
11 sometimes we have to be kind of strong about that  
12 and thank goodness that's what we have today.

13 CHAIRPERSON LAPPIN: Thank you.

14 HELEN MARSHALL: We made some  
15 appropriations for him to build some--well they're  
16 going to be co-ops near his site, but the school  
17 is fantastic. Just--and it's three different  
18 levels of high school, three different high  
19 schools in one building think--

20 CHAIRPERSON LAPPIN: Council Member  
21 Arroyo has a question for you as well.

22 HELEN MARSHALL: Oh, sure.

23 CHAIRPERSON LAPPIN: Chair Jackson  
24 has to go vote in zoning across the street.

25 HELEN MARSHALL: Okay.

2 COUNCIL MEMBER ARROYO: Madame  
3 President, I'm just sitting here realizing you're  
4 the only woman president of a borough in this  
5 city.

6 HELEN MARSHALL: Yes.

7 COUNCIL MEMBER ARROYO: Maybe that's  
8 why you've been so successful. No criticism to my  
9 mail counterparts.

10 HELEN MARSHALL: Yeah, we see things  
11 a little differently sometime.

12 COUNCIL MEMBER ARROYO: Your war  
13 room concept is very interesting. How does the  
14 local council member of the district or the area  
15 that you're considering get roped into or folded  
16 into the process? Or the other electeds  
17 [crosstalk]--

18 HELEN MARSHALL: [Interposing]  
19 Most, yeah, most of our Council people are very  
20 interested in any idea that they can get to get  
21 schools in their district because most of our  
22 districts are pretty overcrowded and they stay on  
23 top of it and we consult with them.

24 COUNCIL MEMBER ARROYO: Okay.

25 HELEN MARSHALL: We consult with

2 them, too. They're very important.

3 COUNCIL MEMBER ARROYO: Okay. Thank  
4 you.

5 HELEN MARSHALL: Okay.

6 CHAIRPERSON LAPPIN: Thank you very  
7 much, Madame Borough President.

8 HELEN MARSHALL: Okay. Thank you.  
9 I didn't mean to say that women are better than  
10 men, but it's just that--

11 CHAIRPERSON LAPPIN: [Interposing]  
12 Well what's wrong with saying that?

13 COUNCIL MEMBER ARROYO: I say it all  
14 the time.

15 HELEN MARSHALL: Well, we see things  
16 a little differently and, you know what, we need  
17 both. I differed with my daughter tremendously,  
18 we both took the same anthropology course, and the  
19 professor said there's a difference. But there is  
20 a difference and it's to be cherished, but it's  
21 supposed to be bound together. That's the only  
22 way we're going to make it. Thank you very much.

23 CHAIRPERSON LAPPIN: Thank you. The  
24 next panel is Irene Kaufman, Sue Crowson, who are  
25 both from the Public School Parent Advisory

2 Committee, Robert Ely, from PS 3, and Rebecca  
3 Daniels, who is a parent activist, CEC District 2.

4 [Pause]

5 MALE VOICE: Does anybody have  
6 copies of the...

7 [Pause]

8 IRENE KAUFMAN: Hi, I'm Irene  
9 Kaufman, I'm one of the founding members of the  
10 Public School Parent Advocacy Committee and one  
11 thing that's very remarkable listening to the  
12 testimonies this morning is that the process of  
13 siting schools, it's very impressive what has been  
14 done in Queens, but one of the things you still  
15 have to notice, as fabulous as her results are, is  
16 how many years it's taken and how many generations  
17 of kids is--if you consider the life in a lower  
18 school a generation of school time--how many  
19 generations go through a school in very  
20 substandard conditions, in hallways in clipboards  
21 without proper facilities. So I think the main  
22 thing I'd like to address is the urgency and how  
23 the urgency of the overcrowding situation in the  
24 city is not being met. Siting comes up and it  
25 moves very, very slowly. The Department of

2 Education is very fond of saying, help us find  
3 sites, help us find sites, and that was part of  
4 what helped form our group. And about a year ago  
5 we presented them with this presentation at our  
6 Community Board 2 meeting of over 15 potential  
7 sites for schools, from middle schools, lower  
8 schools in District 2, we're in the village in  
9 particular, but--and I have to say we never got a  
10 response to any of the sites, any information we  
11 got, we pushed for. So this, we always get back  
12 to you with--it's just not--that's not what  
13 happens because we're very active and we go and  
14 look for the meetings and we still don't get  
15 information. So I just want to set the record  
16 straight on that 'cause it's not nice for them to  
17 say what's not true. Anyway, I give you another  
18 copy of this, we presented this book to the Mayor,  
19 to the Chancellor, to--we've brought a copy here  
20 before, but just germane to this, this is our book  
21 of sites. We did a lot of investigation, one of  
22 our other co-founders actually called realtors and  
23 developers and spoke to them about would you be  
24 interested--75 Morton Street came out of this and  
25 Assemblymember Glick is the one that gave us the

2 heads up about it. I think you know about it,  
3 it's a state-owned building that they were putting  
4 up for sale this summer, that is underutilized,  
5 that is an ideal building for a middle school and  
6 could be converted with a lot less trouble than  
7 most and we have the support of Speaker Quinn,  
8 Assemblymember Glick, Senator Duane, the Manhattan  
9 Borough President. Over a thousand signatures  
10 that we've sent to the Governor, to the state, and  
11 we have met with the Deputy Mayor, Walcott, about  
12 it and we are very interested, we're very  
13 interested [pause], they sent vague e-mails to the  
14 ESDC saying we're--we'd be interested, they never  
15 made a real offer, they never sat down at a  
16 negotiating table. We met with the borough  
17 president and the SDC who said we would really  
18 like to make this deal, it would be great to see  
19 this end up as a school. The Board of Ed, the  
20 Department of Ed never really pursued it, they  
21 paid lip service to it as far as we know and we've  
22 asked for more information and we don't get it.  
23 Not every site that we, the public, will find is  
24 going to work out and we all understand that,  
25 we're not having a tantrum because this one site

2 didn't work out. What is disheartening is that  
3 there was a site that I found out by accident in  
4 the West Village, before we discussed Morton  
5 Street, that was city-owned because they say how  
6 much they need city-owned property because it's  
7 too expensive to get property any other way, that  
8 the city sold for the downtown Whitney at below  
9 market value. [Pause] Thank you. That was our  
10 reaction, we gasped. It's like how can you say to  
11 us again and again and again help us find sites,  
12 it has to be city-owned land, it's just too  
13 expensive when they then sell it out from under  
14 one of the more crowded areas in town, in this  
15 pocket overcrowding. So I very much would like  
16 the record set straight that they're not pursuing-  
17 -they're given us a lot of statistics. It's not  
18 right. Thank you.

19 REBECCA DANIELS: And these are  
20 just for the record.

21 CHAIRPERSON LAPPIN: I'm not going  
22 to set the clock, although when Council Member  
23 Jackson comes back, he may, but I actually have a  
24 flight to catch, so you'll see me leave here in  
25 about half an hour and hopefully he'll be able to.

2 But point being, that I'm not going to set the  
3 clock, but just ask you--'cause we want to hear  
4 what you have to say--to be respectful of each  
5 other's time. [Pause] Please turn on the mic so  
6 we can record you for posterity.

7 REBECCA DANIELS: Sorry.

8 CHAIRPERSON LAPPIN: And state your  
9 name at the beginning.

10 REBECCA DANIELS: My name's Rebecca  
11 Daniels, I'm on the CEC for District 2. I'm also  
12 have been a PTA and SLT chair and president over  
13 the years in elementary and middle schools and  
14 high schools and I'm a parent activist. I'm  
15 familiar with this group because I happen to be  
16 living in the West Village and very familiar with  
17 the area. They have done a commendable job, I  
18 can't tell you when you see a group of people get  
19 together like this and start something, it becomes  
20 contagious, but what's very unfortunate is that  
21 groups are having to start in Tribeca and they're  
22 trying to start in the upper East side and they're  
23 trying to learn from what this group has been so  
24 successful at--it shouldn't have to come to that.  
25 As a member of the CEC, I do have testimony that

2 can certainly be had, it's on our website, but  
3 this is 12 schools in District 2 that have not  
4 only cited their issues in terms of capacity, but  
5 they've made constructive recommendations on what  
6 can be done. So everyone has given this a  
7 tremendous amount of thoughtful solutions and I  
8 think that they should be read and observed.

9 We're probably going to get another dozen because  
10 now people feel a little more comfortable that  
11 they can come forward and have their opinion said,  
12 certainly without being punished in any way from a  
13 principals point of view, so it doesn't just have  
14 to be the PTAs and the SLTs, but I think we have  
15 to be mindful of that. I also want to talk about  
16 what I think the issue--I'm glad we brought up the  
17 real estate brokers, I happen to be one. So I  
18 think that a lot of this really is very hard to  
19 understand and comprehend. If you have these kind  
20 of names and numbers, I'm sure the places that  
21 these people have found can be found by any number  
22 of real estate brokers and it's hard for me to  
23 understand why they're not coming forward,  
24 especially on a commission basis. So I would look  
25 forward to that report on what they have seen,

2 what they've been shown--this is very typical for  
3 the business, so it'll take nothing to pull it out  
4 of a computer, I'd like to see that report. I'd  
5 also like to bring up little examples, for  
6 example, 89 and ISA 9 and PS 89, they're  
7 overcrowded, they've lost their cluster rooms.

8 They're talking about 26 Broadway and already they  
9 have a full enrollment of 300 students that would  
10 never be--it's too many for their solution.

11 They're not proactive, they're coming from behind  
12 the eight ball and they're very unhappy about  
13 that. Lower Lab and 158 share a school and they  
14 have 56 kids in a gym. Now there's some of these  
15 issues they're pushing that are absolutely  
16 illegal. I know School of the Future uses their  
17 library and computer room as classrooms. I happen  
18 to be very familiar with that because I had a  
19 student there, I have a son who's graduated, I  
20 also have someone at Lab, I'm familiar with 41,  
21 and I'm in a number of these schools and I think  
22 what is also--it's just criminal that they don't  
23 have their cluster rooms. That to sit here and  
24 talk about dance rooms and how all the schools  
25 should have all these possibilities, how important

2 this is for children and it's a way of learning,  
3 it's interdisciplinary, I'm sure we're all  
4 familiar with that--you can't just have core  
5 subjects and expect a 7-year-old or a ninth grader  
6 for that matter to be sitting in a classroom. I  
7 think we also have to consider when we talk about  
8 where these schools are going to being relocated,  
9 that this--in some cases they're fields [phonetic]  
10 and they're in their neighborhood where they can  
11 work with their neighborhood, such as 89 and IS  
12 89, who's working with downtown Manhattan Youth  
13 Development, so they have these fields. I see  
14 kids that have to go when they're 14-years-old way  
15 out to Shea Stadium to find a place to play. This  
16 just--this isn't right, you know, this goes back  
17 to we thought cell phones was bad, I mean, this is  
18 ridiculous that we look for room and classes for  
19 these kids that we have to take this in  
20 consideration and it's not being considered. I  
21 also think--I can cite a number of examples by  
22 school by school, it's constantly the same thing,  
23 using their cluster rooms, constantly appealing,  
24 losing Gifted and Talented program at 116 because  
25 it was imposed upon them. Meanwhile, when they

2 relocated, they don't have the same enrollment and  
3 if kids do have the enrollment, they have to go  
4 miles and miles at all ages to find Gifted and  
5 Talented--this shouldn't be right. Classrooms  
6 should not have children with special needs that  
7 are sitting in classrooms that are too small and  
8 they're closet-like, things should be enforced  
9 here, that's a legality and I think we're not  
10 approaching that. I just think that there's so  
11 many key issues that people are being quiet about  
12 and feel politically that their jobs may be at  
13 risk. I think District 2 has had an excellent  
14 reputation, we talk about 99% graduation rates and  
15 then we talk about other high schools where  
16 they're not graduating. We should be emulating  
17 those schools that are here, not trying to go find  
18 a vacant school and bus our kids. I will tell you  
19 as a broker, people move to these communities  
20 because the schools are strong, public schools are  
21 strong. Do you think they want to put their money  
22 in another neighborhood when they're worrying  
23 about resale value? I think the DOE should be  
24 much more proactive in building up these schools  
25 and find out why others schools aren't doing well.

2 I don't think there's enough work or effort and I  
3 think sitting back and saying, well it's a  
4 question of money, we don't have the space--is not  
5 the only solution. I also feel we have to talk  
6 about, which has been brought up in terms of  
7 transparency, last minute meetings. I can't sit  
8 on the CEC and show up a meeting when 24 hours. I  
9 can't show up for a holiday when we have children.  
10 This is totally inconsiderate of parents and their  
11 lifestyle when it comes to having children.

12 People can't turn on a dime and show up for  
13 meetings. We're at community meetings--I'm on the  
14 Greenwich Village Society [off mic] but a lot of  
15 us are on many, many different committees where we  
16 have to be involved and raise money and relate to  
17 what our children need, and to turn around and  
18 give us less than two days to show up and say that  
19 there's going to be a meeting and a hearing where  
20 we can testify, it's just not--it's not adequate,  
21 it's not fair, and it's a slap in the face. So in  
22 terms of transparency, I also want to bring up,  
23 which has been said, the charter school issue with  
24 the raw [phonetic] schools and School of Physical  
25 City, you may recall, we had a hearing on that

1  
2 issue. This was pitting parents against parents  
3 over an issue and making issues that were not the  
4 issue. The issue was, here you have a school that  
5 housed like at least 500 students and then was  
6 empty for a year to year-and-a-half and they put  
7 in 200 kids or less from raw school and they said  
8 they had a hearing, no one knew about that  
9 hearing, everybody had to move heaven and earth to  
10 show for that meeting and between the press and  
11 the elected officials, we got some attention.

12 This is what it comes to. I think also we should  
13 talk about in terms of transparency, exactly what  
14 Irene was saying and others, the Founding  
15 Hospital, 307 West 78<sup>th</sup>, Pier 40, the Police  
16 Academy, Cabrini, Touro College, parochial  
17 schools, School of Physical City, Richard Green  
18 High School--this is just a few of the schools  
19 that have been found and identified by parents,  
20 parents not--we're not talking about the DOE. So  
21 much as I'd love to say something a little more  
22 credible, I don't know what to say in that  
23 situation in terms of giving any credit to the DOE  
24 on these issues. I also find it's very  
25 frustrating to go to a meeting that's called by

2 elected officials and to sit downtown with the CEC  
3 members and have a member of the DOE talk to all  
4 these elected officials when they're asking  
5 probative questions as you are, why does the--is  
6 the CEC aware of this and be told like I heard  
7 today how the CEC is involved in all of this.  
8 We're supposed to be involved in zoning, we're  
9 supposed to be working a year ahead of time? We  
10 don't have this information, we don't have  
11 anything you're talking about. We don't have this  
12 list of reports that I just listened to today that  
13 would help us statistically, talk intelligent,  
14 work with our communities, get other people  
15 involved. So I could go on and on and I won't and  
16 I see Jan, so I do want to stop there and just say  
17 we really appreciate you having this meeting,  
18 giving us the opportunity and had it not been for  
19 elected officials, I don't think we'd be as far as  
20 we are.

21 CHAIRPERSON LAPPIN: Thank you. And  
22 as Jan noted, we are going to have to start the  
23 clock because we do have to actually leave the  
24 room and we want to give people an opportunity to  
25 speak. But thank you, I agree with a lot of

2 things that you said and I'm not going to say  
3 anything, so we can hear from more people.

4 [Pause]

5 FEMALE VOICE: I will give most of  
6 my time to Rebecca and Irene because I echo  
7 exactly what they're saying. I look here and I  
8 think back to the last--the previous meeting that  
9 we had and by the time the parents had a chance to  
10 come up, Councilman Jackson and one other woman  
11 were the only two on the bench, all the board of--  
12 the Department of Education people had left, most  
13 of the Council people had left--I personally was  
14 insulted. You know, they say we're part of this,  
15 well we're not part of it because they're not  
16 hearing what we're saying. And, you know, we are  
17 here for our kids. I've stopped working so I can  
18 show up to these meetings at a moment's notice.  
19 You know, this--it's unacceptable, these kids are  
20 struggling, there's not enough room. I sit here  
21 and I hear these people talk about footprints and  
22 I think about how these kids are in closets doing  
23 speech, I think about 27 kids in a room that's  
24 supposed to be 20 kids, I think about class size  
25 is supposed to be 20 children and there are 32

2 kids in a CTT class during a testing year, fourth  
3 grade they're supposed to, you know, submit to all  
4 this testing and you're putting 32 kids, 40--at  
5 least 40% are challenged, in a classroom? You  
6 know, it's unacceptable to challenge our kids, to  
7 have our kids make--do the best that they can when  
8 we as adults and Department of Education are not  
9 giving our children the appropriate space to do  
10 what they should be doing--and that's learning.  
11 With art, with music, we shouldn't be losing those  
12 spaces to make another classroom because education  
13 is not providing space. So 75 Morton Street.  
14 Thank you.

15 ROBERT ELY: Hello everyone, my name  
16 is Robert Ely and I represent Public School number  
17 three in what's called the Greenwich Village  
18 middle school, which is located on the fifth floor  
19 above PS 3 in a building located on Hudson Street  
20 in Greenwich Village. I'm here because parents  
21 from our particular community believe that 75  
22 Morton Street is our Golden Nugget and I'd like to  
23 explain to you why it is that way and I think it's  
24 best to have a little bit of background about  
25 these two schools and it kind of gives you an

2 overview of what's really happening when we  
3 connect middle schools and elementary schools  
4 together. PS3 and Greenwich Village middle school  
5 are in a five-story building, they share the same  
6 resources, there is no gym, there is no auditorium  
7 because it's being renovated for the removal of  
8 asbestos. There is a rooftop facility for an  
9 outdoor space, but that is essentially it, the  
10 cafeteria is very small and there are 250 students  
11 in the school on the fifth floor, which is the  
12 middle school and there are almost 600 students in  
13 the elementary school, which takes up the first  
14 four floors. So the cafeteria that students start  
15 lunch at about 10:40 in the morning and the last  
16 bit of students get in there at 1:20 p.m. because  
17 of the amount of students in the building. Now  
18 with regards to the Greenwich Village middle  
19 school, that's why 75 Morton Street is so  
20 important to our community. Here are our children  
21 that are up on the fifth floor of a building,  
22 that's where the school starts, that's where the  
23 school ends. There are 250 students up there.  
24 Now they have no cluster rooms, okay? None, all  
25 right? Their cluster rooms are carts, okay,

2 that's our art-based--the cluster rooms are for  
3 our art-based educational resource for our  
4 children. They are basically carts being pushed  
5 from one room to the next, there's actually a room  
6 that's designated for teachers, because there's  
7 got to be a place to put the teachers because  
8 there's not enough classrooms to occupy them on a-  
9 -for every single period of the day. Now this  
10 community in our area is up in arms because it's  
11 basically a question of infrastructure, it's a  
12 question of standards. The standards in New York  
13 City for school infrastructure is so low it's like  
14 bad driving. Okay? People are so used to it, so  
15 used to it in New York City that people drive  
16 terribly, okay? It's the same thing for school  
17 room infrastructure, okay? They--for so long,  
18 they have put up with it that, you know that,  
19 they've just kind of accepted it and that's where  
20 I am here today--I want that stopped, I want that  
21 ended in its tracks. At the same time, two blocks  
22 away, there's a building that's five-stories--  
23 five-stories tall and it is perfect for a school,  
24 it's pre-designed as a school, it's 75 Morton  
25 Street and what makes--does that mean my time is

2 up? Okay.

3 COUNCIL MEMBER JACKSON: You can  
4 wrap up, go ahead.

5 ROBERT ELY: Okay, I will wrap up  
6 real quick. But what--why 75 Morton Street makes  
7 so sense is because--makes so much sense is  
8 because this is a building, okay, that is perfect  
9 for a school. It is underutilized, okay? The  
10 Empire State Development Corporation, which is a  
11 state agency that is looking to sell the building,  
12 has already conceded that the fifth floor is not  
13 even occupied at this time. My question to the  
14 School Construction Authority is why, why can't we  
15 utilize a space that's underutilized already for a  
16 school that's located on a fifth floor, which to  
17 me, is just so absurd in and of itself. Thank you  
18 very much.

19 [Pause]

20 CHAIRPERSON JACKSON: Thank you.  
21 And next--the next panel is Chavang--Chanang  
22 [phonetic] Young, United Parents of Highbridge;  
23 Lesandra Tejada from the United Parents of  
24 Highbridge; Tarrell Childs for Joanne Smitherman,  
25 Highbridge Gardens; and Bakari Camara from the

2 United Parents of Highbridge; and Gloria Quinones  
3 from the United Parents of Highbridge.

4 FEMALE VOICE: Chauncy Young.

5 CHAIRPERSON JACKSON: Chauncy, okay.  
6 Chauncy Young. Okay. And please come forward and  
7 for the record, we received testimony from  
8 Lllunorkys Veras [phonetic] from Public School--

9 CHAUNCY YOUNG: She's the PA  
10 president of PS 11.

11 CHAIRPERSON JACKSON: Okay. And  
12 from Gloria LaMont, a resident of Highbridge in  
13 the Bronx, we received testimony for the record.  
14 Jan. Sharon. And also from Janna Baty, Assistant  
15 Professor of Voice, Director, undergraduate of  
16 graduate Secondary Voice Lessons Program, we  
17 received testimony for the records. Okay? Okay.  
18 Chauncy?

19 CHAUNCY YOUNG: Yep.

20 CHAIRPERSON JACKSON: Okay. Chauncy  
21 Young, okay.

22 CHAUNCY YOUNG: So I'm going to  
23 start and give sort of the context behind this and  
24 then other folks are going to talk about the  
25 specific issues. Bakari Camara had to leave,

2 he'll be back in a moment, so I'm sorry about  
3 that, he's not here at this moment. But  
4 beginning, this is really an issue for the  
5 Highbridge neighborhood that's been going on for  
6 about 30 or 40 years. There were middle schools  
7 originally in Highbridge, our elementary schools  
8 were originally one through eighth grade schools  
9 and this has been since the 60s we've been left  
10 with elementary schools and our children have been  
11 forced to travel enormous distances, so this has  
12 been brought up for years to the School  
13 Construction Authority and the Department of  
14 Education. And actually before we really started  
15 organizing two years ago, we actually had Helen  
16 Diane Foster--and you have all this information--  
17 Helen Diane Foster wrote on our behalf to the  
18 School Construction Authority and the Mayor--the  
19 Chancellor's Strategic Response Group responded  
20 October 24, 2007, that Lorraine Grillo from the  
21 School Construction Authority believes that there  
22 is not a need for a school in Highbridge because,  
23 of course, District 9, the district which  
24 Highbridge is in, has enough seats. But as  
25 they've acknowledged, thankfully, over the past

2 year they've begun to understand that there is  
3 neighborhood needs, not just district needs--

4 CHAIRPERSON JACKSON: Mm-hmm.

5 CHAUNCY YOUNG: --and so we're going  
6 to look at Highbridge. There is five elementary  
7 schools in Highbridge, two of which end at fourth  
8 grade, so that means that children are 9-years-old  
9 traveling on two to three public buses to get to  
10 schools, some students take an hour, an hour and a  
11 half to get to school. And if you think if you'd  
12 like to have your nine year old traveling that  
13 far, my daughter is six, I'm not looking forward  
14 to that time going forward. We have gotten at  
15 this point support from every elected official in  
16 our neighborhood, you know, Council member Arroyo  
17 has given their support, from Congressman Serrano,  
18 Senator Serrano, the Bronx Borough President's  
19 office, you know, Assemblymember Green and, of  
20 course, Council Member Foster. We've been looking  
21 desperately for space, we've gone through every  
22 option and we're currently settled on a NYCHA  
23 space and we're just desperately trying to get  
24 this into the capital plan. We have a stadium  
25 that was built right next door to Highbridge

2 taking 26 acres of our children's parkland and we  
3 have yet to see our students get the school that  
4 they need--that they've been fighting for, for 30  
5 and 40 years. So we are asking that everyone in  
6 City Council give all the support that they can.  
7 Highbridge, as you'll see, if you look at the  
8 census, is the fastest-growing neighborhood in the  
9 community before district of the Bronx where we  
10 live. We've been cited in the New York Times, in  
11 The Daily News and all of our local papers and  
12 we've provided you with all of the routes that our  
13 students need to take to get to school, with a  
14 letter to Chancellor Klein that we really began  
15 this issue in earnest after they told us there was  
16 not space. And, you know, that we're meeting  
17 today, but we're also going to have a rally of  
18 probably 500 to 1,000 students, parents, and  
19 community leaders this Monday because we need this  
20 in our children's school, we don't need to wait  
21 another generation for children to have to travel  
22 so far.

23 FEMALE VOICE: Great.

24 CHAIRPERSON JACKSON: Thank you.

25 CHAUNCY YOUNG: Thank you.

2 CHAIRPERSON JACKSON: Gloria  
3 Quinones, United Parents of Highbridge.

4 GLORIA QUINONES: Yes, I am a mother  
5 and I'm very upset because the population has been  
6 increased that 80 [phonetic] of the Bronx has been  
7 renovated and the students are crowded in the  
8 school. Children has to travel so long to go to a  
9 school and the school are overcrowded, there are  
10 one school have me is middle school, but this has  
11 no capacity to admit the oldest children, and they  
12 have to travel. Again and again, we speak about  
13 this, children 9-years-old, 10-years-old, have to  
14 travel so long and in the vicinity that I know  
15 that are important development is the Yankee  
16 Stadium and they are building more and more space  
17 for rent and to sell and that 80 of the Bronx has  
18 been in constant development. That's the reason,  
19 because we need [pause] origin in an emergency, we  
20 need a middle school because it's injustice that  
21 all [off mic] of the city has been more attention  
22 than Highbridge. Highbridge is a very beautiful  
23 area, it's more cleanly and more development than  
24 before and we are struggling with this kind of  
25 problem. Almost more than 30 years trying to

2 improve a school, we have a lot of job that we do  
3 and that's the reason because I'm here as a  
4 mother, as a citizen, as a parent, and an activist  
5 trying to get my message. Thank you.

6 CHAIRPERSON JACKSON: Well thank you  
7 for coming in as a parent and activist fighting  
8 for your children and the children of Highbridge  
9 and I remember that your--over the past two years,  
10 you've been constantly fighting on this and thank  
11 you. Next, Bakari Camara, United Parents of  
12 Highbridge.

13 CHAUNCY YOUNG: Right. Bakari  
14 Camara had to step out, as I said, so we can move  
15 on--

16 CHAIRPERSON JACKSON: Tarrell  
17 Childs--

18 CHAUNCY YOUNG: Yes.

19 CHAIRPERSON JACKSON: --for Joanne  
20 Smitherman.

21 TARRELL CHILDS: My grandmother,  
22 Ms. Joanne Smitherman couldn't make it here, she  
23 is the Highbridge Gardens Residents Association  
24 President and the NYC Housing Authority Citywide  
25 Council Secretary and Bronx Council of Presidents

2 President, which represents 34 developments around  
3 the Bronx. I'll be reading this letter as her.

4 Good morning Council, my name is Joanne

5 Smitherman. I've lived in the New York City

6 Housing Authority development Highbridge Gardens

7 for 50 years. I'm a mother of five who are--and

8 all my children are adults now and all of them

9 went to public schools. I was a former teacher

10 and Parent Association President of PS 11 and CES

11 126. I have always been active in my community

12 and I believe education is very important for all

13 communities. [Pause] My community schools are

14 bursting at the seams and children have to travel

15 to get to schools on the other side of the Grand

16 Concourse on buses at the age of 9-years-old,

17 which is not good, and these are public buses, not

18 hired, you know, school buses. They have to wake

19 up early in the morning, as early as 6 a.m. to get

20 to school on time and travel back home at 4:30 by

21 themselves because their parents naturally have to

22 work, so they can't actually accompany their

23 children to school, the majority of them. They

24 miss out on any kind of after school programs or

25 other sports activities, both boys and girls,

2 because they have no time, they have to get home  
3 because they're traveling. When they get home,  
4 they only have time to do homework, eat, and go to  
5 bed because their schedule is so full, at that  
6 age, that is not a good thing. In Highbridge, we  
7 have hills and we also have dangerous cross  
8 streets, you know, with the population growth of  
9 the area, there's a lot of more cars and children  
10 don't always pay attention when they're crossing  
11 the streets and these children on 9<sup>th</sup> [phonetic]  
12 Street, they're taking public transportation, they  
13 have to cross streets, some--at times, which is  
14 not safe--by themselves. They have to take at  
15 least three buses, two to three buses just to get  
16 to school and--which means they live in a two fare  
17 zone, which they don't always--you know, I don't--  
18 I'm not sure how the bus passes work, but, you  
19 know, sometimes they have to come out of pocket  
20 just to get to and from school. And for young  
21 people traveling alone is very confusing, their  
22 parents have to--it's hard to make sure your kid  
23 knows how to transfer to the next bus because some  
24 buses have multiple--some bus stops have multiple  
25 buses stopping and, you know, it can be very

2 confusing for a 9-10-year-old to make sure they're  
3 getting on the right bus and a lot of parents  
4 worry that their kids get to school safe and  
5 actually get home safe, because they can see their  
6 kids to the bus stop in the morning, they can't  
7 see them get to the bus stop coming home. They  
8 can meet them, but they can't be there for them  
9 'cause they're at work. So I would hope one day  
10 soon that you can actually see and hear the  
11 concerns of our mothers and fathers and the youth  
12 in our communities. We need a middle school, we  
13 have the site and we need your voice and support  
14 in making this happen. I've watched this  
15 community grow for 50 years, as I said before, and  
16 education is the best thing we can give and do for  
17 our children to make them feel safe and loved.  
18 Thank you very much.

19 CHAIRPERSON JACKSON: Well thank you  
20 and on behalf of your grandmother, are--do you--  
21 can I make a copy of her testimony and submit it  
22 for the record?

23 TARRELL CHILDS: I've given copies  
24 to the Sergeant-At-Arms.

25 CHAIRPERSON JACKSON: Good, thank

2 you. Okay and next Lesandra Tejada from the  
3 United Parents of Highbridge.

4 LILLY TEJADA: Hi, my name is--I  
5 prefer Lilly -- is Lilly Tejada, I am 16-years-old  
6 and I am a student from the Bronx High School of  
7 Medical Science. I am speaking on behalf of my  
8 mother, she wasn't able to attend, so I'm just  
9 going to read the letter in her perspective..

10 CHAIRPERSON JACKSON: And what's  
11 your name?

12 LILLY TEJADA: It's Angela, but I  
13 prefer Lilly. So whichever one--I'm sorry.

14 CHAIRPERSON JACKSON: You prefer  
15 what?

16 [Off mic]

17 LILLY TEJADA: Lilly Tejada.

18 CHAIRPERSON JACKSON: [Off mic]  
19 okay.

20 LILLY TEJADA: Okay. Good  
21 afternoon City Council members and representatives  
22 of the government--oh, I'm sorry, of the  
23 Department of Education. My name is Frances  
24 Tejada and I have lived 43 years in the  
25 neighborhood of Highbridge. I attended schools in

2 Highbridge as a child and I have four children, a  
3 27-year-old son Danny, an 18-year-old son Simone,  
4 a 16-year-old daughter Lilly, and my youngest  
5 daughter Francine, who is three and I hope will be  
6 able to attend the Highbridge middle school. Both  
7 my children I have been in both Highbridge public  
8 and Catholic schools for our education as our  
9 respective families struggle to pay the bills and  
10 pay for a Catholic education. In Highbridge,  
11 everyone who can afford it wants their child in  
12 Sacred Heart because Sacred Heart is the only  
13 school in Highbridge that has a middle school. It  
14 wasn't always that way. People talk about when  
15 the first--when the first neighborhood schools, PS  
16 73 and PS 11, they were designed to be from first  
17 grade through eighth grade, but that changed  
18 several years before I began school at PS 73.  
19 Highbridge went through many changes during that  
20 decade before I began to attend school. It went  
21 from an Irish, Italian, and Jewish neighborhood to  
22 one that is a majority black and Puerto Rican  
23 community. Like much of the South Bronx,  
24 Highbridge underwent numerous changes, losing  
25 stores, shops, movie theaters, and banks. They

2 said the Bronx was burning and now--and then we  
3 lost our middle schools. District 9 in the Bronx  
4 built giant middle schools on the East side of the  
5 district--all on the far side of the Grand  
6 Concourse--IS 145, IS 166, and IS 22--and  
7 designated that this is where all students were to  
8 attend regardless of the difficulties of travel  
9 from the school. The growing new population in  
10 Highbridge turned the once K through 8th grades--  
11 grade schools into elementary schools and soon the  
12 schools were unable to meet the demand. After the  
13 Department of Education and the city refused to  
14 listen to the fact that one of the neighborhood  
15 schools was 200 seats overcrowded, many students,  
16 teachers, and parents went on strike, closing down  
17 Ogden Avenue until the Mayor had to agree to build  
18 a new school, PS 126. That was 40 years ago and  
19 PS 126 was the last school built in Highbridge.  
20 Hopefully we don't have to strike to build our  
21 middle school, but we are ready if no one listens.  
22 It is not safe for a child to have to travel  
23 across the Cross Bronx Expressway or the Grand  
24 Concourse. Even when I was a child, traveling  
25 from the Highbridge to IS 145 was dangerous. In

2 fact, there were so many fights that my mother  
3 transferred me to IS 167 on Tremont Avenue. My  
4 mother wanted me to stay in Catholic school but  
5 could not afford it. When I had my children, I  
6 made every sacrifice to get them in Sacred Heart,  
7 but that was not always possible. When I married  
8 my husband, we could not afford to send his  
9 daughter to Sacred Heart. However, I was  
10 unwilling to have her travel so far so I used  
11 every connection I had to get her into PS MS 126,  
12 a dual language K through 8th grade Magnet school  
13 that serves all of District 9. While slightly  
14 outside of the Highbridge located on Gerard Avenue  
15 and 167<sup>th</sup>, it is--wait, sorry, it is represented  
16 the only possibility for my daughter to be close  
17 to home. However, most Highbridge students are  
18 unable to attend as the only way you are supposed  
19 to enter is through a lottery. The fact is all  
20 children in Highbridge deserve the right to a  
21 quality education. We should not have to chance  
22 anymore children failing are falling in trouble on  
23 these long trips to school. Enough is enough.  
24 Highbridge needs a middle school. Thank you.

25 CHAIRPERSON JACKSON: Well thank you

2 for coming in and reading on behalf of your  
3 mother. Clearly, you guys are organized and  
4 that's excellent and, you know, beat the drum a  
5 little louder, make some more noise in order to  
6 achieve your goal and understanding that I and  
7 everyone else is going to be there with you, but I  
8 think that clearly--especially if you have a site.  
9 Have you gone back to the DOE and SCA with  
10 respects to--I understand, you know, and they have  
11 admitted that they're looking at now neighborhoods  
12 rather than districts as a whole, have they  
13 reevaluated from a neighborhood perspective and  
14 have you gone back to them since they have changed  
15 their, I guess, process to look at it from a  
16 neighborhood perspective rather than a district  
17 perspective?

18 CHAUNCY YOUNG: We've actually met  
19 several times with Vice Chancellor Grimm and the  
20 SCA Chairperson, Sharon Greenberger, and they've  
21 done community tours throughout Highbridge, which  
22 is where they've now began to assess Highbridge as  
23 a neighborhood need versus a district need. We've  
24 gone through several site locations, I mean we've  
25 actually gone to the point--we're almost at the

2 point of eminent domain if this NYCHA site doesn't  
3 work 'cause there's a three-acre vacant site  
4 that's owned by the Olnick organization which  
5 does--has Lennox Terrace in Harlem and it sat  
6 vacant for 35 years in our neighborhood, so--but  
7 they won't build a school there. So I mean we've  
8 been working on every aspect to try to do this.  
9 SCA and the Vice Chancellor Grimm is willing to  
10 meet with us after the capital plan is put out,  
11 which is why we're here testifying and it's why we  
12 have the press conference on Monday because we  
13 need to make sure that Highbridge is in the  
14 capital plan and then we can sit down and work out  
15 the details. There are many places that get money  
16 for a capital plan even if they haven't fully  
17 vetted the site [crosstalk]--

18 CHAIRPERSON JACKSON: In the  
19 beginning of the capital plan, not at the end.

20 CHAUNCY YOUNG: In the beginning,  
21 exactly.

22 CHAIRPERSON JACKSON: Maria Del  
23 Carmen Arroyo.

24 COUNCIL MEMBER ARROYO: I just want  
25 to thank you all for being here and for the work

2 that you have put into this process. You are to  
3 be commended and with the energy and the  
4 commitment that you have and bring to this issue,  
5 there is no way that you and the community will  
6 not be successful in acquiring something that just  
7 makes so much sense for the community. So thank  
8 you for the work that you do and for not giving  
9 up. Thank you.

10 CHAIRPERSON JACKSON: Thank you all  
11 for coming in.

12 TAREELL CHILDS: Thank you.

13 CHAIRPERSON JACKSON: Our next  
14 panel, Keen Berger Community Board 2, Mary Silver  
15 PS 116, and a member of the CEC District 2, Magda  
16 Aboulfadl, from Manhattan Community Board 5, and  
17 Matt Borden from Assemblymember Deborah Glick's  
18 office. [Pause] And for the record we've  
19 received testimony from Anita Antonetty of  
20 Highbridge in the Bronx. For the record we  
21 received testimony from Ocynthia Williams, a  
22 parent leader of the United Parents of Highbridge.  
23 For the record, we received testimony from Cora  
24 Rodriguez in the Highbridge community in the  
25 Bronx. Keen Berger. My colleague.

2 KEEN BERGER: Yes--

3 CHAIRPERSON JACKSON: You make me  
4 get--

5 [Off mic]

6 KEEN BERGER: Thank you.

7 [Off mic]

8 CHAIRPERSON JACKSON: Yes, I did.

9 KEEN BERGER: Yeah I'm Keen Berger,  
10 I'm Chair of the Social Science Services Committee  
11 of Community Board 2 and as you've heard, our  
12 Community Board 2's area, our schools are all  
13 overcrowded, our parents are all furious and our  
14 children are puzzled at why they're not getting  
15 the education they should have and so we've  
16 already done all the things we can do, we've  
17 already hold hearings, we have a petition, we've  
18 had a big rally, we've talked to everybody we  
19 could think of talking to, we unanimously passed  
20 resolutions on my board, and I mean, we've done  
21 all the things. So we need this school and I just  
22 wanted to add one additional thing. I'm also a  
23 developmental psychologist, a professor at Bronx  
24 Community College and I want you to remember  
25 middle school kids, how important that time of

2 their life is. Some of them--a lot of them in our  
3 city turn to drugs or pregnancy or suicide or  
4 dropping out of school and a lot of them get  
5 politically engaged and intellectually challenged  
6 and do wonderful things, this is a crucial time of  
7 their life. So we need to give them a school  
8 where they can learn the kinds of things they need  
9 to learn. At the moment, in our district--in  
10 District 2, as you know, all the middle schools  
11 are crowded--in our particular Community Board  
12 district, the only place the middle school kids  
13 have is its fifth floor of elementary school with  
14 no, no nothing. No art rooms, no computer rooms,  
15 no gym, no cafeteria--they've got 250 other kids  
16 and some good teachers period. So if a kid who's  
17 12-years-old wants to hate the city, we give them  
18 a good reason to and that's not what should  
19 happen. So here's my message to you, give us a  
20 decent middle school, 75 Morton, we found it, it's  
21 great, it's ready, I don't understand yet why the  
22 Department of Education is not eager to get it.  
23 It's a city--it's a state property, which means my  
24 taxes pay for it, it should go to the city where  
25 my taxes will pay for it. I don't get why that

2 can't happen, but there are lots of other possible  
3 places if it's not good, we found a dozen. Nobody  
4 can say there is not a good place for a middle  
5 school in our neighborhood. Nobody can say that  
6 because we found 12. [Pause] But people can say  
7 there is no place for middle school children,  
8 'cause that's true. [Pause] That's it.

9 CHAIRPERSON JACKSON: Thank you,  
10 Keen.

11 KEEN BERGER: Thank you, Robert.

12 CHAIRPERSON JACKSON: Next Mary  
13 Silver, PS 116, CEC District 2.

14 MARY SILVER: Good afternoon. My  
15 name is Mary Silver, I'm a parent of a fourth  
16 grader at PS 116 and two students at the New York  
17 City Lab School. I'm also member of CEC D-2. New  
18 York City public school parents are extremely  
19 grateful for the efforts of the City Council  
20 members for their remarkable efforts in the area  
21 of school overcrowding, especially as demonstrated  
22 in their participation in the school overcrowding  
23 meetings this summer with the Department of  
24 Education. As a District 2 parent, I want to take  
25 the time to thank three Council members in

2 particular for their leadership: Council Member  
3 Dan Garodnick, Council Member Rosie Mendez, and  
4 Council Member Jessica Lappin and, of course,  
5 Council Member Jackson--that's four--and I want to  
6 thank Garodnick, Mendez, and Lappin for their  
7 position on the term limits legislation as well  
8 because from the perspective of a public school  
9 parent, replacing one entrenched bureaucracy at  
10 the Department of Education with another is not in  
11 the best interest of our public school children.

12 I want to bring to the Council's attention a  
13 document recently circulated by the New York City  
14 School Construction Authority, I will submit the  
15 document as part of this testimony. The document  
16 is a notice of filing from the SCA to Manhattan  
17 Community Board 5 regarding the proposed site  
18 selection of a new school facility at the  
19 southeast corner of West 17th Street, the New York  
20 Foundling Hospital. Attached to this same  
21 document is an Alternate Site Analyses. This  
22 analyses provides a list of locations considered  
23 as potential sites for a school in District 2.  
24 The following four locations are listed: 235 East  
25 20th St, that's the New York City Police Academy;

2 75 Morton Street, which Keen just referenced; 616  
3 First Avenue at 35th Street, the Con Edison site;  
4 160 Lexington Avenue at 31st Street, that's the  
5 site that was formerly occupied by Touro College.  
6 Solow Development has committed to building a  
7 school at 31st and 1st Avenue; the Rudin family is  
8 working with the SCA to take necessary steps to  
9 build a school at the Foundling Hospital site; and  
10 75 Morton Street has captured the attention and  
11 imagination of public school parents and elected  
12 officials as a potentially viable school facility.  
13 I bring these sites to your attention to point out  
14 that every one of these four sites was identified  
15 by public school parents working in conjunction  
16 with their local council members. I can name the  
17 parents that identified these sites, in fact,  
18 they're sitting in this room right now, I have  
19 worked closely with each of them. They were not  
20 identified--these sites were not identified by the  
21 real estate firms on retainer with the Department  
22 of Education to identify potential school sites.  
23 In the interest of expanding the list of potential  
24 school sites, I would like to know what sites  
25 these real estate firms have identified, if any.

2 I would also like to know their process with  
3 respect to the identification of schools. How do  
4 they go about identifying sites? I don't know of  
5 a single site in District 2, much less in  
6 Manhattan, that they've identified. Please  
7 explain to me how average PTA members can find  
8 potential school sites, but these respected real  
9 estate institutions cannot. Additionally, I want  
10 to point out that in the same Alternate Site  
11 Analyses, the SCA states that a preliminary review  
12 of the former Touro College building indicated  
13 that it was too small for conversion to  
14 accommodate public school use. The former Touro  
15 College building contains a seven-story building  
16 with approximately 21,000 square feet. PS 116,  
17 the local elementary school, is a three and five-  
18 story building the SCA ran out of money in the 60s  
19 to complete the top two floors of the building  
20 constructed in the 1960s and 116 has 62,000 square  
21 feet. If 116 can accommodate 750 children with  
22 62,000 square feet, then certainly Touro College  
23 building with 20,000 square feet could accommodate  
24 a small middle school with about 250 children. I  
25 ask the Council to encourage the SCA to take

2 another good long look at the Touro College site.  
3 District 2 is sorely in need of additional middle  
4 school seats as our elementary school population  
5 increases exponentially. The Touro College  
6 building was used as a school for a long time and  
7 it should be used in the near future as a public  
8 middle school to relieve the overcrowded  
9 classrooms our middle school children experience  
10 every day. Again, I ask the council to light a  
11 fire under the real estate firms on retainer with  
12 the Department of Education. New York City  
13 public-school parents are resourceful, but we  
14 should not be doing the job of the SCA, we should  
15 be supporting their efforts. Thank you.

16 CHAIRPERSON JACKSON: [Off mic.]

17 Thank you. Magda Aboulfadl and did I pronounce  
18 your last name correctly?

19 MAGDA ABOULFADL: Almost, Aboulfadl.

20 CHAIRPERSON JACKSON: Aboulfadl.

21 [Crosstalk]

22 MAGDA ABOULFADL: Very good though.

23 Thank you.

24 CHAIRPERSON JACKSON: Okay.

25 MAGDA ABOULFADL: My name is Magda

2 Aboulfadl, and I am a co -chair of the House and  
3 Human Services and Youth Committee of Manhattan  
4 Community Board 5. We don't worry about  
5 overcrowding in CB 5 in our public elementary and  
6 middle schools 'cause we don't have any. And just  
7 for the record, we run from 14th St to 59<sup>th</sup>, 8th  
8 Avenue to Lexington, so I'll just repeat that--we  
9 don't have any public elementary or middle schools  
10 in our boundaries. So I just wanted to come here  
11 and sort of present CB 5 as a case study and what  
12 happens when the planning is not done, when it  
13 doesn't take into account growth, and doesn't take  
14 place at the neighborhood level as recommended in  
15 borough--Manhattan Borough President Scott  
16 Stringer's report, Still Crowded Out. You might  
17 right now be wondering, why does the central  
18 business district of Manhattan need public  
19 elementary and middle schools. Well as it turns  
20 out, it's sort of like what happened in lower  
21 Manhattan, we're turning into a residential  
22 neighborhood. In fact, we're one of the four--in  
23 Manhattan, we're one of the four fastest growing  
24 neighborhoods and also one of the four  
25 neighborhoods sited at risk for being overcrowded

1  
2 in terms of schools. I'm just--specifically  
3 almost 5,000 new residential units have been added  
4 to CB 5 over the past eight years, adding over 800  
5 new students. That's on top of what was already  
6 there and that's not including all the residential  
7 use that's been--that's come online through  
8 conversion from commercial and since I also sit on  
9 the Land Use and Zoning Committee, I can tell you  
10 there's a lot of conversion, so that 5,000 is  
11 lower than what's actually happening. The number  
12 of new school seats that were added in those eight  
13 years or residential growth? Zero. The number  
14 that are planned for the next four years--zero.  
15 Although I do have to admit that even though it  
16 ruins my narrative a little bit, we are getting  
17 the Foundling Hospital school site is in our  
18 border, so we are going to get our--in about four  
19 years, we are going to get our first public  
20 elementary school. I attended a presentation by  
21 the Department of City Planning where they  
22 explained how they do demographics and then pass  
23 it on to SCA and it all sounds incredibly rational  
24 and seamless and listening today to how the SCA  
25 consults with real estate developers to see what's

2 coming online in time to get new schools sited  
3 through public-private partnerships that also  
4 sounds seamless and rational and--but, as you  
5 know, I'm just here to stress that something's  
6 wrong in the planning. It's just--and CB 5 is an  
7 example. I mean at this point every time I walk  
8 up and down 6th Avenue, you know, from 23rd to  
9 34th Street where all those big towers have gone  
10 up, that was a rezoning, that went through [off  
11 mic] and something slipped through the cracks, we  
12 didn't get a school through that. And as was  
13 said, it can't just be up to Community Boards.  
14 We're scrambling to try and figure it out, it  
15 can't be up to us to make that happen, although  
16 we'd like to help them try. So thank you very  
17 much and good luck with your efforts.

18 CHAIRPERSON JACKSON: And that  
19 school district is school district 2?

20 MAGDA ABOULFADL: Right, so--

21 CHAIRPERSON JACKSON: Okay.

22 MAGDA ABOULFADL: --which  
23 illustrates also the problem of having an enormous  
24 school district--

25 CHAIRPERSON JACKSON: Yeah, yeah.

2 Okay. Thank you. Matt Borden, Assemblymember  
3 Glick's office.

4 MATT BORDEN: Thank you very much  
5 Council Member Jackson. I first begin, I'd like  
6 to sort of thank Keen Berger along with Irene  
7 Kaufman and Ann and Leonie and some of the other  
8 faces that I get to see at these events and really  
9 for the hard work that you put into it and you're  
10 not getting paid and you're here on your own time  
11 and I really do appreciate that--I know everyone  
12 appreciates that. I also wanted to sort of  
13 express a little disappointment that people have  
14 told me that there are no other Council Members  
15 here besides you Council Member Jackson and  
16 Council Member Arroyo and it seems a little bit  
17 like talking to an empty room and I sort of  
18 understand why people get frustrated when they  
19 sort of feeling like they're talking to the DOE  
20 and no one's listening and then the City Council  
21 holds a hearing and it feels like the City  
22 Council's not listening 'cause no one's actually  
23 here, except you two, which is wonderful and I  
24 certainly appreciate that. But I know that  
25 there's some certain--some anger that brews

2 beneath the surface. So that being said, let me  
3 get into the Assemblymember's testimony. As  
4 Assemblymember representing neighborhoods in lower  
5 Manhattan that urgently need new schools to help  
6 reduce overcrowding, I testify today to express my  
7 serious concerns regarding the DOE's approach to  
8 siting schools and the lack of urgency  
9 demonstrated by the DOE in acquiring additional  
10 space. In a city that has seen an explosion of  
11 luxury condominiums and towering office buildings,  
12 the lack of planning for new school space has been  
13 astonishing. The DOE needs to adjust its approach  
14 to school siting and work collaboratively with DCP  
15 and local elected officials to ensure that  
16 appropriate planning is done to ensure that every  
17 child in New York City has access to a public  
18 education in a classroom with an appropriate  
19 number of students. According to the DOE,  
20 acquiring new school sites is not a priority  
21 because, according to the Blue Book, which lists  
22 the capacity of all schools in the city, there are  
23 100,000 more seats than students. Unfortunately,  
24 that number is based on out of date and faulty  
25 calculations that do not consider class size goals

2 or pocket overcrowding within districts. The use  
3 of this misleading utilization rates has forced  
4 some schools who were inaccurately designated as  
5 under capacity, but actually were not, to utilize  
6 closets as classrooms and convert cluster rooms to  
7 classroom spaces as more students are enrolled in  
8 the school by central DOE administration.

9 Tragically, we have seen almost complete inaction  
10 on the part of the city in searching for sites for  
11 new schools. Even after the downtown community  
12 identified a state-owned building for sale at 75  
13 Morton Street that could have provided seats for  
14 hundreds of students, the city never made a bid or  
15 even wrote a letter of interest. The state has  
16 now withdrawn the proposed sale and it appears  
17 that the city is still not pursuing conversations  
18 with the state. This is unfortunate as they  
19 should be working with the state to craft a  
20 creative agreement whereby a school at 75 Morton  
21 could be a reality. There are a variety of  
22 improvements that can be made to the DOE's  
23 methodology regarding siting. At a minimum, every  
24 city and state-owned building for sale should be  
25 evaluated as a potential school and a list of

2 those properties should be made available online.  
3 No city or state-owned building should be put up  
4 for sale and no Request for Proposal should be  
5 solicited on such a building without first  
6 consulting the DOE and the local community.  
7 Furthermore, the possibility of acquiring or  
8 leasing parochial schools for school use should be  
9 more aggressively pursued. In many cases, these  
10 schools could be rapidly leased at a relatively  
11 low cost and need little renovation to be made  
12 into public schools. And I'll just finish up by  
13 saying, it's unnerving to hear DOE officials  
14 simultaneously insist that overcrowding in  
15 downtown schools will improve in the coming years  
16 while at the same time, they state that acquiring  
17 classroom space is a last resort. Overestimating  
18 the capacity of current schools by relying on  
19 faulty Blue Book data ensures that current  
20 downtown schools remain overcrowded and removes  
21 the impetus to site new schools. The city has a  
22 history of waiting until schools are filled to  
23 overcapacity before taking any steps. A more  
24 forward-thinking approach must be employed to  
25 reduce overcrowding. This must include more

2 neighborhood specific analysis so that no student  
3 is forced to learn in a crowded classroom or a  
4 hall closet.

5 CHAIRPERSON JACKSON: Well, Matt,  
6 let me thank you coming in on behalf of the  
7 assemblymember and, you know, obviously, you know,  
8 Jessica and all the other elected officials, not  
9 only at the city level, but the state and  
10 congressional level, are involved in this whole  
11 process. I just think that I agree with you, it's  
12 a shame that DOE and SCA did not even communicate  
13 with the state of New York concerning 75 Morton  
14 Street, as far as your testimony indicates on  
15 behalf of the assemblymember, not even a letter,  
16 not even a request, you know, to say give it to us  
17 and we will take care of it. I mean, I'm sure  
18 that the coalition that's working on this is  
19 setting a fire under SCA and DOE and also  
20 communicating I guess directly with the state  
21 officials that has the right to hand that property  
22 over and/or sell it to the city of New York for a  
23 reasonable price so we can build a school. And I  
24 know the building that used to house Manhattan  
25 Developmental Center long time ago and I've been

2 in there as a union representative representing  
3 the employees many, many years ago, I haven't been  
4 there in years, but I know the location, I can see  
5 it in my mind.

6 MATT BORDEN: It hasn't changed.

7 CHAIRPERSON JACKSON: Yeah, so, you  
8 know, it's--

9 FEMALE VOICE: It's empty though,  
10 almost empty.

11 CHAIRPERSON JACKSON: --it's almost  
12 empty and it's a shame that it's not being  
13 utilized and to utilize the deal with the  
14 overcrowding in District 2. So we'll continue to  
15 work on it together. Thank you all for coming in.  
16 Next we'll hear from Debra Freeman, Lower Lab  
17 school, Dawn Philips, the New York Lawyers for the  
18 Public Interest, Leonie Haimson, Class Size  
19 Matters, Neal Tepel, District Council 1707 ASMI  
20 [phonetic]. Please come forward. [Pause].

21 Earlier we were joined, for the record, by our  
22 colleague Bill de Blasio Brooklyn and I failed to  
23 mention that when he was here. Debra, you may  
24 begin.

25 DEBRA FREEMAN: Hi, my name is Debra

2 Freeman, I'm the Vice President of External  
3 Affairs for Lower Lab school, an elementary school  
4 located in District 2 on the upper East side of  
5 Manhattan and I'm submitting this testimony on  
6 behalf of the Lower Lab school's PTA. We have  
7 some serious concerns with the DOE's method for  
8 handling overcrowding and locating sites for new  
9 schools, because these plans really fail to  
10 relieve the overcrowding problem in elementary and  
11 middle schools on the upper East side where Lower  
12 Lab is located. Our class size is 27 or 28 kids,  
13 we've lost cluster rooms, and many schools on the  
14 upper East side of District 2 have class sizes  
15 that are even larger than that. The DOE plans  
16 really failed to sufficiently increase capacity on  
17 the upper East side. We need plans for new school  
18 construction on the upper East side now in view of  
19 our overcrowded classes, which far exceed the DOE  
20 class size reduction plan targets and the huge  
21 increase in construction of large apartments for  
22 families. New schools downtown are not going to  
23 do anything to relieve overcrowding on the upper  
24 East side. We need schools up near us, these  
25 little kids can't travel so far. The DOE needs to

2 actively explore locations on the upper East side  
3 where elementary and middle schools can be built  
4 to accommodate the students who live nearby.

5 Second, the DOE plan lacks sufficient short and  
6 long-term planning for increasing capacity to meet  
7 the demand for schools on the upper East side.

8 The DOE's claim that rezoning is going to take  
9 care of this really just is completely inaccurate  
10 because with all schools exceeding capacity, no  
11 amount of rezoning is really going to provide any  
12 kind of relief. Third, the DOE plan is based on  
13 inaccurate data relating to overcrowding and  
14 capacity which cannot be relied upon for making  
15 plans relating to managing overcrowding. The DOE  
16 needs to get and review accurate up-to-date data  
17 with accurate projections for the number of seats  
18 needed in both the present and future years when  
19 making its plans and the DOE's description of  
20 schools which are under capacity is inaccurate.

21 It is really imperative that the DOE increase  
22 capacity through new construction and the purchase  
23 of leasing of available real estate. The DOE  
24 really needs to look at all potential locations  
25 for elementary and middle schools on the upper

2 East side and work with the local politicians to  
3 encourage developers to help build or finance new  
4 schools. On a specific level at Lower Lab we  
5 would ask that the DOE and the Council people's  
6 give serious consideration to Lower Lab's proposal  
7 that we've submitted for addressing the  
8 overcrowding situation at Lower Lab, PS 198, the  
9 middle schools on the upper East side, and the  
10 need for additional Gifted and Talented programs.  
11 Specifically Lower Lab has proposed addressing all  
12 these problems together by making Lower Lab a K  
13 through 8 school either by building up on the  
14 current structure or moving the school to a new  
15 location. This would have a strong impact on  
16 relieving overcrowding at our school and  
17 throughout District 2 in both elementary schools  
18 and middle schools, and it would add capacity to  
19 address the needs of children zoned for PS 151,  
20 which is a closed school. I know that our  
21 proposal has been submitted in detail by our  
22 principal, comments are open until the 31st of  
23 October and we encourage parents, Council people,  
24 and politicians to support this. Thank you for  
25 considering our testimony.

2 CHAIRPERSON JACKSON: Thank you.

3 Next Dawn Philips, New York Lawyers for Public  
4 Interest.

5 DAWN PHILIP: Good morning, my name  
6 is Dawn Philip and I'm a staff attorney in the  
7 Environmental Justice program at New York Lawyers  
8 for the Public Interest. NYLPI represents  
9 community groups concerned with schools on  
10 contaminated sites throughout New York City,  
11 including the Bronx, Harlem, and Long Island City.  
12 I've just recently taken over NYLPI's contaminated  
13 school sites docket, but I thought it was  
14 important to come here today to ensure the policy  
15 measures related to this matter, measures that  
16 NYLPI has advocated for in the past couple of  
17 years are raised here today for the record. Given  
18 the limited space available, we are concerned that  
19 new schools and leased educational facilities will  
20 be sited on contaminated properties as has been  
21 the trend. At the May meeting of the SCA, the  
22 School Construction Authority, the last one that  
23 NYLPI staff attended, three new schools were  
24 approved, each on contaminated land. Siting  
25 schools on contaminated properties is risky

2 business as exposure to toxic chemicals can lead  
3 to behavioral problems, learning disabilities, and  
4 decreased I.Q. for children. It is essential that  
5 a robust school siting process be in place,  
6 particularly for schools to be sited on  
7 contaminated land. So NYLPI has several  
8 suggestions for how the Council can improve the  
9 school siting process for schools that are  
10 proposed to be placed on contaminated properties.  
11 First, the environmental protection, health and  
12 education committees should hold a joint oversight  
13 hearing to assess the Department of Education's  
14 ability to adequately maintain and monitor schools  
15 sited on contaminated properties. Unfortunately,  
16 the trend in school siting in brownfields  
17 redevelopment, both in New York City and around  
18 the country, is to leave the contamination in  
19 place as opposed to undertaking full source  
20 removal. Parents, students, and community members  
21 and their elected representatives have a right to  
22 know for sure that the DOE has the expertise,  
23 staff, and funding to ensure adequate maintenance  
24 and monitoring plans on contaminated school sites.  
25 Second, the Council should urge Mayor Bloomberg to

2 withdraw his opposition to passage of a bill that  
3 would give this Council oversight on contaminated  
4 lease facilities. Third, the Council should  
5 refuse to approve schools on contaminated  
6 properties unless funding is provided to affected  
7 communities for technical assistance to enable  
8 communities to meaningfully, to meaningfully  
9 participate in school siting processes. Parents,  
10 students, teachers, and community members, not to  
11 mention most lawyers and elected officials, are  
12 often ill-equipped to fully analyze highly  
13 technical environmental data and properly assess  
14 whether a proposed cleanup plan is sufficient to  
15 protect the health of children--the population  
16 most vulnerable to toxic chemicals. We believe  
17 that the city has an obligation to provide funds  
18 to allow communities to meaningfully participate  
19 in public processes. Fourth, the Council should  
20 demand more disclosure of toxic school sites by  
21 passing strong public disclosure legislation. The  
22 Council should start by demanding a list of  
23 locations from the SCA of all contaminated school  
24 properties, what maintenance and monitoring  
25 programs are put in place at those facilities, and

2 proof that there is currently no risk of exposure  
3 at those facilities. NYLPI has a strong  
4 commitment to alleviate overcrowding in our city  
5 schools, but it should not come at the expense of  
6 the health of our children. Thank you for the  
7 opportunity to testify. Thank you.

8 CHAIRPERSON JACKSON: Thank you.

9 Next we hear from Leonie Haimson, Class Size  
10 Matters.

11 LEONIE HAIMSON: Good afternoon, I'm  
12 just going to go through, briefly summarize my  
13 testimony and make a few comments, which always  
14 come up to me after listening and sitting here for  
15 a whole morning listening to the DOE. A couple of  
16 practical easy suggestions, there are elementary  
17 schools that are sitting empty in the borough of  
18 Manhattan and citywide, PS 109 is an example, on  
19 East 97th Street that the DOE is trying to sell  
20 for one dollar to be made into artist housing. It  
21 was originally in the capital plan, it was taken  
22 out, we don't know why it can't be a perfectly  
23 good site for a high school or middle school or  
24 even elementary school again. The DOE has not  
25 aggressively pursued parochial school buildings

2 throughout the city. We have heard separately  
3 from the Brooklyn and Queens diocese that they are  
4 dying to lease additional sites to DOE and that  
5 they don't know how to get it done because DOE  
6 does not respond to them. Governors Island has  
7 huge building sitting empty that are landmarked  
8 and in the site plans as educational facilities,  
9 20 acres by law have to be reserved for  
10 educational uses and yet there is no--there is  
11 nothing--no plans for these buildings, one small  
12 school is going into Governors Island in the fall  
13 of 2010, but meanwhile these schools have gyms,  
14 sports fields, and classrooms sitting empty. When  
15 the Mayor ran for office initially, he promised to  
16 put a large high school complex on Governors  
17 Island, he has never followed through. NYCHA, As  
18 I think someone mentioned earlier, is trying to  
19 sell off big chunks of property to be made into  
20 profit-making developments--that's prime sites for  
21 schools, we could make money off of it and have  
22 residential developments above schools. Again,  
23 developers should be approached at every instance,  
24 this does not happen by the SCA or the DOE,  
25 instead it is up to principals, it is up to

2 parents, it is up to City Council members or  
3 sometimes our state legislatures to make all these  
4 inquiries. For example, a principal in Far  
5 Rockaway went to a developer and said, could you  
6 please build us a school as part of your project  
7 and guess what? The developer said yes, he said,  
8 I figured that if I'm not going to do something,  
9 this whole place will be so overwhelmed because  
10 I'm bringing in 300 families and the kids are  
11 already sitting in trailers. So he built a school  
12 for free, but that does not happen because the DOE  
13 or the SCA or anyone from the city, officially,  
14 the Mayor's office have ever asked developers to  
15 do a single thing for our kids, as far as we know.  
16 The New York--and another example of this is 2030,  
17 Plan 2030, the Mayor's great sustainability  
18 initiative, we're going to have a million more  
19 people, they told people on that task force to  
20 come up with plans for new infrastructure, for  
21 police, for sewer, for water, for parks, for every  
22 single aspect of the infrastructure, but you know,  
23 the task force was told about schools? Leave  
24 schools out of the equation. That was the one  
25 part of the infrastructure that the people who are

2 appointed to the task force were specifically told  
3 to ignore and this is from an administration which  
4 says its--education is their first priority. And  
5 you know why they're getting away with this?

6 Because they're saying now--and I want to be very  
7 attentive to this because I've heard it for the  
8 last couple of hearings and it's their new  
9 buzzword--pocket overcrowding. Dennis Walcott

10 goes on, everybody goes on about old pocket  
11 overcrowding, which minimizes the problem and  
12 makes it seem like there only a few very miniscule  
13 areas in the city that they have to address. Now

14 it's true that there's certain areas where the  
15 overdevelopment is happening, overcrowding is  
16 getting worse, but the problem of overcrowding is  
17 systemic throughout the entire city of New York,

18 because at least 50% of our students are sitting  
19 in overcrowded buildings, even according to their  
20 own data. We know that their own data is

21 incorrect because it does not include smaller size  
22 classes, which is in their goals and it does not  
23 include the need for--sufficient need for cluster  
24 rooms and other things that our kids need for a

25 well-rounded education. So if we really look at

2 this carefully, we would see that every single  
3 part of the city there is systemic, there is  
4 endemic overcrowding and it needs to have systemic  
5 solution. So the next time the DOE or Dennis  
6 Walcott or someone says we are working on pocket  
7 overcrowding, please do not let them take that as  
8 an end-all solution because it's simply trying to  
9 spin the situation in the wrong direction. That's  
10 about it, thanks.

11 CHAIRPERSON JACKSON: Thank you.

12 Next Neal Tepel, District Council 1707, ASMI.

13 NEAL TEPEL: Good afternoon, Chair  
14 Jackson and Council Member Arroyo. Reducing class  
15 size in New York City public schools cannot just  
16 wait until new schools can be built. There is an  
17 urgent need to find more space right now. We want  
18 to commend the City Council Education Committee  
19 for holding this follow-up hearing on how to fund  
20 additional classrooms. It gives us an opportunity  
21 to point out that many of the Administration for  
22 Children's Services daycare centers have unused  
23 early childhood classrooms. The Department of  
24 Education could move public school pre-  
25 kindergarten classes into those centers and free

up space and the schools could use the reduced class size--for reduce class size and to restore cluster rooms. Over 120 ACS-funded daycare centers have empty classrooms. The elimination of out of school time programs for school-age students by the city has resulted in available space in many centers. In addition, there are now vacant classrooms due to forced downsizing and consolidation of preschool programs by ACS. There are two issues that must be addressed in planning for expanded utilization of nonprofit facilities. One, ACS is proposing to stop funding daycare operations for their actual costs starting next June. The city's pay-for-enrollment system will not provide adequate money to centers and some will close. This year, 261 of 300 ACS centers have UPK classes. Many of these operations could expand absorbing UPK students from nearby overcrowded schools. However, if the ACS pay-for-enrollment plan goes through, many centers will be at risk of closing and additional space will not be available. ACS centers have difficulties recruiting teachers for UPK classes. [Pause] Any plan for moving children from public schools to

2 ACS centers must address the huge disparity of  
3 salaries between nonprofit facilities and public  
4 schools. Our union--DC 1707--has a contract, the  
5 contract has expired 18 months ago and the city  
6 administration has been stalling on negotiating  
7 for a new contract that would address salary  
8 disparity. The City Council needs to call for a  
9 moratorium on closing any daycare ACS centers.

10 [Pause] With funding for new schools reduced for  
11 several years and classroom space available in  
12 many centers throughout the five boroughs, the  
13 closing of these facilities is shortsighted. In  
14 the last four years, 16 daycare centers have been  
15 closed or consolidated by New York City. These  
16 early childhood programs have provided services  
17 for over--could have provided services for over  
18 1,000 students. Just a point of information, I  
19 was at Lucille Murray when it closed in the Bronx,  
20 in the South Bronx and parents told me that that  
21 had the capacity when it was up and running for  
22 over 250 youngsters, that was criminal. And  
23 shortly before that Frank Whelan in the same  
24 neighborhood closed and that is now a private  
25 school, New York City has given that over to a

2 private facility. In Brooklyn, two years ago  
3 there was a plan to close 14 centers, half the  
4 centers in the city are in Brooklyn, so that's  
5 where the city wanted to close the most centers  
6 and I was with Domenic Recchia, we saved most of  
7 those centers with the Brooklyn delegation and  
8 many of those centers had room for UPK students  
9 and could have been linked up to local public  
10 schools, it's the last point. The reason there's  
11 space available and the reason the closings took  
12 place is, right after this city eliminated their  
13 after school program and the daycare centers, the  
14 position of the city was that there is space  
15 available and they cannot continue to pay for a  
16 vacant space and that's why the rush to close the  
17 centers took place.

18 CHAIRPERSON JACKSON: Thank you.

19 Council Member Arroyo.

20 COUNCIL MEMBER ARROYO: Thank you,  
21 Mr. Chair. Neal, do you know if there's been any  
22 conversations at all with the Department of  
23 Education, School Construction Authority to do a  
24 cross-referencing of these sites that you mention?  
25 Lucille Murray now houses two schools, charter

2 schools, which is, you know--

3 NEAL TEPEL: Right.

4 COUNCIL MEMBER ARROYO: --you know  
5 the concern is that they keep landing into the  
6 community from--I'm not sure where, but your point  
7 is very well taken and this base ought to be  
8 somehow looked at--

9 NEAL TEPEL: [Interposing] There is  
10 a very poor linkage.

11 COUNCIL MEMBER ARROYO: --but has  
12 there been, do you know of any --

13 NEAL TEPEL: No, but I --

14 COUNCIL MEMBER ARROYO: --  
15 conversation, no--

16 NEAL TEPEL: --but I worked for the  
17 Department of Ed, I was the chairperson for a  
18 Committee on Special Education for 20 years and I  
19 can tell you when the expansion took place for  
20 special ed services, we were told to find new  
21 buildings, find separate buildings and not work  
22 with other agencies. I'm sure that's changed now,  
23 but the Department of Ed at that time would prefer  
24 to lease space for programs and the communication  
25 was limited. And again that was, I retired 10

2 years ago. It definitely needs to be improved.

3 COUNCIL MEMBER ARROYO: Okay. Thank  
4 you.

5 CHAIRPERSON JACKSON: Well let me  
6 thank you both for coming in and giving testimony.  
7 Our next panel is Layla Law-Gisiko, a parent, Ann  
8 Clyberg-Clayberg [phonetic], Public School Parent  
9 Advocacy Commission, Tricia Joyce, parent, and  
10 Jennifer Freeman. Please come forward. [Pause]  
11 Layla? You may begin just identify yourself and  
12 if you're a parent, of what school what school?  
13 Press the button please.

14 LAYLA LAW-GISIKO: Okay. I want to  
15 thank the Council Members for the--

16 CHAIRPERSON JACKSON: [Interposing]  
17 Just identify yourself first, if you don't mind,  
18 please.

19 LAYLA LAW-GISIKO: Sure, my name is  
20 Layla Law-Gisiko, I'm a concerned parent of  
21 children who attend PS 116 and Murray Hill  
22 Manhattan. I'm associate on Community Board 5 and  
23 a participate into the Partnership to End  
24 Overcrowding at PS 116. As you well know, PS 116  
25 is one of the most overcrowded schools in New York

2 City. Last year, kindergarten classes had 28  
3 children for one teacher; this year, the situation  
4 has improved slightly improved only because the  
5 school got rid of its pre-K class and it's phasing  
6 out its Talented and Gifted program. Still, the  
7 overcrowding problem is acute. The school  
8 population is so huge that every day my 5-year-old  
9 child eats his lunch at the cafeteria at 10:45  
10 a.m. and 15 minutes is what he has to do it. The  
11 DOE has based its study on school population based  
12 on information collected by the Department of City  
13 Planning, but this information is largely flawed.  
14 The process itself is largely flawed. Numerous  
15 spot zonings in downtown and midtown Manhattan  
16 have generated thousands of new residential  
17 dwellings, but the impact on these has not been  
18 assessed properly. This strategy has allowed  
19 numerous conversions and the construction of  
20 several new buildings, but it has deprived us from  
21 the opportunity to get accurate information.

22 [Pause] The City Council is part of this rezoning  
23 process, you have an opportunity to ask that  
24 school space be adequate to educate the children  
25 who live in these apartments. Today, we know the

truth. Our public schools are bursting at the seams. This situation has been ongoing for many years and the DOE has been extremely unresponsive in addressing the issue, they're response went from denial, no, technically, the schools are not overcrowded, to soft acknowledgments, well, yes, there's a problem, but we don't know really what to do. Well I'm no DOE chancellor, but the solution is so simple it's scary that they did not find it themselves. Just create a new school for the children of the catchment--that's the solution. Once again, DOE has been very unresponsive in identifying potential sites. For example, the School for Physical City, a public school in PS 116 catchments zone on East 25th Street was phased out of its facility, instead of awarding the space to the local children who desperately need it, DOE chose to give the space to a charter school privately run and for unzoned children. Another example, the Bellevue site would make an ideal location for a school. Similarly, far from being proactive, the DOE has been unresponsive in helping convert some of the space into a school. In the meantime our

2 children's education is being sacrificed. This  
3 failure to provide adequate class-size to our  
4 children in the city of this wealth is so  
5 profoundly wrong, it's a generation of New Yorkers  
6 whose education is at stake. What I'm recounting  
7 has been happening throughout school District 2  
8 and 3 in Manhattan and throughout New York City.

9 I just want to recount one anecdote: in 2004 when  
10 the Ladies Mile Historic District was proposed for  
11 rezoning--a rezoning by the way that the City  
12 Council approved unanimously on August 12, 2004,  
13 without one question about its impact on schools--  
14 prior your voting, I went down to the City  
15 Planning Commission's hearing and I raised the  
16 issue of overcrowding. The City Planning  
17 Commission chaired by Amanda Burden did not even  
18 bother to address my concern. It was addressed by  
19 the attorney for the private applicant who  
20 requested the rezoning. The attorney told Chair  
21 Burden with a grin, people who buy million-dollar  
22 apartments don't send their children to public  
23 schools. It is time our city agencies stop  
24 defaulting their responsibilities, hoping that  
25 parents will chip in \$28,000 per year and per kid

2 for the education of their children so that  
3 developers can go back to the business of building  
4 more towers without any accountability. Enough of  
5 the greed, enough of the denial, enough of  
6 thinking that Manhattan schools--that Manhattan  
7 should be populated by the super wealthy. Public  
8 service such as good education is a right, it  
9 should not be a privilege. I'm urging you to  
10 compel the Department of Education to create new  
11 schools and create them in a timely manner. Not  
12 when my kids are ready to go to college if they  
13 even go there because right now the education that  
14 they receive really is not up to that. Thank you.

15 CHAIRPERSON JACKSON: Thank you.

16 Next?

17 ANN KJELLBERG: My name is Ann  
18 Kjellberg and I'm a founding member of the Public  
19 School Parent Advocacy Committee. I--many, many  
20 parents here today have said the things that I  
21 would like to have said and I endorse a lot of the  
22 comments heartedly so I'd just like to add three  
23 specific points. First of all, to Ms. Grillo's  
24 testimony that the SCA responds to every  
25 suggestion of a site that's put before them. I've

2 been active in suggesting a number of sites to the  
3 SCA, some of which have actually been pursued.

4 Many serious possibilities, formal proposals, e-  
5 mails, letters, petitions, and I've never received  
6 a single direct communication from the SCA in  
7 response to any of these proposals. As in the  
8 proposals that have gone forward they've

9 communicated with developers or with the Empire  
10 State Development Corporation in the case of  
11 Morton street or the Hudson River Park trust, but  
12 never with the families or the members of the  
13 community who made the proposal. My second remark

14 is that I would like to ask the Council to look  
15 more deeply into the matter of school closures and  
16 how much school construction is actually just seat  
17 replacement. District 2 parents worked hard for  
18 schools on Pier 40 which could serve a number of  
19 fast-growing neighborhoods south of 42nd Street.

20 We are thrilled that the SCA and the Hudson River  
21 Park Trust are supportive of this prospect, but we  
22 are also disturbed at reports that these seats  
23 will replace high school seats lost elsewhere in  
24 the city to ended leases. How can precious sites  
25 for schools in overcrowded neighborhoods with very

2 scarce real estate be given to schools that can be  
3 sited anywhere? We urge you to press for a  
4 desperately needed middle school on Pier 40, a new  
5 high school that serves the local need for more  
6 academic high school programs, and a less fiercely  
7 competitive environment for high school admissions  
8 for children downtown. I urge you to look at  
9 creative sites outside our quieted neighborhoods  
10 for high schools, especially Governors Island,  
11 which should be more accessible to us now that  
12 prospects for mega-developments are dimming in the  
13 city. My third remark is just to echo Mary  
14 Silver's comment that--as I--since I've been  
15 working on this issue, I've been watching the  
16 capital plan that's just coming to a close and  
17 when I began, it had quite a number of unsited  
18 schools and these unsited schools have been  
19 filling up with sited schools all at the urging of  
20 parents. The Green school was a school--a site  
21 that was proposed by parents and urged at  
22 Community Board meetings. The Con Ed school, even  
23 though it was called for by an EIS, required  
24 extensive community activism in order to go  
25 forward. I want the SCA and the DOE to have

2 credit for these sites, I'm happy when the  
3 Governor and the Mayor are at photo ops and I  
4 don't mean to seize the initiative back for  
5 parents, but I think that as with so many of the  
6 DOE centralization efforts, we need to look at the  
7 fact that the centralized analysis of enrollments  
8 and school planning has failed to respond to local  
9 realities and the responsibility has fallen back  
10 on neighborhoods. It's neighborhoods and  
11 communities who know what is happening on their  
12 turf and who know where the possibilities are for  
13 siting schools. Rather than grab this power away  
14 from communities in the name of efficiency, our  
15 city should use the resources they have in  
16 neighborhoods and work to strengthen those  
17 communities that don't now have the wherewithal to  
18 press their case. This is not a problem of  
19 metrics and formulas, it is a problem of  
20 democracy. And I'm saddened to observe that the  
21 Council has this week not helped parents in their  
22 efforts to strengthen democracy in our city.

23 CHAIRPERSON JACKSON: Thank you.

24 Next either Tricia Joyce or Jennifer Freeman.

25 TRICIA JOYCE: I'm Tricia Joyce.

2 CHAIRPERSON JACKSON: Hi.

3 TRICIA JOYCE: I am a member of the  
4 PS 234 Overcrowding Committee.

5 CHAIRPERSON JACKSON: PS 234 is in  
6 District 2?

7 TRICIA JOYCE: It is--

8 CHAIRPERSON JACKSON: Okay.

9 TRICIA JOYCE: --it's right down the  
10 street. I'm also a parent of kindergartens in  
11 that school, I've been a resident--well, I'll read  
12 my testimony. I concur first of all with the two  
13 I've heard today and I'm sure there are many, many  
14 more. So I wanted to say more for my personal  
15 experience, when I first moved to Tribeca 18 years  
16 ago, I listened to stories of the parents who had  
17 pushed for a new school to be built two years  
18 earlier in 1988 on Greenwich Street. They told of  
19 how they had to fight tooth and nail to get this  
20 school built. The Department of Education had  
21 told them how unnecessary it was and how  
22 expensive. Eighteen years later, this public  
23 school, PS 234, that was built against all odds is  
24 now the most sought after public school in  
25 Manhattan. The only problem is that now it houses

2 over 200 more students than it was intended to  
3 when it was built. A school that has drawn 10,000  
4 residences over these seven years, post-9/11, to  
5 spend an average of \$2 million on an apartment  
6 just to able to attend this school. I realize  
7 that the theme of this hearing is school siting  
8 and tell my little short story first as one cannot  
9 discuss school siting without first talking of the  
10 process of acknowledging that there is in fact a  
11 need for a new school and then once that need has  
12 been confirmed, the speed and efficiency in which  
13 the school is sited, leased, built, and occupied--  
14 they walk hand-in-hand. The administration  
15 clearly knew five years ago that these as-of-right  
16 buildings were approved for construction. They  
17 knew the buildings were prominently two bedrooms  
18 and up, making it obvious that families were the  
19 target of this development, yet not one move was  
20 made towards creating any infrastructure  
21 whatsoever, despite Mayor Bloomberg's insistence  
22 that he was going to revitalize downtown,  
23 including new homes, schools, and other  
24 infrastructure. When confronted as--when  
25 confronted as the buildings went up without

2 mention of the said schools, our pleas were met  
3 with complacency and even condescension. Why  
4 would they do this? After all, 10,000 new homes  
5 equals billions in real estate, income, mansion,  
6 and estate taxes each year, billions, let alone  
7 all of the attending consumption of these new  
8 residents. Why wouldn't they act? The question  
9 has to be answered before we can talk about why  
10 the city cannot seem to site schools in an  
11 expedient manner. A representative from the DOE  
12 came to a recent task force of ours that we formed  
13 with Shelly Silver to discuss things just as this.  
14 They sent one person to our 30. [Pause] Who,  
15 without notice, said that the space that they had  
16 been pushing on the community members for five  
17 months--it was only five months ago that they even  
18 admitted that we were overcrowded. [Pause] The  
19 space that they had been pushing on the community  
20 for five months, 26 Broadway, was suddenly off the  
21 table. The Department of Buildings had deemed it  
22 unviable for this elementary use they had been  
23 suggesting. It's sandwiched between Merrill Lynch  
24 and the Stock Exchange, which they were aware of  
25 at the beginning. The rep then shrugged her

2 shoulders and said that the real estate people  
3 that the DOE has in their full-time employ cannot  
4 find any other space that would be viable for this  
5 incubation space below Canal Street and asked the  
6 parents for suggestions. I found this deeply  
7 disturbing. They spent five months pursuing a  
8 property before finding out that it was unviable?  
9 I left the meeting stunned, immediately phoned my  
10 commercial broker at Douglas Elemen [phonetic],  
11 and in 60 seconds he had told me of over 15 vacant  
12 spaces with eager landlords that were available in  
13 the area I had asked about. The siting problem is  
14 that no one is actually looking for space. They  
15 are hoping we will just go away or go to private  
16 school. At the overcrowding hearing at City Hall  
17 here, two weeks ago, we listened to Kathleen Grimm  
18 tell us about how some 3,000 and some seats had  
19 been added downtown--I think that's the word she  
20 used. We were in the front row of that meeting  
21 and weren't allowed to speak, they were escorted  
22 out of the building and with them, we left because  
23 there's no point in us continuing to talk to you  
24 who graciously stays for our speaking at these  
25 hearings. But what this exemplifies the very

2 problem that we have here, is that she can make  
3 that statement and walk out of this room. What  
4 she apparently meant was that they had planned for  
5 some time in the future to have 3,000 some seats  
6 below Canal Street [pause] even though this number  
7 that she mentioned she admitted had been funded  
8 and included in the present Five-Year Capital  
9 Plan. In reality there are 143 seats below Canal  
10 Street that have children actually sitting in them  
11 today. [Pause] Three hundred and fifty seats at  
12 the Beekman school will not be finished until at  
13 least the fall of 2011, another 900 seats--and I'm  
14 talking about not just elementary, this is K to 8.  
15 Another 900 seats at PS 276, the Green school,  
16 won't be finished until 2010, if we're lucky. And  
17 another 1,500 seats had not even been sited that  
18 she was including in her total.

19 CHAIRPERSON JACKSON: Can you wrap  
20 up, please?

21 TRICIA JOYCE: I am trying.

22 CHAIRPERSON JACKSON: Thank you.

23 TRICIA JOYCE: This leaves us--I'm  
24 speaking for two people.

25 CHAIRPERSON JACKSON: No, you're

2 speaking for yourself, I'm sorry.

3 TRICIA JOYCE: Well this--we only  
4 have one representative from my school, so there  
5 was a lot to include.

6 CHAIRPERSON JACKSON: [Interposing]  
7 Well, but you can submit your testimony, I just  
8 need you to wrap up.

9 TRICIA JOYCE: This leaves us  
10 another 800 seats short and even when these  
11 schools are completed. By the time they finally  
12 address the elementary disaster, we will have a  
13 middle school disaster. If the seats aren't here  
14 in time, the families will leave. Had they acted  
15 even two years before now, we would not be in this  
16 situation. So to summarize, the solution to  
17 proper school siting? One, plan. They need to be  
18 planned years in advance when permits for  
19 construction are signed. The city will then have  
20 the joy of having more real estate to choose from  
21 and not be forced to pay for expensive short-term  
22 band-aid solutions, such as incubators, but invest  
23 in whole buildings that with thought and planning  
24 can be used now and down the road for a multitude  
25 of uses even if the landscape changes. Two, land-

2 use zoning needs a complete and total overhaul.

3 There cannot be an area as dense as downtown  
4 that's almost exclusively as-of-right zoning. If  
5 the city wants developers to shoulder the  
6 responsibility of housing schools, then they need  
7 to zone the land as such. To expect the community  
8 boards and the parents to fight for what is ours  
9 one project at a time is ludicrous.

10 CHAIRPERSON JACKSON: Excuse me--

11 TRICIA JOYCE: Four--three, I'm  
12 finishing.

13 CHAIRPERSON JACKSON: --no, one  
14 second, please.

15 TRICIA JOYCE: Zone--yes?

16 CHAIRPERSON JACKSON: Excuse me, one  
17 second. I've already indicated that you have to  
18 summarize and wrap up and I'm asking you to please  
19 submit your testimony in writing that you're  
20 reading from. But you must wrap up because there  
21 are other people that need to testify also and  
22 there's other things that we have to do. So  
23 please conclude.

24 TRICIA JOYCE: I understand. I will  
25 finish by saying something that has been said

2 before, but it bears repeating. Zone for  
3 communities, not districts. Zoning for  
4 communities helps the city plan more efficiently.  
5 Where the buildings are, the schools should be.  
6 Thank you.

7 CHAIRPERSON JACKSON: Thank you. I  
8 want to--

9 FEMALE VOICE: I'm reading testimony  
10 on behalf of Jennifer Freeman.

11 CHAIRPERSON JACKSON: No, you can  
12 submit her testimony.

13 FEMALE VOICE: Oh, I can't read it?

14 CHAIRPERSON JACKSON: Excuse me?  
15 You can submit her testimony.

16 FEMALE VOICE: Okay.

17 CHAIRPERSON JACKSON: Thank you.  
18 Thank you very much for coming in. Our next panel  
19 is Gwen Goodwin, the Chair of Community--Committee  
20 to Save PS 109; Joel Myers, Committee to Save PS  
21 109; Peter Anderson, Committee to Save PS 109;  
22 Craig Sway, hope I'm pronouncing your last name  
23 correctly--Committee to Save PS 109; and Wanda  
24 Smith, Highbridge Life Center. Anyone here to  
25 give testimony on that? Is there anyone else that

2 wishes to give testimony this afternoon?

3 [Pause]

4 Hearing none, this committee is now

5 adjourned at 1:53 p.m.

6

7

8

9

C E R T I F I C A T E

I, Tammy Wittman, 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 Tammy Wittman

Date November 4, 2008