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Indoor Air Quality
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FOR THE RECORD

Testimony to the Education Committee
Of the New York City Council
For Qualified Support of the School Budget Plan
December 2, 2008

Honored Members of the Education Committee:

Recently, a decision by the Bronx Supreme Court, filed by the New York Lawyers for the Public Interest (NYLPI), directs the City to create a plan to monitor indoor air quality for a series of schools that are to be built in Mott Haven in the Bronx on a site containing mercury and lead.

Although this decision is progressive in protecting the health of children and teachers, it may not be adequate enough since it depends upon the ability of parents and teachers to obtain information and testing results in a timely manner from government agencies. In hearings before the Council's Environmental Committee, NYLPI recommended the need for parents to be able to bring in their own independent air quality testing at the expense of the Department of Education.

I am a New York City school teacher, who was recently terminated while awaiting air quality test results in my school, which had been built adjacent to a toxic spill site. I am very familiar with the obstacles to obtaining such information. My rights under the Federal Occupational Safety and Health (OSHA) guidelines were ignored in my request for environmental testing results, particularly regarding vapor intrusion, when I was compelled to leave my classroom due to toxic vapors. Per FOIL request the State Department of Environmental Conservation (DEC) had no record of any environmental impact statement for my school built in 1994.

Recently, Councilwoman Christine Quinn, requested that the New York City Department of Investigation review my whistleblower claim, Councilman Bill de Blasio has requested that your committee investigate my recent termination (case# 501283). I learned of my termination recently by the Department of Education (DOE) when my State Assemblywoman, Michelle Schimel, inquired of my status through the New York City Comptroller, William Thompson, in her letter of July 8, 2008.

The New York State Labor Department has requested information for my claim of safety and health discrimination under Section 27-a (10) of the New York State Labor Law.

Despite my own tribulations, I am testifying today regarding new school construction being built on toxic sites and the question of liability. I am asking your committee to delay any decisions regarding the approval of this current school construction and renovation budget before you today pending the judicial review in my case that is immediately before the Queens Supreme Court [Index No.1527/05].

Besides holding the city accountable [Index No.24019/04], I am also holding accountable those who design and construct and rehabilitate schools [Index No.1527/05], that happen to be placed on toxic sites, for any resulting liabilities to the children and teachers of the City of New York. I have attached relevant case law supporting my concerns which are currently before the Queens Supreme Court and have yet to be reviewed.

Honored Committee members, I suggest that the school construction budget be approved only for those projects which involve repair and maintenance, pending this current judicial review regarding school construction liability. Should designers and contractors be liable for air quality accidents, they will require the appropriate liability insurance, which will entail regular monitoring and accountability by both the private and public sector.

ADDENDUM

In his closing report of October 15, 2007 regarding Info Tech High School in Long Island City where there was an environmental air quality alarm, NYLPI's independent analysts Lenny Siegel and Peter Strauss indicated:

“We believe that steps should be taken to better inform the community and *involve it in future activities, including long term monitoring [italics mine]* and site-management designed to prevent toxic exposures at and near the school.”

I believe that a privatized insurance policy by the builders, along with government oversight, would encourage this new paradigm.

Again, please consider withholding approval of new school construction while the judicial decision is pending.



Joel I. Klein
Chancellor

52 Chambers Street
New York, NY 10007

Testimony of Deputy Chancellor Kathleen Grimm
City Council Education Committee
Preliminary Capital Budget
March 18, 2009

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

There is very little change in the Plan since December, when we last appeared before you on the capital plan. So before we get into the details of the new Five Year Plan, I'd like to take this opportunity to review with you our capital accomplishments in this administration.

First, we consolidated the management of the Department of Education's Capital Program under one agency, the School Construction Authority, which just celebrated its 20th anniversary this week. By making the SCA completely accountable for the Capital Program, we have been able to improve management of the construction process, reduce school construction costs by simplifying design standards, and increase competition among contractors. You may recall that prior to 2002, the SCA and the Division of School Facilities (DSF) were separate entities with overlapping duties, little coordination and no accountability. Both the SCA and DSF report to me, and we have established clear lines of responsibility for each.

Second, we revived the Educational Construction Fund (ECF), to encourage comprehensive neighborhood development by constructing mixed-use real estate projects which feature new school facilities. The Fund increases the capacity of the Department of Education to construct new school facilities, thereby increasing the number of seats for the entire school system. ECF, as a financing and development vehicle of the New York City Department of Education, provides funds for combined occupancy structures including school facilities in New York City. One such example of an ECF project that is underway is on 91st Street and 1st Avenue in Manhattan, which will be residential with school facilities on the lower floors.

Third, we released a \$13.1 billion Plan (FY2005 – 2009) in November 2003 - the largest plan in the Department's history - which also for the first time is based entirely on need and is aligned with our Children First reforms. While there aren't enough dollars to meet all of our school construction goals, we have made great strides in addressing capacity constraints of the school system and improving our facilities to support the instructional needs of our students. In the current plan we have invested in our existing assets by doing thousands of improvement projects in our schools across the City. These kinds of projects include building repairs such as roofing, system replacements such as electrical and HVAC systems, and other important initiatives like playground enhancements.

The current plan also calls for the construction of 63,000 new seats and 3,000 replacement seats to address overcrowding. We are well on our way to achieving this aim: over 55,000 of these seats are either in progress or have been completed.

Because it takes several years to identify sites, design facilities and then build, we are just now starting to see the fruits of our work. Last September we opened 18 new school buildings, and we will open 22 new buildings this coming September. We will see 34,000 seats come on-line over the course of the next three years that have been funded with dollars from our current, FY2005-2009 capital plan.

Some of the highlights of this plan are a replacement facility for Gregorio Luperon High School in Washington Heights; the Elmhurst Educational Complex to help alleviate the burden on Newtown High School in Queens; a beautiful new facility on Staten Island located at Marsh Avenue and Essex Drive that houses three schools and a District 75 program; and a new home for El Puente Academy in Brooklyn – all of which opened this past September. We are also looking forward to opening the doors at the long-awaited Metropolitan Avenue campus in Queens and the Mott Haven campus in the Bronx, as well as the urgently-needed seats in Battery Park City and at Beekman Place in District 2, Manhattan in the next few years.

Another highlight I want to note is that all schools which began design in January 2007 and after will be green-designed schools. We appreciate the City Council's initiative on this and thank you for working with us on the development of green design standards for schools.

To avoid the pitfalls of previous plans, which often ran over budget and behind schedule, we instituted an annual amendment process. Reviewing the plan regularly has allowed us to catch emerging needs quickly, so we can make changes as necessary. As part of our annual amendment process, we do three things:

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

which give us data on housing starts and rezoning efforts. This helps us to stay on top of shifts in student enrollment, so that we can make adjustments based on where there may be a sustained increase in student population in one part of the city or a decline in another part.

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

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

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

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

- 1) \$5.2 billion for capacity. This includes the construction of 25,000 new seats, funding for replacement facilities whose leases are expiring, and charter partnership projects.
- 2) \$6.1 billion for capital investment. This includes our Capital Improvement Program (CIPs), funding for our Children First Initiatives such as campus restructurings, physical fitness projects and science labs, and mandated programs like remediation and building code compliance.

Since we were here in December, we went to every CEC that requested a meeting on the capital plan, and we folded into the plan 20 projects recommended by the CECs and the City Council.

Sharon will walk you through the details of the plan; before she does, I just want to underscore a couple of points.

This plan does acknowledge our current economic realities, and as such our capital budget and its spending power are reduced from previous years. We incorporate past inflation rates as well as anticipated increased costs in the construction sector in developing the plan. Furthermore, in May the Mayor announced that the City was stretching four years of its capital program commitments over five years due to the uncertain economic outlook for the City. Even with reduced resources, this plan proposes the creation of 25,000 new seats. These seats, coupled with more efficient use of existing space, are

projected to address the overcrowding identified at a neighborhood level within districts. The current economic situation forces us to be more strategic with our resources and more efficient with our existing space, and will require us to work together to make tough decisions in the best interests of our children.

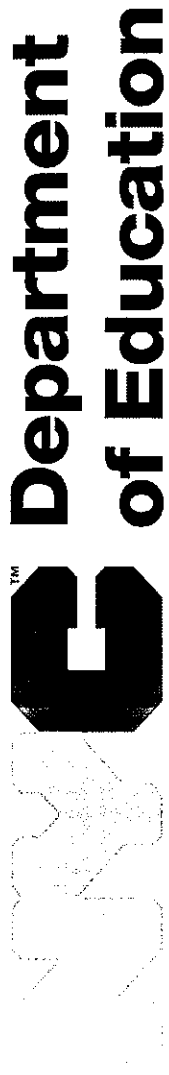
This plan also assumes the same financing strategy, with half funded by the City and the other half funded by New York State. Additional resources are provided through partnerships, federal grants, private contributions and of course with generous support from the City Council and other elected officials.

We took what we learned from the current plan and incorporated it into the next one. For instance, through our public engagement process, we heard from various communities that planning at the school district level was not sufficient, and that we needed to examine specific neighborhoods for unique needs and pockets of overcrowding. Many of you have been engaged in these conversations with us and your insight continues to help us. We have folded this into the new FY2010 – 2014 plan and have tailored proposed projects to meet specific community needs. Also in the current plan, we developed a form for CECs to prioritize projects in their respective districts. We found this extremely helpful and as a result have been able to include most of their prioritized projects in the plan via our annual amendment process. Because this has been so useful, we developed a similar form for elected officials, so that we are better

able to process your priorities and input. We hope that you found the form to be helpful, and we are happy to hear your feedback on it.

Regarding the current situation: although other agencies are seeing cuts beyond the 20 percent push out in capital, we are working with OMB to maintain this plan at the \$11.3B level proposed in November. Because of the funding issues, the Panel for Educational Policy vote has been delayed until the meeting in late April.

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



Building on Success FY 2010 – 2014 Five Year Capital Plan



New York City Council Hearing

March 18, 2009



FY2010 – 2014 CAPITAL PLAN PRIORITIES

Address capacity need on a neighborhood basis

Ensure the stability of our existing facilities

Continue Instructional Enhancement Program

Allocate limited resources effectively

FY2010-14 PLAN COMPONENTS

Capacity: \$5.2 billion

Capital Investment: \$6.1 billion

Total: \$11.3 billion

Note: Assumes equal City and State funding

CAPACITY - \$5.2 Billion

New Capacity:

\$3.8 billion

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

Charter/Partnership

\$210 million

Replacements:

\$1.2 billion

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

NEW CAPACITY

Total 5th Plan new seat creation through new buildings: 25,194

(includes 4th Plan rollover)

> PS/IS seats: 22,523

▫ Manhattan

▫ Bronx

▫ Brooklyn

▫ Queens

▫ Staten Island

> IS/HS seats: 2,671

> Rollover from 4th Plan: ~ 8,000 seats

Additional Planning Factors to Meet Projected Need:

> Facility Realignment Strategies

(Created through new school or charter placement, enrollment adjustments, reconfiguring existing facilities)

> In process from 4th Plan: ~ 34,000 seats

CAPACITY PROGRAM

Determining need

- > Analysis based:
 - District wide (capacity, enrollment & housing)
 - “Neighborhoods” within district

Identifying solutions

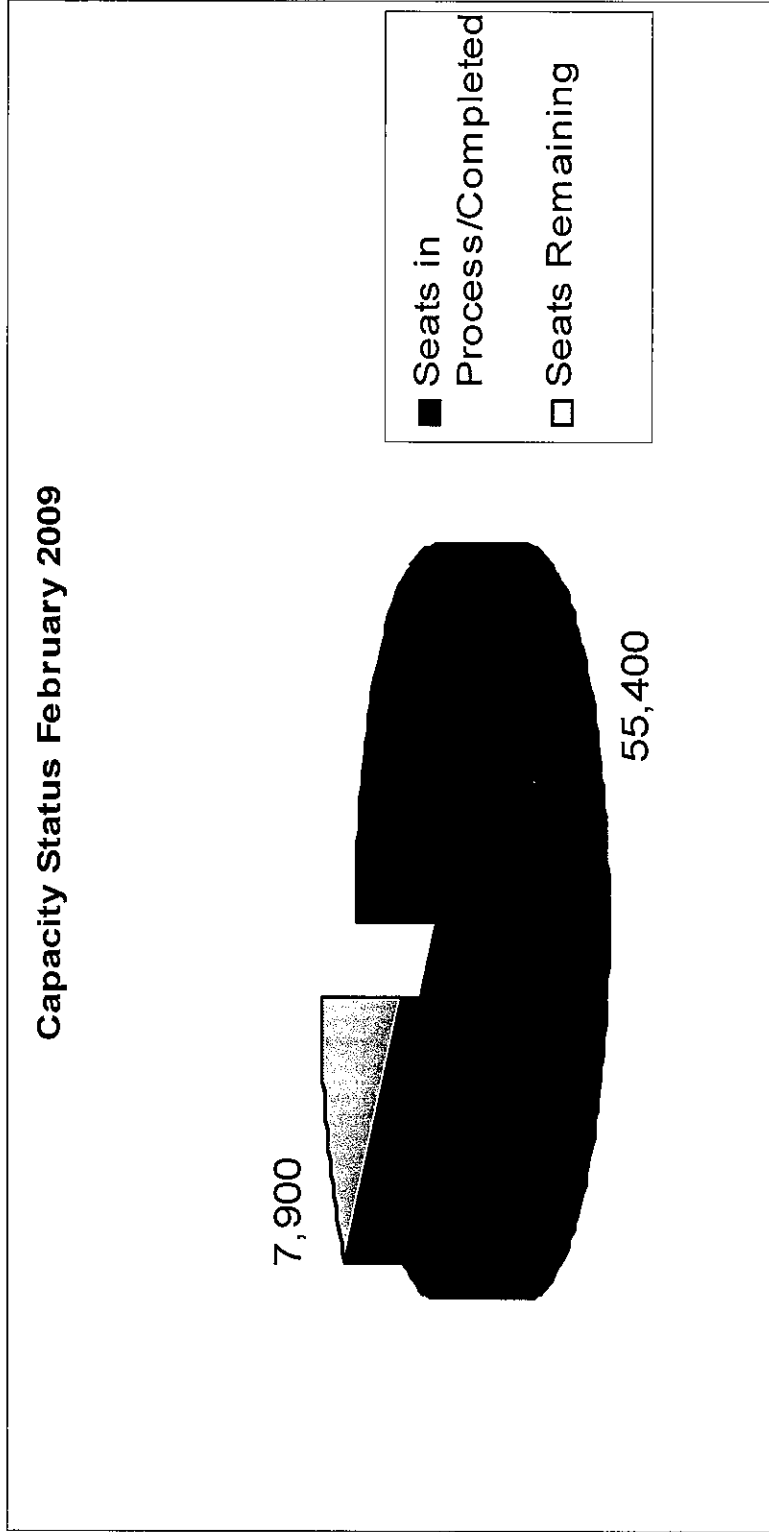
- > Reduce overcrowding in our schools by realigning the space within existing facilities to better meet the needs of our students.

FY 2010 - 2014 Five-year Capital Plan Capacity by Neighborhood
Feb 2009 Amendment

Neighborhood	2005-2009	2010-2014	Total
MANHATTAN			
2*	Trbecca/Village	931	
	Cheelsea/ Midtown West	1,127	
	Flatiron/Grainercy/Murray Hill	738	
	Upper East Side	500	
BRONX			
8*	Pelham Bay / Edgewater Park / Throgs Neck	318	
	Highbridge	389	
9*	Spuyten Duyvil, Riverdale, Fieldston, North Riverdale	738	
	Kingsbridge, Norwood, Bedford Park	416	
11	Van Nest / Pelham Parkway	1,476	
BROOKLYN			
13	DUMBO/ Navy Yard/ Fort Greene	416	
14	Williamsburg/Greenpoint	738	
	Sunset Park	738	
15*	Park Slope	721	
	Owls Head Park, Bay Ridge	1,476	
20*	Dyker Heights	1,154	
	Flatlands/ Midwood	738	
QUEENS			
24*	North Corona, South Corona, LeFrak City, Elmhurst	2,214	
	Glendale, Ridgewood	416	
25	Beechhurst, College Point, Whitestone	416	
	Flushing, Murray Hill, Willets Point	738	
26*	Bayside and Auburndale	416	
	Ozone Park, South Ozone Park, Richmond Hill, Woodhaven	951	
28*	Rego Park, Forest Hills, Kew Gardens, Jamaica	500	
	East Elmhurst / Jackson Heights	702	
30	Woodside / Sunnyside	1,154	
	Long Island City / Ravenswood	1,154	
STATEN ISLAND			
31*	South Shore	832	
	New Dorp	416	

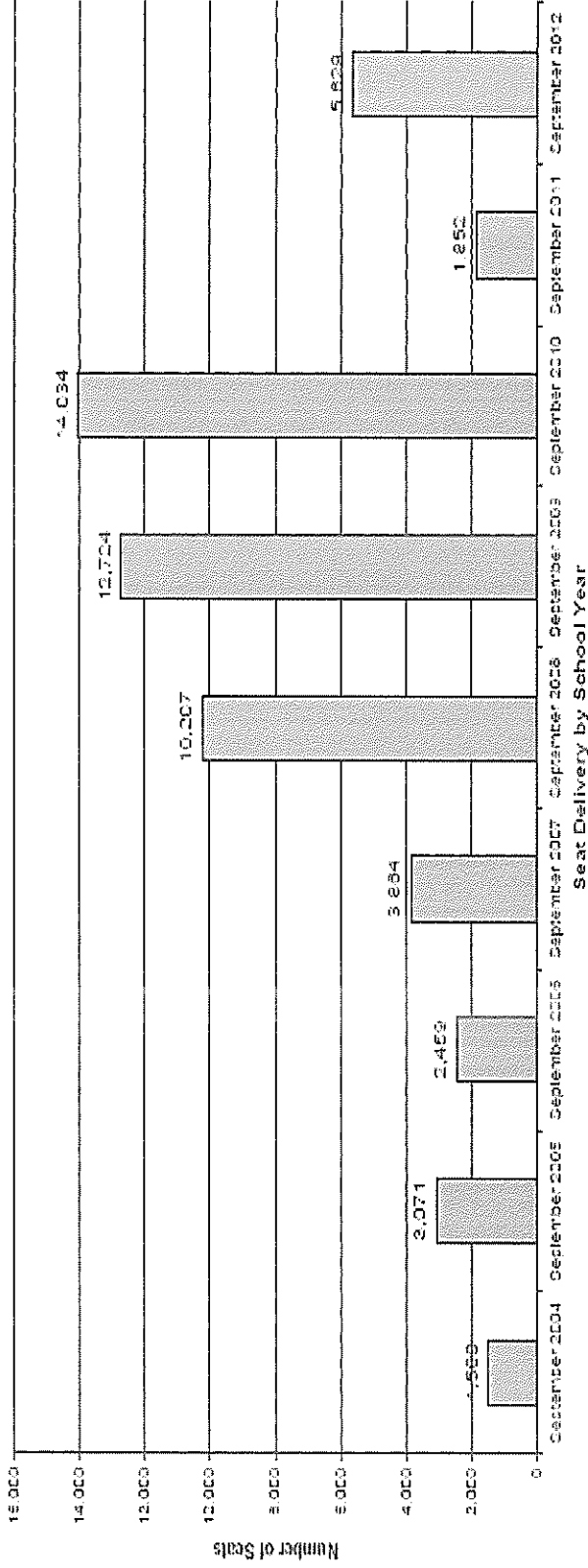
* Includes seats carried over from 2005 - 2009 Capital Plan.

CURRENT FY 2005 – 2009 CAPITAL PLAN CAPACITY STATUS

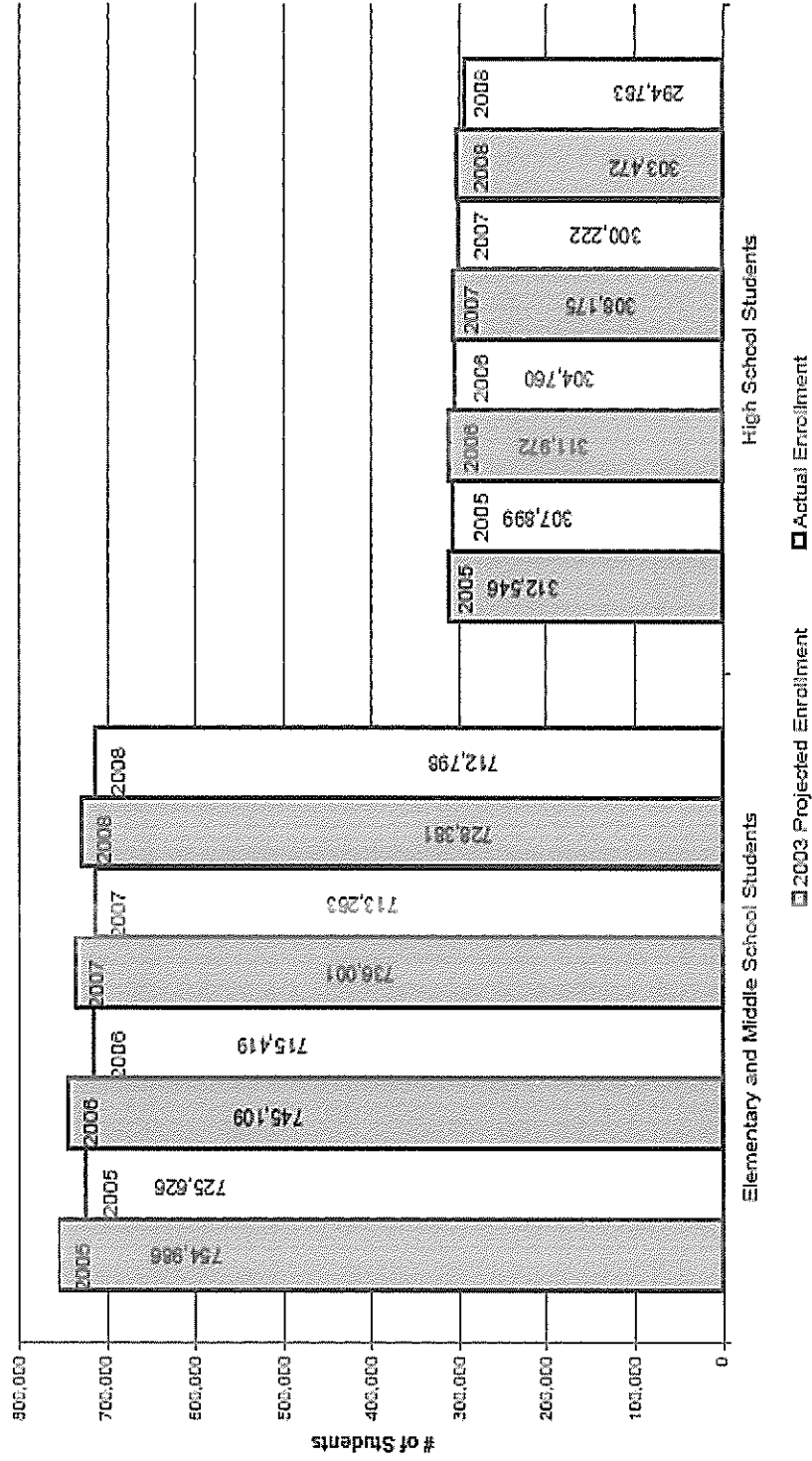


FY2005 – 2009 CAPITAL PLAN CAPACITY SCHEDULE

NYC Department of Education
 Anticipated Capacity
 Created Through FY 2005 - FY 2009 Capital Plan
 (Does Not Include 7,965 seats Rolled Over to FY 2010 - FY 2014 Capital Plan)
 Data as of 1/29/2009



COMPARISON OF 2003-2012 ENROLLMENT PROJECTION AND ACTUAL ENROLLMENT



CAPITAL INVESTMENT - \$6.1 Billion

Capital Improvement Program:

\$ 2.2 billion

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

Children First Initiative:

\$ 1.7 billion

- > Technology & Facility Enhancement Programs

Mandated Programs

\$ 2.2 billion

- > Remediation/Code and Fixed Programs

INFORMATION USED TO DEVELOP PLAN

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

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

PROCESS ENHANCEMENTS INITIATED UNDER FY2005 – 2009 CAPITAL PLAN

Plan Approval Process:

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

Communication

- > Reso A Brochure
- > Environmental Fact Sheet

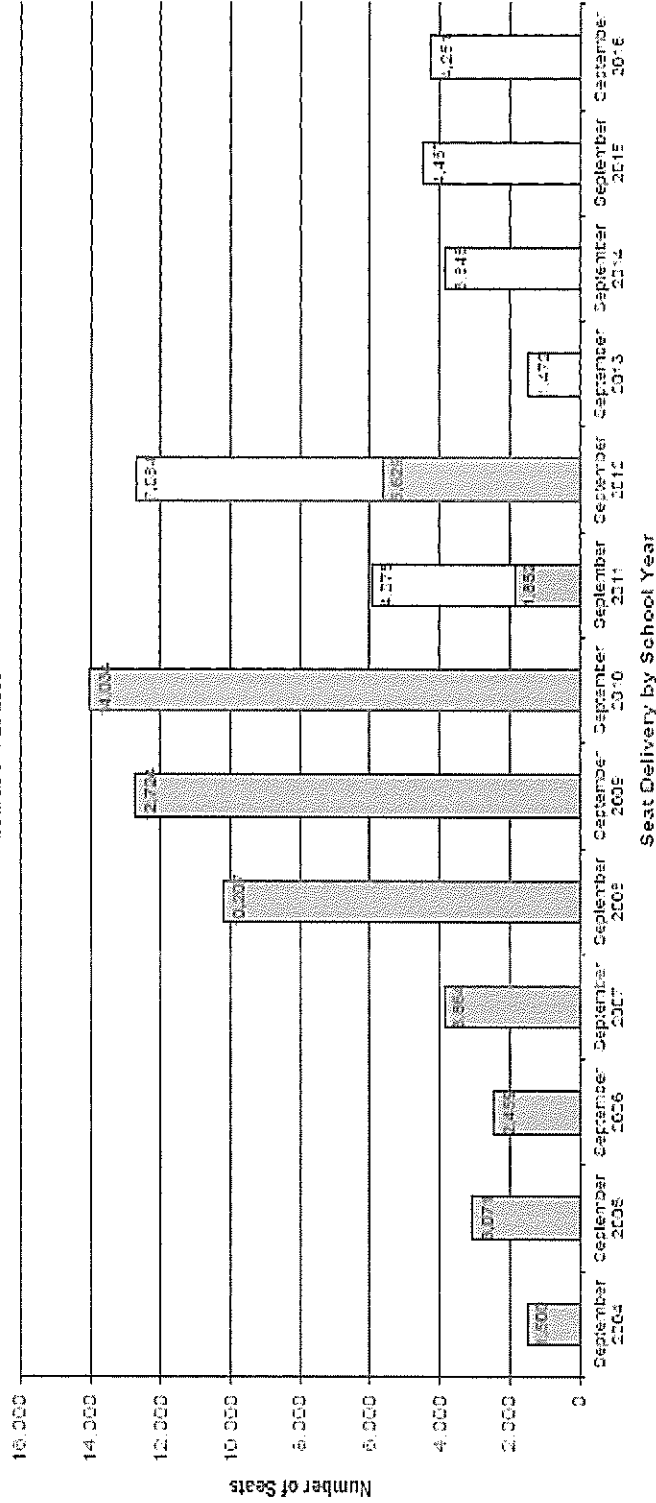
Plan Implementation:

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

TWO CAPITAL PLANS – 80,500 SEATS

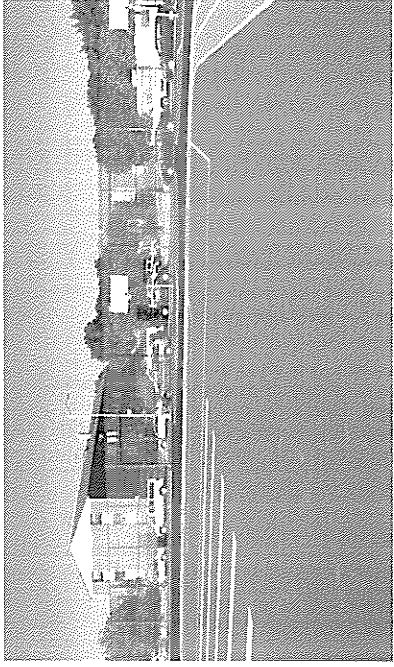
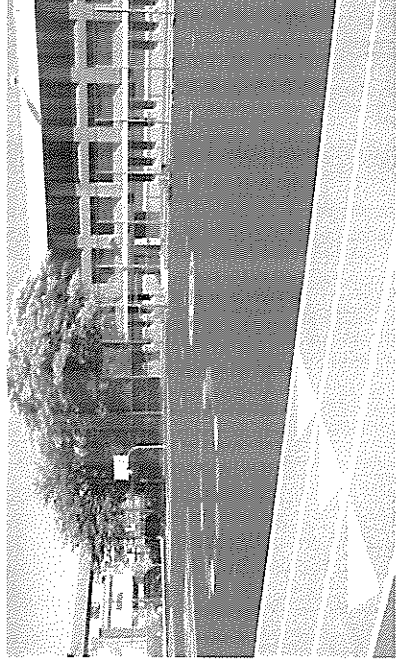
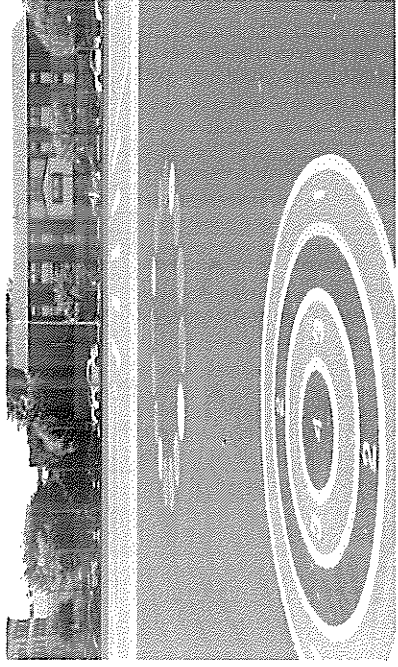
NYC Department of Education
 FY 2005- FY 2009 Capital Plan and FY 2010 - FY 2014 Capital Plan

Anticipated Capacity
 Data as of 1-22-2009

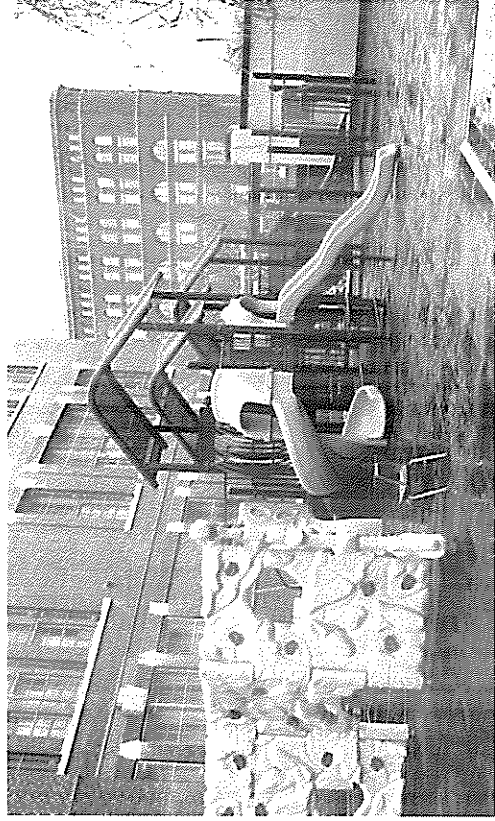


Legend: 2005-09 Capital Plan Seats (lighter bars), 2010-14 Capital Plan Seats (darker bars)

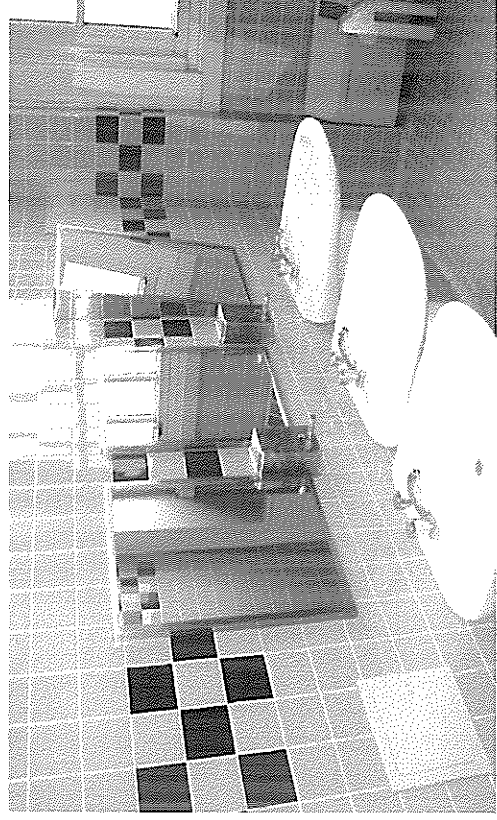
RESOLUTION A PROJECT – District 32



RESOLUTION A PROJECTS – District 2

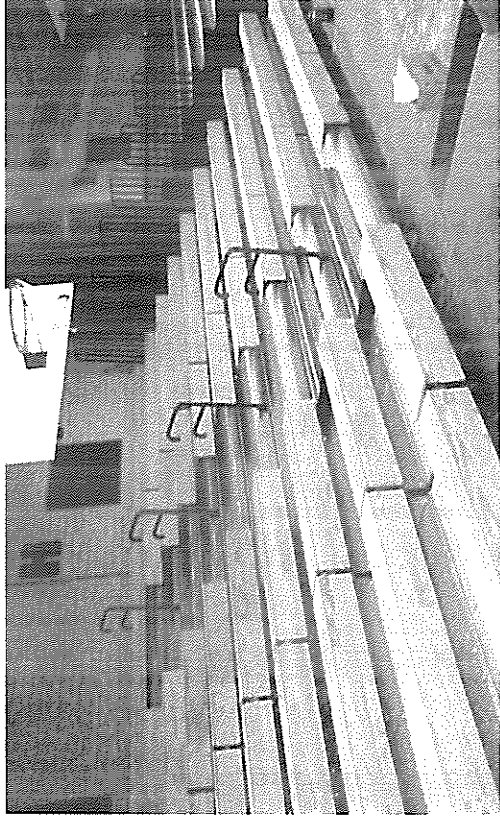


PS 3 Playground



PS 158 Restroom

RESOLUTION A PROJECTS – District 25



Flushing HS Bleachers

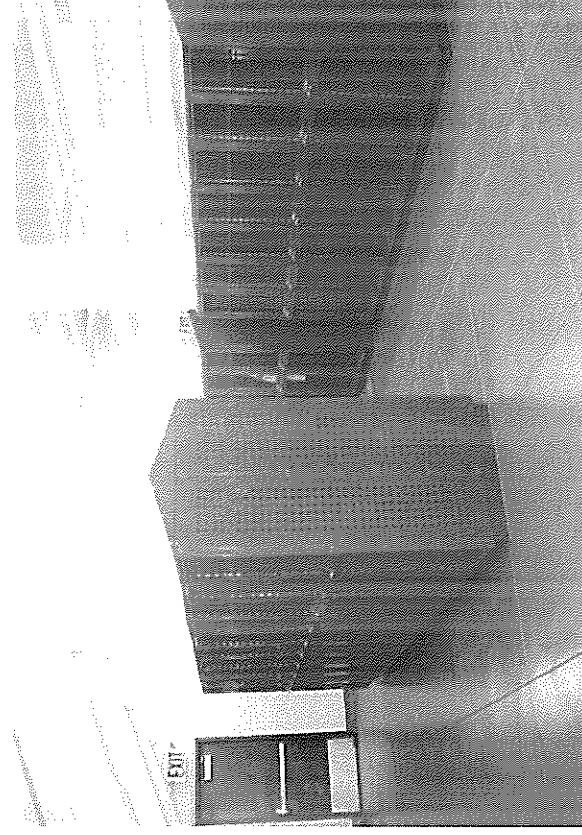


PS184 Library Upgrade

RESOLUTION A PROJECTS – District 6



PS/IS 187 Auditorium and Lighting Upgrade



George Washington HS Complex Locker Room

RESOLUTION A PROJECT – District 9



RESOLUTION A PROJECT – District 31



RESOLUTION A PROJECT – District 13



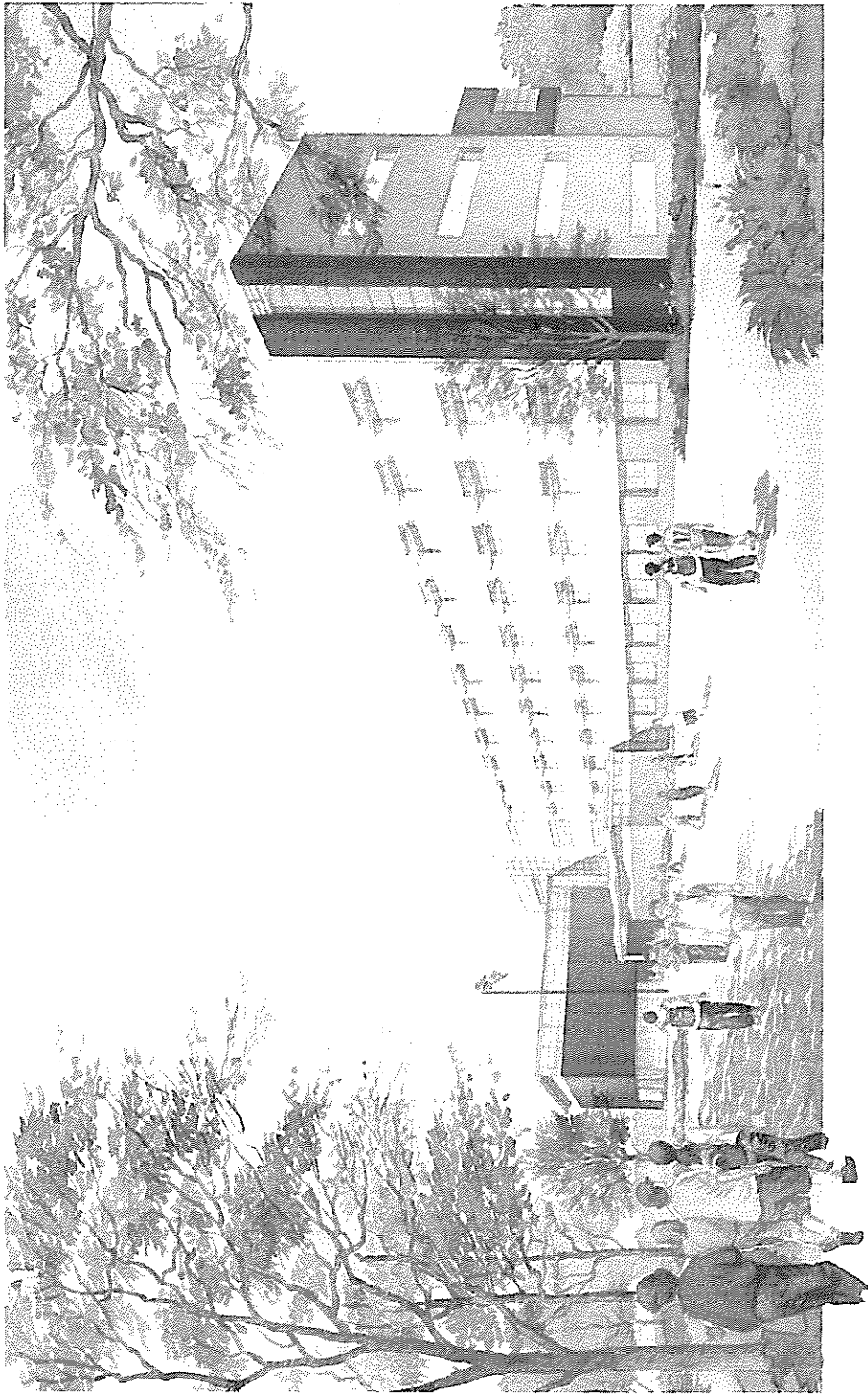
PS 237 – BROOKLYN



PS 113 ADDITION - QUEENS



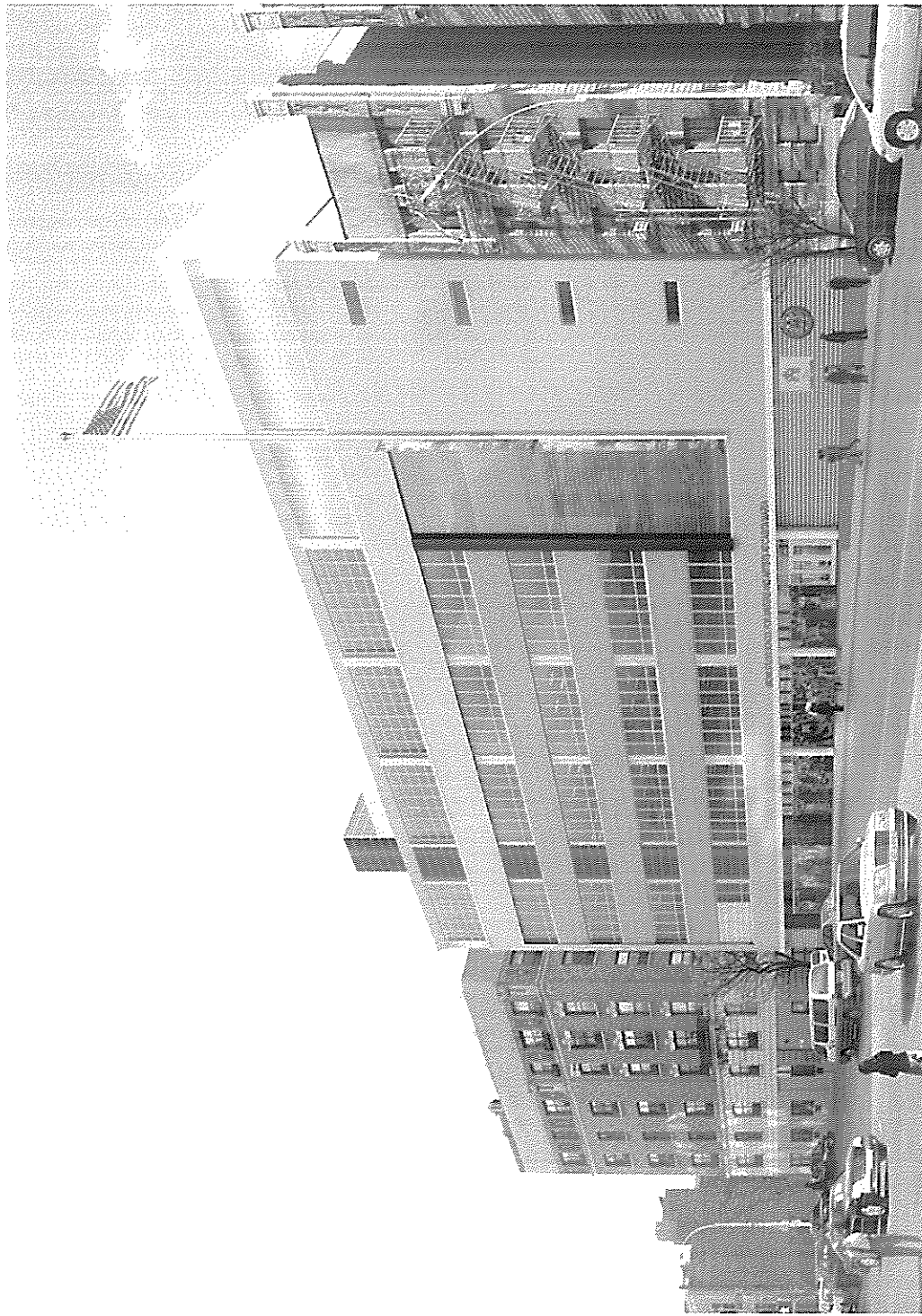
PS/IS 861 – STATEN ISLAND



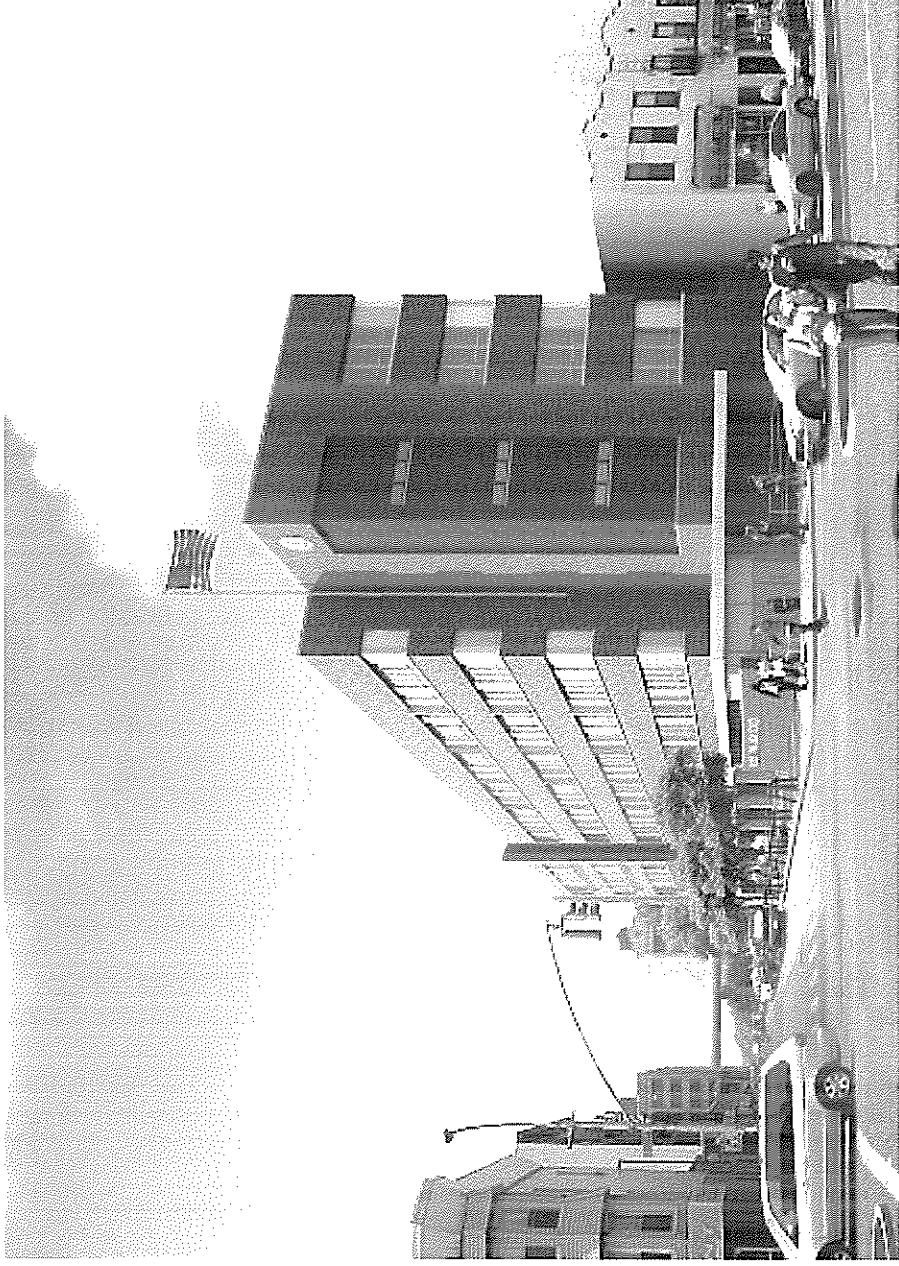
NEW UTRECHT H.S. - BROOKLYN



BRONX STUDIO SCHOOL FOR WRITERS AND ARTISTS - BRONX



SUNSET PARK H.S. - BROOKLYN



NYC Department of Education
FY2010-2014 Capital Plan
 November 2008 to February 2009 Changes
 CAPITAL IMPROVEMENT PROJECTS

List of CEC/City Council Requests Incorporated

District	Boro	Asset Number	School	Project Description	Requestor	Approximate Cost
01	M	M034	P.S. 34	Exterior Doors	City Council	\$300,000
02	M	M111	P.S. 111	Electrical Upgrade (Auditorium)	City Council	\$800,000
03	M	M084	P.S. 84	Public Address System	City Council	\$1,800,000
07	X	X154	P.S. 154	Public Address System	CEC	\$800,000
08	X	X075	P.S. 75	Window Repair	CEC	\$2,500,000
11	X	X016	P.S. 16	Interior Stair Repair	CEC	\$600,000
13	K	K054	P.S. 54	Auditorium Upgrade	CEC	\$2,300,000
14	K	K016	P.S. 16	Cafeteria Upgrade	CEC	\$500,000
17	K	K390	I.S. 390	Window Repair	CEC	\$2,500,000
20	K	K186	P.S. 186	Student Toilet Upgrade	CEC	\$1,200,000
21	K	K097	P.S. 97	Exterior Masonry	City Council	\$3,000,000
22	K	K255	P.S. 255	Electrical Upgrade	CEC	\$1,200,000
24	Q	Q239	P.S. 239	Paved Area Blacktop	CEC	\$1,200,000
25	Q	Q237	J.H.S. 237	Science Lab Upgrade	CEC	\$1,200,000
26	Q	Q018	P.S. 18	Electrical Upgrade	CEC	\$2,000,000
31	R	R055	P.S. 55	Exterior Masonry	CEC	\$1,600,000
75R	R	R722	P.S. 722 (OTC)	Public Address System	CEC	\$1,900,000
78K	K	K655	BKLYN HS OF THE ARTS (OL S J HL)	Public Address System	CEC	\$800,000
78M	M	M620	NORMAN THOMAS HS (ECF)	Public Address System	CEC	\$1,100,000
78Q	Q	Q490	CAMPUS MAGNET HS (JACKSON)	Auditorium Upgrade	City Council	\$1,100,000
					City Council	\$1,500,000

Other projects added to the Plan

District	Boro	Asset Number	School	Project Description	Requestor	Approximate Cost
31	R	R055	P.S. 55	Roofs	(Advanced to 2011)	\$1,800,000
31	R	R055	P.S. 55	Parapets	(Advanced to 2011)	\$900,000
31	R	R055	P.S. 55	Flood Elimination	(Advanced to 2011)	\$900,000
19	K	K224	P.S. 224	Exterior Masonry		\$1,500,000
06	M	M128	P.S. 128	Roofs		\$2,500,000
06	M	M128	P.S. 128	Paved Area-Concrete		\$300,000
78M	M	M625	HS OF GRAPHIC COMMUNICATION ARTS	Roofs		\$400,000
09	X	X070	P.S. 70	Domestic Piping		\$4,600,000

Project Advanced to FY2009

District	Boro	Asset Number	School	Project Description	Requestor	Approximate Cost
10	X	X024	P.S. 24	Auditorium Upgrade	Advanced from FY 2010	\$500,000
13	K	K853	P.S. 93 AX (ECF-BD STUY ECC2)	Low-Voltage Electrical Systems	2010	\$900,000
18	K	K219	P.S. 219	Toilets-Students	2010	\$1,400,000
19	K	K213	P.S. 213	Low-Voltage Electrical Systems	2010	\$1,400,000
21	K	K096	I.S. 96	Toilets-Students	2010	\$1,400,000
23	K	K165	P.S. 165	Safety Systems	2010	\$1,100,000
29	Q	Q015	P.S. 15	Exterior Masonry	2010	\$2,600,000
78K	K	K425	JAMES MADISON HS	Toilets-Students	2010	\$1,400,000
78X	X	X410	WILLIAM H. TAFT HS	Reinforcing Support Elements	2010	\$5,300,000

District	Boro	Asset Number	School	Project Description	Advanced from FY	Approximate Cost
02	M	M017	I.S. 17	Roofs	2012	\$2,500,000
20	K	K186	P.S. 186	Parapets	2013	\$2,200,000
24	Q	Q073	I.S. 73	Roofs	2013	\$3,700,000
78R	R	R445	PORT RICHMOND HS	Roofs	2014	\$4,700,000
78R	R	R445	PORT RICHMOND HS	Parapets	2014	\$4,100,000
78R	R	R445	PORT RICHMOND HS	Exterior Masonry	2014	\$6,800,000

District	Boro	Asset Number	School	Project Description	Cancellation Classification	Approximate Cost
14	K	K031	P.S. 31 (OLD 126)	Parapets	No Capital Work Required	\$2,000,000
14	K	K031	P.S. 31 (OLD 126)	Exterior Masonry	No Capital Work Required	\$2,700,000
02	M	M047	J.H.S. 47 (SCH FOR THE DEAF)	Paved Area-Blacktop	No Capital Work Required	\$900,000
06	M	M128	J.H.S. 47 (SCH FOR THE DEAF)	Low-Voltage Electrical Systems	No Capital Work Required	\$1,400,000
06	M	M128	P.S. 128	Windows	No Capital Work Required	\$3,400,000
26	Q	Q216	J.H.S. 216	Flood Elimination	No Capital Work Required	\$500,000
11	X	X181	I.S. 181	Reinforcing Cinder Concrete Slabs	No Capital Work Required	\$900,000
16	K	K005	P.S. 5	Electrical Systems	No Capital Work Required	\$1,600,000
16	K	K005	P.S. 5	Paved Area-Blacktop	No Capital Work Required	\$900,000
14	K	K380	P.S. 5	Fencing	Reclassified	\$900,000
26	Q	Q173	P.S. 380	Paved Area-Concrete	Reclassified	\$500,000
09	X	X126	P.S. 173	Paved Area-Blacktop	Reclassified	\$1,500,000
31	R	R013	P.S. 126 (ECF)	Paved Area-Blacktop	Reclassified	\$900,000
31	R	R013	P.S. 13	Paved Area-Blacktop	Reclassified	\$900,000
31	R	R013	P.S. 13	Paved Area-Blacktop	Reclassified	\$900,000
31	R	R013	P.S. 13	Paved Area-Concrete	Reclassified	\$900,000
26	Q	Q203	P.S. 203	Fencing	Reclassified	\$900,000
26	Q	Q203	P.S. 203	Windows	Reclassified	\$500,000
01	M	M061	P.S. 61	Exterior Masonry	Management Directive	\$3,700,000
26	M	M061	P.S. 61	Gymnasium Upgrade	Management Directive	\$2,000,000
26	Q	Q213	P.S. 213	Reinforcing Cinder Concrete Slabs	Work Previously Completed	\$800,000
78X	X	X410	WILLIAM H. TAFT HS	Reinforcing Cinder Concrete Slabs	Work Previously Completed	\$700,000
				Reinforcing Cinder Concrete Slabs	Work Previously Completed	\$1,600,000

TESTIMONY

UNITED FEDERATION OF TEACHERS (UFT)
LEO CASEY,
VICE PRESIDENT, ACADEMIC HIGH SCHOOLS

BEFORE THE
NEW YORK CITY COUNCIL
COMMITTEE ON EDUCATION

HEARING ON THE PROPOSED
FIVE YEAR CAPITAL PLAN
FOR NEW YORK CITY PUBLIC SCHOOLS

MARCH 18, 2009

Thank you for convening a hearing on this crucial issue of the 2010-2014 Five Year Capital Plan for the Department of Education. We at the United Federation of Teachers believe that the primary focus of the capital planning process should be the alleviation of overcrowding and the reduction of large class size in **all** of our public schools.

There is a critical shortage of seats for New York City public school students. By the Department of Education's own calculations, there are public schools currently operating at nearly 200% capacity, that is, schools with two students for every single seat. Thirty-eight percent of New York City's public school students attend overcrowded schools. Schools from the Upper East Side and Greenwich Village to eastern Queens and southern Brooklyn are bursting at the seams, with serious shortages of student seats in those neighborhoods.

For schools, overcrowding is not a mere inconvenience or unpleasantry. It has a direct, negative impact upon student learning. Overcrowded schools face great challenges in maintaining a positive school tone and climate. Congested classrooms, hallways and cafeterias are breeding places for altercations and incidents. Academic programs and offerings are limited by space constraints. Classes, science laboratories and physical education classes are held in inappropriate spaces. Supply closets and bathrooms become make-do guidance and social work offices.

Most importantly, overcrowded schools can not lower class size, because they lack the space to open new classes. There is no more important educational issue than class size in the City Council's deliberations on this Capital Plan, and it has been made all the more critical by the Department of Education's shameful record on this front: we are headed in the wrong direction. In the current school year, class sizes at every grade level in New York City public schools have increased – the first time in a decade that our schools have taken such a dramatic step backward. In the 2007-08 school year, well over half of New York City public schools recorded larger class sizes and teacher-student ratios, according to the New York State Department of Education.

What is inexplicable about these increases is the fact that they have occurred despite the nearly \$400 million in state Contract for Excellence funds given to New York City public schools for the express purpose of reducing large class size. But when the Department of Education has communicated with

school principals on the subject of class size reduction, it equivocates: “Implementing reduced class size requires complex tradeoffs and decisions. The purpose of this memo is to help you to weigh these tradeoffs as your school conducts its comprehensive planning,” Chief Executive for Portfolio Development Garth Harries wrote in a May 2008 memo.¹ Rather than address the misallocation of CFE funds, the Department’s top leadership has begun a public relations campaign to discredit the educational benefits of lower class size. It matters little, apparently, that the most authoritative research in the field of education, such as the Tennessee STAR study, demonstrates the positive instructional effects of smaller classes.²

A crucial step in getting New York City public schools back on the right path with regard to school overcrowding and class size is fixing the Department of Education’s capital plan. When UFT President Randi Weingarten testified before this committee last December, she pointed out a number of shortcomings in the Five Year Capital Plan as it was then formulated. Subsequent revisions of the plan have left these flaws intact, so it will be up to the City Council to correct them. Specifically:

- The Capital Plan falls far short of the number of new seats our schools will need to meet the state mandated class targets: we need 167,000 new seats, and yet the Capital Plan includes just a shade over 25,000 – a fraction of what is required.
- The Capital Plan uses class size “targets” of 20 students per class in K-3, 28 per class in middle schools and 30 per class in high schools, significantly higher than the four year CFE targets set by the state of 20 students per class in K-3 and 23 per class in grades 4-12.
- The Capital Plan dedicates a large portion of funds, \$ 1.7 billion, to replacement of expiring leases. The use of leases has caused serious problems among existing high schools; this year alone, there are a number of high schools which are facing relocation due to expiring leases. When a high school’s academic program is closely tied to its location, as is the case with Middle College HS where students take courses in LaGuardia Community College, moving that location can seriously undermine the fabric of the entire institution. We need to be transitioning out of lease arrangements.

¹ See 2008-09 Class Size Reduction Guidance Memo at http://schools.nyc.gov/NR/rdonlyres/66F06927-78D8-43C2-9873-F9427F44FAD4/0/class_size_memo.doc

² For a full description and analysis of the Tennessee Star study, see <http://www.heros-inc.org/star.htm>

- The Capital Plan lacks specifics when it comes to eliminating temporary classroom space such as trailers, and restoring “lost rooms” for physical education and cultural enrichment in music and the arts. These are educational priorities.
- The Capital Plan does not plan proactively for growth in different communities around the city, and so does not direct the resources to what will be the areas of greatest need.

A word needs to be said about the DOE’s misplaced priorities in the section of its capital plan dedicated to new construction for charter schools. The revised version of the capital plan published last month commits \$210 million to the construction of new buildings for charter schools.

The UFT has a solid record of support for charter schools when they are done right, expanding the choices of quality public education available to students and their families. We have no objection to supporting charter schools through the capital plan, provided that such support is part of a comprehensive effort to address overcrowding and to lower class size in **all** public schools, district and charter.

But the Department of Education’s capital plan for charter school construction is an illustration of how to get this wrong. None of the proposed new charter school construction is slated to be built in the Community School Districts with the greatest need for new seats, as measured by the Department of Education’s own latest Enrollment-Capacity-Utilization Report (the ‘Blue Book’). For example, the recently completed Excellence Charter School for Boys cited in the Capital Plan was located in a Brooklyn Community School District which is second from the bottom citywide in terms of need for new elementary school seats. With such great need across the city and limited capital funds to meet it, why are we locating new public school seats where the need is the least?

When President Randi Weingarten testified before this committee in December, we did not yet know of the disposition of the federal stimulus package. Today, we know that included in the stimulus money that will come to New York City public schools are funds for school modernization. The City Council needs to ensure that these funds, together with the funds already available for the Capital Plan, are spent wisely and to best effect in alleviating overcrowding and reducing large class size throughout all of New York City’s public schools. The education of this and coming generations of

our school children will be shaped by how well you accomplish that task, fixing the shortcomings in the current Capital Plan.

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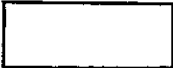
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